

the mails at half what it costs it will be used by everybody, and the amount to go will be much larger and the amount of revenue will be much larger.

Mr. SARGENT. I think it is a fair observation that even if we pass this bill we still leave the great cause of deficiency untouched; that is, the enormous cost of transporting the newspaper mail.

Mr. HAMLIN. That is one of the subjects which, if the Senate are disposed to adopt the ideas of the committee, we may present.

Mr. MERRIMON. I have heard most of the Senator's speech, and have been very much interested in and profited by it. I beg to ask him one question before he takes his seat, though I am sure he must be fatigued: Was there any special reason which moved Congress to admit merchandise into the mail at all; and, if there was, is there any reason why we should not carry through the mail six pounds or ten pounds or twenty pounds as well as four?

Mr. HAMLIN. I think the original reason for admitting merchandise in the mail was that of convenience. I never heard any other argument, and when it went into the mail, as I have already stated, it went in with the limit of twelve-ounce packages, at one cent an ounce. Now the deficiency has arisen by heavy packages at low rates. My friend from North Carolina may carry a given amount upon his shoulders and go off straight with it; but he cannot carry double as much. We may carry merchandise to a limited extent in weight in the mail, but we cannot carry all articles of merchandise. We cannot carry a hogshead of molasses very conveniently by mail. Therefore the limitation at first was twelve ounces. It was increased to four pounds and the rates reduced. But why were the rates reduced? Mainly upon the same argument that we reduced them on newspapers. We secured prepayment. Before that time prepayment had not been made compulsory; but when we changed the weight from twelve ounces to four pounds we provided for prepayment; precisely the argument made when we changed the postage on newspapers from the subscriber to the publisher and reduced the rate one-half on the allegation that we should get twice as much revenue, while the fact shows that we do not get as much.

Now, Mr. President, I leave the question for the consideration of the Senate.

Mr. HARVEY. I move that the Senate do now adjourn.

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

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 5, 1876.

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

The Journal of yesterday was read and approved.

MENOMONEE RESERVATION, WISCONSIN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior in relation to the proposed legislation to authorize the sale of pine logs on the Menomonee reservation, in Wisconsin; which was referred to the Committee on Public Lands.

CHEROKEE INDIAN LANDS IN NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs on the subject of taxes on lands belonging to the Cherokee Indians in North Carolina; which was referred to the Committee on Public Lands.

MONEY PAID TO NEWSPAPER WRITERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to House resolution of the 3d instant, asking for a statement of moneys paid to newspaper writers and others in the matter of whisky frauds in Saint Louis, Milwaukee, &c.; which was referred to the Select Committee on the Saint Louis Whisky Frauds, &c.

ORDER OF BUSINESS.

The SPEAKER. The Chair inquires whether there is objection to the presentation now of bills on the Speaker's table for appropriate reference?

There was no objection.

BANKRUPTCY.

The bill (S. No. 332) to amend and supplement an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

SALARY OF PRESIDENT OF THE UNITED STATES.

The bill (S. No. 172) fixing the salary of the President of the United States was taken from the Speaker's table, and read a first and second time.

The SPEAKER. If there be no objection, this bill will be referred to the Committee on Appropriations.

Mr. RANDALL. Let us pass that now.

Mr. HOLMAN. I hope this bill will be put on its passage at once.

Mr. HURLBUT. Let it go to the Committee on Appropriations.

Mr. RUSK. The committee can report it back at any time.

The SPEAKER. The bill cannot be put on its passage now except by unanimous consent.

Mr. HURLBUT. Let it go to the Committee on Appropriations.

Mr. RANDALL. With leave to report at any time.

Mr. HURLBUT. The committee has that leave now.

Mr. HOLMAN. The bill might as well be acted on at this time. I hope there will be no objection.

The SPEAKER. Is there objection to taking up the bill for consideration now?

Mr. HURLBUT. I object. I have no objection to its being referred to the Committee on Appropriations with leave to report whenever they choose.

The SPEAKER. The bill will be referred to the Committee on Appropriations.

Mr. RANDALL. With leave to report at any time.

The SPEAKER. The committee has that right at any rate.

Mr. RANDALL. Not as to a bill of this nature.

The SPEAKER. If there be no objection, the bill will be referred to the Committee on Appropriations, with leave to report at any time.

There was no objection.

CHAPTER 166, LAWS OF SECOND SESSION FORTY-THIRD CONGRESS.

The bill (S. No. 692) to amend chapter 163 of the laws of the second session of the Forty-third Congress was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

HARVEY LULL.

The bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge was taken from the Speaker's table, read a first and second time, and referred to the Committee on Patents.

SPENCER F. BAIRD.

The bill (S. No. 598) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the royal Norwegian order of St. Olaf, the same being a literary and scientific order, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs.

CAPITOL AND NORTH O STREET RAILROAD.

The bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

BUILDING LAWS FOR THE DISTRICT.

Mr. STEVENSON, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia:

Resolved, That the Committee for the District of Columbia be directed to inquire whether the building laws and regulations for the District of Columbia have been violated; whether any part of the avenues or streets of Washington have been appropriated to private use, and, if so, by whom and to what extent; and whether in the erection of dwellings or other houses in blocks or separately the laws and regulations to protect life and property have been observed; with power to send for persons and papers, employ an expert, and report at any time.

JAIL ACCOMMODATIONS FOR THE DISTRICT.

Mr. STEVENSON also, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia:

Resolved, That the Committees for the District of Columbia of the Senate and House of Representatives be, and they are hereby, directed to inquire what additional jail accommodations are required and should be erected for the use of the District, and to make a joint report in respect to the same.

TREASURY EXPENDITURES FOR FUEL, LIGHT, ETC.

Mr. RANDALL, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of the Treasury is hereby requested to furnish to this House an itemized account of the amount expended under the item of \$300,000 appropriated by the act of March 3, 1875, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," for fuel, light, water, and miscellaneous items, for buildings under the Treasury Department, together with a statement of the quantity of each article used and price paid therefor respectively, and whether said articles were purchased by contract or in open market.

Mr. O'NEILL. I should like to ask the chairman of the Committee on Appropriations a question as to the form of this resolution. I hope the resolution will be answered in detail in reference to each post-office in the principal cities of the country as to the expense of each—that is, a detailed statement in reference to the New York, Boston, Philadelphia, and other principal post-offices. And while I ask that question, if he will permit me, I will state that in Philadelphia business men and merchants tendered to the postmaster of that city payment of the expense of keeping that post-office lighted during the night and during the day when needed. The very intelli-

gent, active, and energetic postmaster of that city, Mr. Fairman, telegraphed at once to the Secretary of the Treasury to know whether he should accept that proposition. Of course the Secretary could not give him the liberty to accept that offer, but told him to act on his own responsibility. Intelligent, prompt, and active as Postmaster Fairman always is, in reply to the merchants he informed them the Secretary of the Treasury advised him that he must act on his own responsibility; and he did take the responsibility, as he always does in every proper way in discharge of the duties of his office to meet the convenience and wants of the commercial city of Philadelphia.

I hope the chairman of the Committee on Appropriations will insist that the expense of lighting and heating each one of these offices in New York, Philadelphia, Boston, and other large cities shall be enumerated in detail when the Secretary comes to reply to this resolution.

Mr. RANDALL. What is the gentleman's question?

Mr. O'NEILL. I hope he will do that so we may see how economically and efficiently the post-office of the city of Philadelphia is carried on, and that, too, while the postmaster there receives much less compensation than the postmaster of the city of New York, the latter receiving \$8,000 a year while the postmaster at Philadelphia receives only \$4,000. My question is, when will the appropriation be made available, as every day is important?

Mr. RANDALL. It is needless for me to say to my colleague that I am prepared to indorse all he may say in behalf of the efficiency of the postmaster of the city of Philadelphia.

Mr. O'NEILL. Of course I know it, and every one cognizant of the facts must indorse the prompt and energetic conduct of the postmaster of the city of Philadelphia.

Mr. RANDALL. I wish to say on this subject that \$300,000 was appropriated for these objects at the last session of Congress, and that was all the money estimated for by the Treasury Department. It comes now to be seen that in nine months the Department has expended for this purpose the entire amount, and requires, in order to carry them through the year, 25 per cent. more than was estimated for.

The object of the resolution is to know how this money has been expended; whether this fuel has been purchased in open market, or by contract as it should be; whether gas companies have been contracted with as private individuals sometimes do contract with them; and whether the water is paid for by the year, as water taxes in the principal cities generally are.

The committee on yesterday made this appropriation under a sort of duress, without full information, and without knowing certainly or not it was necessary in view of the manner in which the appropriation heretofore has been expended. We did not know whether this \$300,000, which was all that was estimated for by the Department, had been expended properly or not.

By some contrivance this matter had been carried under the control of the Supervising Architect of the Treasury Department, and I am anxious to know—and I offer this resolution on my own responsibility—exactly how this \$300,000 has been expended. Gas bills are usually paid by the month, and water bills by the year, and I cannot bring myself to believe but there is plenty of fuel in every one of the cellars of these public buildings to keep them warm.

The purpose of the committee was to insert this in the general deficiency bill, which we will be ready to report to the House to-morrow. There was no occasion to make a deficiency bill especially for this, any more than for the payment of witnesses. We propose to bring in the deficiencies in one general bill, as heretofore has been the custom.

Mr. O'NEILL. I will ask the chairman of the committee another question, if he will permit me.

Mr. RANDALL. Certainly.

Mr. O'NEILL. I presume the House would allow the gentleman to offer a deficiency bill to accomplish the purpose desired in reference to these large post-offices and custom-houses in the principal cities of the country. Would it not therefore be well for him now to move an appropriation sufficient to meet this deficiency? Because one day's stoppage of the mails, the cessation of one night's work in the large post-offices, will lead to the greatest inconvenience and disadvantage to the people of the whole country. I know from letters received by me this morning that even the threatened interruption of the business in the Philadelphia post-office has been the cause of the greatest alarm among those having extended business operations.

Mr. RANDALL. I regret very much my colleague is in such a fright about this matter. I do not apprehend any danger myself.

Mr. O'NEILL. I do not think my colleague ever does think of danger. I do not charge him with it.

Mr. RANDALL. I think by to-morrow we will have everything ready. The bill is really ready now, and only awaits transcribing. It is composed of a few items, and can be passed promptly. In the meantime I think gas and water will be furnished by somebody.

Mr. O'NEILL. Knowing the public spirit and readiness of Philadelphia business men, of course he knows that the Philadelphia post-office will not suffer either for gas or water.

Mr. RANDALL. That was very clever on their part. It was part of the "hurrah boy."

Mr. O'NEILL. It was not part of the "hurrah boy," but a part of the activity and energy of the business people of Philadelphia in be-

half of every matter affecting the interest of the Government in their locality and elsewhere.

The resolution was adopted.

ORDER OF BUSINESS.

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

The SPEAKER. The regular order of business is demanded, and the morning hour now begins at twenty-five minutes to one o'clock. The call of committees for reports of a public nature is now in order, the call resting with the Committee of Elections.

There were no reports from the Committee of Elections.

RECEIVERS OF NATIONAL BANKS.

Mr. COX. I am authorized by the Committee on Banking and Currency to report back the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes. This bill was recommitted to the committee and is now reported back with amendments. There are some merely verbal, and one is to strike out a section. I ask that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That whenever any national-banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section 5239 of the Revised Statutes of the United States, or whenever any creditor of any national-banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national-banking association, he may, after due examination of its affairs, in either case, appoint a receiver, who shall proceed to close up such association and enforce the personal liability of the shareholders, as provided in section 5234 of said statutes.

SEC. 2. That when any national-banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditors' bill, brought by such creditor, on his own behalf, or on behalf of himself and other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district within which any of the shareholders may reside or be found, or in which such association may have been located or established.

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of said statutes, and when, as provided in section 5236 thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote; and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and released from any and all liabilities to such association and to each and all of the creditors and shareholders thereof; and such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on. Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares, may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands. In selecting an agent as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians may so act and sign for their ward or wards.

SEC. 4. That the Comptroller may, if in his judgment the interests of creditors or of shareholders of national banks which are in the hands of receivers will be promoted thereby, invest the money of such associations which may be on deposit with the Treasurer of the United States, subject to the order of the Comptroller, in interest-bearing bonds of the United States, which may be subsequently sold by him, and the interest accruing on such bonds, together with the principal thereof, be distributed among the creditors and shareholders, with the avails of the other assets, as prescribed by law.

SEC. 5. That the last clause of section 5205 of said statutes is hereby amended by adding to the said section the following proviso:

"And provided, That if any shareholder or shareholders of such bank shall refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank and by publishing such notice in a newspaper of the city or town in which the bank is located or in a newspaper published nearest thereto) to make good the deficiency, and the balance, if any, returned to such delinquent shareholder or shareholders."

SEC. 6. That no association shall be liable beyond its common-law liability for the exercise of ordinary care to make good any deficiency, loss, or damage which may hereafter arise in any special deposit made with such bank for safe-keeping, unless a receipt shall have been given by such bank to the owner or person making such deposit specifying a different degree of care or liability.

SEC. 7. That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes

issued in the form of, and intended to circulate as, money which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

SEC. 8. That all savings-banks or savings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish all the reports which national-banking associations are required to make and publish under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before any court of the United States in the district in which said banking company may be located. And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia under any act of Congress which shall have capital stock paid up in whole or in part shall be subject to all the provisions of the Revised Statutes and of all acts of Congress applicable to national-banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That such banks shall not be required to have a paid-in capital exceeding \$100,000.

SEC. 9. That so much of section 553, Revised Statutes of the United States, relating to the District of Columbia, as authorizes the organization of savings-banks within said District, be, and the same is hereby, repealed.

The amendments were read, as follows:

In section 5, line 14, after "any" insert the words "shall be;" so that it will read: "to make good the deficiency, and the balance, if any shall be returned to such delinquent shareholder or shareholders."

Strike out section 6.

In section 8, line 12, after the word "said" insert the words "savings-banks or savings and trust companies" and strike out the words "banking company;" so that it will read "which penalties may be collected by suit before any court of the United States in the district in which said savings-banks or savings and trust companies may be located."

Mr. COX. This bill, reported unanimously by the Committee on Banking and Currency, was originally framed by the Comptroller of the Currency and sent to our committee. We had several conferences with the Comptroller in relation to it, and occupied several sessions of the committee in the endeavor to perfect it in accordance with what we supposed to be the practice under our national-banking system.

The committee, with the consent and approbation of the Comptroller, struck out the sixth section, or report as an amendment that that section be stricken out. It provides that no association shall be liable beyond its common-law liability for the exercise of ordinary care to make good any deficiency or loss on special deposits. The reason why we struck that out was that in nearly all, or I may say in all the decisions of cases referring to special deposits the courts have held that such deposits were not within the banking law; in other words, as the courts say, they were *ultra vires*; and a strict construction of the banking law settled all those litigations in reference to that matter, so that men who are suitors in reference to special deposits have their remedy at law, and must pursue it in the courts, without any further amendment of the banking law as at present existing.

The object of this bill is not to aggrandize the national-banking system in any respect. In its first section, however, it does give the Comptroller some power to appoint receivers, which he has not now, and that power is in the interest of liquidation, in the interest of closing up insolvent banks. I have a communication from the Comptroller, giving specific cases wherein he cannot now exercise that power by reason of the existing law. He asks for this amendment of the law in order that when banks do go into liquidation they may be honestly and speedily closed in the interest of the public as well as of the shareholder and the stockholders. In the second section—

Mr. CONGER. Before the chairman of the committee leaves the first section of the bill, I desire him to explain one point in connection with it. I wish to ask him whether the provision that a creditor may institute proceedings in any district in which any of the shareholders may reside, is a new provision of law?

Mr. COX. That is a new provision of law and received the approbation of the committee after a long and careful consideration of it.

Mr. CONGER. I do not wish to interrupt the gentleman by discussing that point now, but I wish to be heard on it a moment when he is done.

Mr. COX. I shall have no objection to hearing the gentleman after I shall have made a short explanation of the bill. The first section, as I have stated, simply gives the Comptroller full power to appoint receivers in cases of insolvency properly ascertained by the courts, and in other cases, as the gentleman may see by looking at the section.

In regard to the second section, I am satisfied that the law now prevents a creditor from seeking, in his own name, a remedy under section 5151 of the Revised Statutes. That is perhaps the point to which the gentleman from Michigan referred, the remedy against stockholders and debtors of the banking association. We have undertaken in this bill to give the public that remedy against the party liable wherever he may be found. As regards the third section, I may say that certain insolvent banks have not paid their creditors in full. Six of them are reported to us by the Comptroller; three of them are now in receivers' hands for collecting assets. This section provides that when the creditors have been paid under section 5236 of the Revised Statutes the balance remaining after the distribution and satisfaction of all the creditors shall be paid over to the shareholders. That is the object of this legislation. The United States and its officers are relieved from all liability, and a settlement is made by the receiver of any bank that is in difficulty turning over the rest of the assets that remain after satisfying the creditors to an agent to be selected by the shareholders themselves.

The fourth section provides for the investment in United States

bonds of certain assets which may be lying idle in the Treasury during the pendency of the litigation.

The Comptroller is authorized, if in his judgment the interests of creditors or of shareholders of national banks which are in the hands of receivers will be promoted thereby, to invest the money of such associations which may be on deposit with the Treasurer of the United States subject to the order of the Comptroller in interest-bearing bonds of the United States, which may be subsequently sold by him, and the interest accruing on such bonds, together with the principal thereof, shall be distributed among the creditors and shareholders with the avails of the other assets as prescribed by law.

Mr. WHITEHOUSE. Suppose the bonds fall below par?

Mr. COX. There is no danger of the bonds falling below par certainly in this country at present. It is satisfactory at least to know that the bonds while they remain in the hands of the Treasurer will be producing something instead of nothing in the interest of the creditors and shareholders.

Mr. WHITEHOUSE. But he purchases the bonds not at par but at the market price, and when he sells them he sells them at the market price. Now if the value of the bonds changes 1 or 2 per cent. in value both shareholders and creditors suffer thereby.

Mr. COX. But the interest is accruing all the time. I think the gentleman's own experience will justify the providing of securities as provided in the fourth section. We have stricken out the sixth section, and I shall ask to have read a statement of the Comptroller in reference to that matter. But I have omitted to refer to one section here with reference to the stamping of counterfeit, altered, or worthless notes, which provides that all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as, money which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

That is not a new thing in this country, although it is new as applied to our national-bank notes. Several laws of the New England States formerly contained a provision like this. Such a law would prevent the circulation of counterfeit or altered or worthless notes, and if such notes should be wrongfully stamped the officer doing the same is required to redeem them at the face value. I am told by gentlemen from New England, and especially by gentlemen from Massachusetts, where a similar law prevailed in reference to the banking system of that State, that it works admirably, doing no harm to the bank, its officers, or the public.

In relation to the last section referring to the savings-banks of the District of Columbia, I ask the Clerk to read the concluding clause of the letter of the Comptroller which I send up with reference to that subject.

The Clerk read the portion of the communication referred to. [See communication printed in full at the close of the debate upon this bill.]

Mr. COX. I will now call the previous question on the bill.

Mr. FORT. I would venture to suggest an amendment to the first section, to insert after the word "days," in the twelfth line, the words "and that no valid appeal has been taken therefrom."

I suppose there will be no objection to that.

Mr. COX. The committee considered that very question, and voted it down unanimously.

Mr. LAWRENCE. I desire to offer an additional section, to which I think there will be no objection, and then to say a word upon it if the gentleman will allow me.

Mr. COX. I will hear it.

The Clerk read the additional section, as follows:

Any banking association may deposit in the Treasury any bonds of the United States or of the District of Columbia as security for deposits made in such bank, and the bonds so deposited shall be registered in the name of such bank and shall be held as security for the depositors making such deposits; each bank shall be entitled to proper certificates from the Secretary of the Treasury for the bonds so deposited, and the bonds may be withdrawn when it is shown to the satisfaction of the Secretary of the Treasury that all deposits made on the security of such bonds have been paid.

Mr. COX. I am not authorized by the committee to accept any amendment. We are going a little out of the purview of this bill. I cannot consent to the admission of that amendment. I call the previous question on the bill. The bill is being matured for a special purpose, which requires a little urgency. I do not want it re-referred to the committee.

Mr. CONGER. I ask the gentleman to allow me a moment.

Mr. LAWRENCE. I wish the gentleman would hear me too.

Mr. COX. I cannot withdraw the previous question.

Mr. CONGER. The gentleman stated when I interrupted him during his remarks that he would hear me when he had concluded. I wish only to refer to one or two points in the bill.

Mr. COX. I will yield to the gentleman for a moment, but not for an amendment.

Mr. CONGER. Mr. Speaker, I speak on the merits of the second section of this bill. Section 5220 of the Revised Statutes says that any association may go into liquidation and be closed by a vote of its shareholders holding two-thirds of its shares. This bill says:

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of

the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association by a bill in equity, in the nature of a creditors' bill, brought by such creditor on his own behalf, or on behalf of himself and other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district within which any of the shareholders may reside or be found, or in which such association may have been located or established.

Now, I submit to this House that this section is one by means of which, upon the vote of the shareholders that their bank will go into liquidation, any creditor may sue any and all of the shareholders, and may bring one, twenty, or a hundred suits in as many different districts against as many shareholders, before any notice is given to the public of this liquidation, and thus secure to himself, perhaps by collusion with the shareholders, the right to take all the avails which by the provisions of this law are given to the creditors. I think it is unjust to the creditor. I think there should be a receiver, and only a receiver to secure this amount for the benefit of the creditors, and not open the way for one creditor, perhaps by collusion, to secure all that might be obtained. That is my objection to this provision which is new and unusual.

Another provision of this bill to which I object is one which has been very fully discussed in this House in a former Congress, and was condemned by a large majority of the then members of the House. I refer to the provision which requires all United States officers charged with the receipt or disbursement of public moneys, postmasters, pension-agents, all officers charged with the receipt and disbursement of public moneys, to stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as, currency. The power given to these thousands of officers throughout the country to write or stamp upon the note of the individual citizen, whenever it is presented to them for payment, the word "worthless," or "counterfeit," or "altered" is a power that never should be vested in any such officers, the power to deal with the private property of the individual citizen. To be sure this bill says that if that citizen shall go to work in a legal manner and establish by proof sufficient, and a decision of the courts that the particular bill so marked was not counterfeit, or worthless, or altered, then the officer shall pay him back—what? Not any damages for the loss of his property or for the expense he has incurred in proving it to be good, but shall pay him back the face value of the note.

Mr. LAWRENCE. There certainly can be no property in a counterfeit bill.

Mr. CONGER. No; but if the bill is good, and that private property of the individual citizen is stamped as counterfeit, or worthless, or altered, by any one of these thousand officers, who may not even be able to judge whether it is counterfeit or not, in order to recover the value of his property he must prove it is not counterfeit or worthless. When he has proved that, what is his remedy? Not damages from the officer having destroyed the use of his property, but only the face value of the note. I submit that that is a provision which should not be adopted by this House.

Mr. COX. As for the first objection of the gentleman from Michigan [Mr. CONGER] to the second section of this bill, the House will understand that the law now, in section 5154 of the Revised Statutes, prevents the creditor from seeking in his own name any remedy against the stockholders, &c. This section is intended to give him his remedy in his own behalf or on the behalf of himself and other creditors of the association. It is therefore a protection to the creditor, and I think there is no danger of collusion, except the chimerical one raised by the gentleman from Michigan. That right now exists as to all other corporations, and why should it not exist as against national banks?

As to the other objection of the gentleman, he says the subject was once before this House and was defeated. So it was; but it was not lost by a large majority, as the gentleman said. It passed the House once, and was then reconsidered by a small vote. The provision has been well considered by the Comptroller of the Currency; nothing of harm can come from stamping a worthless or counterfeit note. If a note is wrongfully stamped the remedy is plain for the innocent holder. The experience of New England, as I have said, where there has been a refinement of this system of bank circulation in that regard, compels me to say, as it compelled the Comptroller of the Currency from his knowledge and experience to say, that this section is invaluable and should be incorporated in the bill. I now call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee on Banking and Currency were agreed to.

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

The question was upon the passage of the bill.

Mr. COX. Before that question is taken I ask permission to have printed in the RECORD, as a portion of my remarks, the entire letter of the Comptroller, addressed to the chairman of the Committee on Banking and Currency.

Mr. CONGER. I object; the gentleman has called the previous question, and let him abide by it.

Mr. COX. I am entitled to an hour after the previous question has been ordered. I do not propose to occupy that time, and in the place

of remarks by myself I ask that this letter be printed in full in the RECORD.

No objection was made, and it was so ordered.

The communication from the Comptroller of the Currency is as follows:

THE TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, March 6, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant inclosing copy of H. R. No. 244, a bill authorizing the appointment of receivers of national banks, and for other purposes, for any suggestions which I may desire to make in reference to said bill.

Section 5239, Revised Statutes, provides for the forfeiture of the rights, privileges, and franchises of national banks for violations of law. Such violations, however, must be determined by the circuit, district, or territorial courts of the United States in a suit brought for that purpose by the Comptroller of the Currency. The section does not provide for the appointment of a receiver, either by the court or by the Comptroller, in the event of the dissolution of the association; and the first clause of section 1 of the bill introduced by you is for the purpose of remedying this deficiency in the Revised Statutes. The section also provides for the appointment of a receiver by the Comptroller whenever a judgment shall be obtained against any national bank and application is made to him for such purpose accompanied by a certificate from the clerk of the court, stating that such judgment has been rendered and has remained unpaid for the space of thirty days. The Comptroller is also authorized to appoint a receiver of a national bank when he is satisfied, from an examination of such bank, that it is insolvent.

Forty-four receivers have been appointed since the organization of the national-banking system: thirty-eight of these upon the protest of a circulating note, as provided in section 5234 Revised Statutes, and four for failure to make reserve good for thirty days after notification, as required in section 5191 of said statutes. Only two banks (the National Bank of the Commonwealth, New York, and the New Orleans National Banking Association) have been placed in the hands of receivers for any other violation of law, and in these latter cases receivers were appointed for certifying checks of depositors when the amount of money certified was not on deposit.

The law provides that receivers may be appointed when associations fail to pay up their capital stock or to restore the same when impaired; also, for failure to sell the stock of the bank purchased or acquired within six months from the time of its purchase; also, for failure to select a redemption agent; but no action of this kind has thus far been taken for such violations of law. Section 4 of the act of June 20, 1874, provides for the deposit of circulating notes of a national bank with the Treasurer of the United States in sums of not less than \$9,000, and the withdrawal of the bonds on deposit as security for such circulation, and section 5222 provides that national banks in liquidation shall, within six months from the date of the vote to go into liquidation, deposit with the Treasurer lawful money sufficient to redeem its outstanding circulation and withdraw the bonds on deposit. A bank may therefore give notice of liquidation and deposit lawful money for the full amount of its outstanding circulation in the Treasury, after which its notes will be paid upon presentation to the Treasury. In such a case no protest of the circulating notes of a national bank can happen, and in any other case where a national bank is insolvent the stockholders of the bank can prevent the appointment of a receiver by keeping a sufficient amount of money on deposit with the Treasurer for the purpose of redeeming any notes that may be presented or by redeeming in legal tenders any notes of the association which may be presented at its place of business. If an association shall fail for thirty days after notification by the Comptroller to make good its reserve of lawful money, a receiver may be appointed; but if an association should make its reserve good for any one of the thirty days included in the notice, then a receiver cannot be appointed. It follows, therefore, that shareholders of national banks, even if insolvent, can prevent the appointment of a receiver by the Comptroller, although the necessity may exist for such an appointment. The last portion of section 1 of the bill is intended to authorize the Comptroller to appoint receivers of national banks in all cases of insolvency of such institutions, and experience has shown that such a provision is necessary.

Section 5151, Revised Statutes, provides that shareholders of national banks shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such associations to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; and the Supreme Court of the United States (Kennedy vs. Gibson, 8 Wallace, 505-6,) has decided that "it is for the Comptroller to decide when it is necessary to institute proceedings against the stockholders to enforce their personal liability, and whether the whole or a part, and, if only a part, how much, shall be collected. These questions are referred to his judgment and discretion, and his determination is conclusive. * * * This action on his part is indispensable whenever the personal liability of stockholders is sought to be enforced, and must precede the institution of suit by the receiver. * * * The claims of creditors may be proved before the Comptroller or established by suit against the association. Creditors must seek their remedy through the Comptroller in the mode prescribed by the statute; they cannot proceed directly in their own names against the stockholders or debtors of the bank."

In several cases of banks in voluntary liquidation a small amount of indebtedness remains unpaid. Under existing laws the Comptroller has no power to appoint receivers in such cases; but it is necessary under the decision of the Supreme Court for him to appoint a receiver in order that the personal liability may be enforced. If the creditors could bring a suit in their own name against the shareholders, it is probable that the amount of indebtedness in every such instance could be collected without the necessity of the expense of a receivership. If the bill under consideration should become a law, any creditor in his own behalf, or in behalf of himself and other creditors, might enforce the individual liability against shareholders of national banks.

By reference to page 104 of my last annual report, it will be seen that six insolvent national banks have paid their creditors in full. The affairs of three of these associations are, however, still in the hands of receivers for the purpose of collecting the remaining assets, and distributing them among the shareholders of the bank, as provided in section 5236, Revised Statutes. Section 3 of the proposed bill provides that, after all claims of creditors which have been proved shall have been paid in full, the remaining assets of the bank shall be placed in the hands of an agent appointed by the shareholders for distribution among them. Such an appointment would facilitate the settlement of the affairs of such insolvent banks, would save expense to the shareholders, and relieve the Comptroller from all responsibility in connection therewith.

In some instances the affairs of insolvent national banks become involved in litigation, and considerable amounts of money which have been collected remain on deposit with the Treasurer of the United States. Section 4 of the proposed bill provides that such moneys may be invested in United States bonds, thus giving the creditors of the bank the benefit of interest while such litigation shall continue.

Section 5205, Revised Statutes, requires that, when the capital stock of a national bank shall have become impaired, such bank shall, within three months after notice from the Comptroller, pay the deficiency by assessment upon the shareholders pro rata for the amount of capital stock held by each. It also provides that the Comptroller may appoint a receiver if such association shall refuse to pay up its capital stock or go into liquidation within three months after receiving such notice.

from the Comptroller. In almost every instance where an attempt has been made to enforce the provisions of this section it has been found that a small minority of the shareholders have refused to respond to the assessment. Section 5 so amends the act that such shareholders are required to pay such assessment, or in default thereof their stock may be sold for that purpose.

The laws of several of the New England States formerly contained provisions applicable to State banks similar to those contained in section 7 of the proposed bill. Such a law would prevent the circulation of counterfeit and worthless notes which had been once presented at the Treasury or at the counter of a national bank. If such notes should be wrongfully stamped, then the party stamping the same is required to redeem and be at the expense of sending such notes to the Treasury for final redemption.

Section 4 of an act to provide for the creation of corporations in the District of Columbia by general law, approved May 5, 1870, provided specially for the organization of manufacturing, agricultural, mining, and mechanical corporations. This act was amended by a subsequent act of June 17, 1870, so as to provide for the organization of savings-banks within the District of Columbia. (Statutes at Large, volume 16, page 153.) Section 9 of the proposed bill repeals this provision, so far as it applies to the organization of savings-banks. The first clause of section 8 of the bill provides that all savings-banks organized in the District of Columbia shall be required to make reports to the Comptroller at the same times and in the same manner as national banks are required to report. The second clause requires that all savings-banks having capital stock shall be subject to all the provisions of law which are applicable to national-banking associations, except that such banks shall not be required to have a paid-in capital exceeding \$100,000. Only one bank is in existence in the District without capital stock, and that bank is organized under a special charter. Four other banks are in existence, two of which were organized with a capital of \$25,000; one of which has a capital stock of only 50 per cent. of that amount paid in. The remaining banks are organized upon a capital of \$200,000 and \$50,000, respectively. The proposed bill provides that the first-named bank, having no capital stock, shall be required to make reports to the Comptroller, and that the four other banks, having capital stock, shall re-organize in accordance with the provisions of the national-bank act, except that their capital need not exceed \$100,000.

The general corporation act under which four of these banks have been organized authorizes the organization of such banks without any restriction as to the amount of capital, and requires that 50 per cent. of the amount shall be paid in in one year and the remainder within two years, and that such banks shall publish a report annually, in some newspaper of the District, which "shall state the amount of capital, and the proportion actually paid in, and the amount of existing debts," which report shall be filed in the office of the recorder of deeds of the District. The act contains few, if any, restrictions which are applicable to such institutions. By subsequent legislation (Revised Statutes, § 323) the Comptroller is authorized to examine these banks and to report to Congress, if he deems advisable, the results of such examination. It is important that all institutions organized within the District of Columbia should be subject to the same restrictions as are provided for national banks, and that banks shall hereafter be prohibited from organizing under the general corporation act before referred to.

I inclose herewith a communication from the receiver of the First National Bank of Mansfield, Ohio, in reference to section 6 of the proposed bill. The receiver is of the opinion, as will be seen from his letter, that this section should be stricken from the bill. If, in the opinion of the committee, the adoption of the section would have the effect suggested by the receiver, it would, in my judgment, be better to defer legislation upon this subject for the present.

Very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. S. S. COX,
Chairman Banking and Currency Committee,
House of Representatives.

The question was then taken upon the passage of the bill as amended; and upon a division there were ayes 79.

Before the noes were counted,

Mr. CONGER said: I think the House had better express its opinion upon a bill which I consider very dangerous.

Tellers were ordered; and Mr. COX and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were ayes 102.

Mr. CONGER. I am satisfied the bankers are too strong for me, and I will not call for a count on the other side.

So the bill was passed.

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

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate was organized for the trial of the impeachment of William W. Belknap, late Secretary of War, and was ready to receive the managers at its bar.

NATIONAL RATE OF INTEREST.

Mr. HUBBELL, from the Committee on Banking and Currency, reported back adversely the bill (H. R. No. 1226) to fix the legal rate of interest on national money throughout the United States at not exceeding 6 per cent. per annum and affixing penalties for its violation, and moved that the same be laid on the table.

Mr. HUNTER. I move that the bill just reported, instead of being laid on the table, be referred to the Committee of the Whole to be placed on the Calendar for future consideration.

The question being taken on the motion of Mr. HUNTER, there were—ayes 54, noes 56.

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

The yeas and nays were ordered.

Mr. HOLMAN. The taking of the yeas and nays will consume a very considerable portion of valuable time. It certainly can do no injustice to let this bill go to the Calendar. I ask unanimous consent for that arrangement.

Mr. HUBBELL. I object.

Mr. HOLMAN. We are consuming very valuable time over this matter.

Mr. HOSKINS. I suggest to the gentleman from Indiana [Mr. HUNTER] that he allow the question to be taken by tellers. It is so much quicker.

Mr. HUNTER. Let gentlemen who are not in favor of limiting the rate of interest to 6 per cent. put themselves on record.

The SPEAKER. The bill will be read, so that the House may understand intelligently what it is.

Mr. HOSKINS. I rise to make a parliamentary inquiry. Is not the question now simply upon referring the bill to the Calendar; not on its passage?

The SPEAKER. That is all. The proposition is that it shall be placed on the Calendar, instead of lying on the table, as moved by the gentleman from Michigan [Mr. HUBBELL] on the part of the Committee on Banking and Currency.

Mr. HUBBELL. I make this proposition to the gentleman: To allow the bill to go to the Committee of the Whole.

Mr. HUNTER. And make it a special order; otherwise it will never be reached.

Mr. HUBBELL. I cannot consent to making it a special order.

Several MEMBERS called for the regular order.

The SPEAKER. Debate is not in order.

Mr. HUNTER. I think we had better take a vote on the question.

Mr. COX. Is it in order to ask the condition of the question?

The SPEAKER. The yeas and nays have been ordered on the motion of the gentleman from Indiana [Mr. HUNTER] to refer the bill to the Calendar.

Mr. COX. It is not generally understood, Mr. Speaker, that this is an adverse report from the committee.

The SPEAKER. It was so announced by the committee distinctly.

Mr. COX. I raise the point of order, then, that the motion to refer the bill to the Calendar is not in order after an adverse report and a motion to lay on the table.

Mr. HUNTER. The yeas and nays have been ordered, and I insist that they shall be called.

The SPEAKER. It is too late to make the point raised by the gentleman from New York, [Mr. COX.]

Mr. COX. I tried to get the ear of the Chair some time ago to make the point.

The SPEAKER. It is too late to make it now.

The bill was read, as follows:

Be it enacted, &c., That no person or persons shall hereafter, within the United States of America, take, receive, reserve, or charge, directly or indirectly, a greater rate of interest than 6 per cent. per annum, which may be taken in advance for periods of three months or over, for the sale, discount, hire, use, or loan of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, gold or silver coined by the United States or by its authority; and every person or persons who shall knowingly receive, reserve, or charge, directly or indirectly, a greater rate of interest than is provided as aforesaid for the sale, discount, hire, use, or loan of his or their money as aforesaid, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, gold or silver coined by the United States or by its authority, as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be fined in any sum not less than \$100, to which may be added imprisonment in the penitentiary of the State or Territory where the case may be tried for any period of time not less than six months, within the discretion of the court or jury trying the case. Where it is not the first offense, imprisonment in the penitentiary shall be a part of the punishment inflicted upon the person or persons so convicted as aforesaid. And every direct or indirect means used or resorted to by any such person or persons as aforesaid to evade the provisions of this section, in order to procure a greater amount of money in the shape of interest, exchange, profit, or gain than is provided as aforesaid for the hire, discount, use, or loan of his or their money, as aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, by using or allowing the same to be used in any other manner than in bona fide loans or discounts, at the rate of interest as herein provided as aforesaid, shall be prima facie evidence of a willful violation of the provisions of this section, and such person or persons so guilty of a violation as last aforesaid, shall be deemed guilty of a misdemeanor as aforesaid, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as provided in this section for punishing persons convicted of a misdemeanor. And the words "bona fide" loans or discounts, as used in this section, shall be construed to mean only such loans or discounts where the person or persons making or causing the same to be made parts with his or their entire interest in the money aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, so used or allowed to be used by him or them as aforesaid, in making or causing to be made such loans or discounts as aforesaid, without any intention, understanding, hope, or expectation of receiving any benefit or profit therefrom, either directly or indirectly, except the notes, draft, bill of exchange, or thing of value received or to be received in exchange by such person or persons as aforesaid for such money as aforesaid, used in making such loans or discounts as aforesaid, at the rate of interest as herein provided as aforesaid. And every note, draft, bill of exchange, contract, or other evidence of indebtedness, which shall be knowingly made or executed for the purpose of being sold, loaned, given, discounted, or in any way exchanged, either directly or indirectly, for said money as aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority as aforesaid, at a greater rate of interest or discount than is allowed by the provisions of this section for the hire, discount, use, or loan of money as aforesaid, with intent to evade the provisions of this section as aforesaid, the same is hereby declared usurious and absolutely null and void. And every person or persons who shall knowingly make, receive, hold, keep, or use any such note, draft, bill of exchange, contract, or other evidence of indebtedness, so made or executed as aforesaid, for the purpose of being used to evade the provisions of this section as aforesaid, or who shall knowingly use any such note, draft, bill of exchange, contract, or other evidence of indebtedness so made or executed as aforesaid, to evade the provisions of this section as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as is provided in this section for punishing persons convicted of a misdemeanor. And every sale, exchange, or transfer of property of any kind, character, or description, whether real or personal, which shall be made for said money, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid,

said, for the purpose, either directly or indirectly, of evading the provisions of this section, by enabling any such person or persons as aforesaid, by means of such sale, exchange, or transfer last aforesaid, to procure, either directly or indirectly, a greater rate of interest, discount, or profit for the use, hire, or loan of his or their money, as aforesaid, than 6 per cent., as aforesaid, such contract so made as last aforesaid shall be absolutely null and void. And every person or persons who shall knowingly make, execute, or receive any such contract as last aforesaid, or who shall knowingly advise the same to be made, executed, or received as aforesaid, for the purpose of evading the provisions of this section, as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as is provided in this section for punishing persons convicted of a misdemeanor. And every person or persons who shall pay any money or thing of value upon any note, bill of exchange, draft, contract, or other evidence of indebtedness, made or executed for the purpose of evading or violating any of the provisions of this section as aforesaid, where a greater amount of money is paid or received as interest, discount, exchange, or profit of any kind, for the loan, discount, hire, or use of money as aforesaid, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, all such money so paid, including principal and interest, shall be recovered back by the person or persons paying the same, and in case of his death, by his or their heirs or legal representatives, by suit at law in any court having jurisdiction, provided the suit shall be brought within six years from the time of such payment as aforesaid. The statute of limitations for all misdemeanors, as provided for in this section, shall be six years. It shall be the duty of every judge of the United States courts, within each State and Territory of the United States, at the opening of such court in each of said States and Territories, to specially charge the grand jury of such court to inquire into violations of this section, and to present indictments against all persons violating the same. In construing this section, the words "person or persons" shall be construed to include corporations, companies, and associations of every kind and description, also attorneys, agents, and officers of such person or persons, corporations, companies, or associations. The words "legal representatives" shall be construed to include "successors in office" and "associates," when a corporation, company, or association is a party to any suit, as provided for in this section. The words "his and him" shall be construed to include "hers and her." Words in the singular shall be construed to include the plural, and words in the plural to include the singular.

Mr. COX. I move to lay the motion of the gentleman from Indiana on the table.

Mr. SPARKS. I call for the regular order.

Mr. HUNTER. I object to the motion of the gentleman from New York. The yeas and nays have been called and ordered, and that motion comes too late.

The SPEAKER. The regular order is demanded, and the morning hour has expired.

Mr. COX. Will my motion be entered?

The SPEAKER. No, sir; it was not recognized.

Mr. CONGER. Can the call for the regular order interrupt the calling of the roll when it has been ordered?

The SPEAKER. The morning hour has expired, and the question goes over.

Mr. CONGER. There is a division going on upon a call for the yeas and nays.

The SPEAKER. The process of division has not been reached.

Mr. CONGER. The vote was being taken, and a further vote was demanded.

The SPEAKER. The morning hour arrests further progress in this matter. The gentleman from Illinois [Mr. SPARKS] is entitled to the floor upon the special order.

IMPEACHMENT OF WILLIAM W. BELKNAP.

• The managers appointed by the House to conduct the impeachment of William W. Belknap, late Secretary of War, appeared at the bar of the House, when

Mr. LORD said: Mr. Speaker, the managers beg leave to report that in answer to the summons from the Senate they proceeded to its bar, and that the Senate has fixed Monday, the 17th of this month, as the day on which the process against William W. Belknap, late Secretary of War, shall be returnable.

TRANSFER OF INDIAN OFFICE TO WAR DEPARTMENT.

Mr. SPARKS. I move that the House resolve itself into the Committee of the Whole to proceed with the consideration of the special order, the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

The motion was agreed to.

The Committee accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to the consideration of the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

Mr. SPARKS. Mr. Chairman, the bill now under consideration has come from the Committee on Indian Affairs, receiving the votes of a majority of its members. I would say further, that this same subject has been acted upon by three important committees of this House, namely, by the Committee on Appropriations, who have reported substantially this bill, and I am informed, agreed to that report with but one dissenting voice; by the Committee on Military Affairs, who have reported a bill now pending on the Calendar nearly identical in form and substance with this, and reported it unanimously, as I am informed; and, lastly, by the Committee on Indian Affairs, who have reported this bill as I have stated by a majority of that committee. I say this, Mr. Chairman, for the purpose of directing attention on the part of this Committee of the Whole House to the nearly unanimous voice of three committees who by their actions are committed to the passage of this bill. I think I am warranted in sug-

gesting that with three important committees of this House so thoroughly agreeing on a question as they have in case it should command the respectful attention of the members of this House.

This, Mr. Chairman, as I understand it, is a subject demanding careful consideration. It is certainly a very grave question. Indian affairs have very materially interested the people of this country ever since its settlement. Sir, think of it. It was only about two hundred and fifty years ago that the Indian was building his wigwam on the site of Boston; about the same period we find him bartering with the Hollanders for the sale of Manhattan Island, and less than two hundred years ago treating with William Penn for the sale of the site of Philadelphia. Within the recollection of men now living he roamed undisturbed over the whole of the State of Illinois, a State now containing a population of three millions of people; and within the recollection of men of middle age he was taking scalps within what is now the corporate limits of the city of Chicago, now containing half a million of people.

The Indian as civilization has approached him has gradually receded from it. It has failed to convert him, it has failed to hold him, to fasten or fix him, and as it has advanced he has receded. All of these changes affecting him in his relations to the civilized white man have been effected by a rapid process. A few years ago when the Indian was driven upon what is now known as the plains country, it was believed the Indian difficulty was pretty well settled. There was a vast expanse of territory, (and, by the by, not a very good territory,) and it was supposed to be beyond the range of settlement; but very shortly afterward California was acquired and our settlements began to grow on the Pacific coast. Emigration then commenced progressing from the west to the east, and still from the east to the west, so that to-day the Indian is confined within a territory of the United States bordered on the west nearly entirely by the Sierra Nevadas, and on the east by a line running somewhere from near the west end of Lake Superior southwesterly through to the Gulf of Mexico.

Now, the question is what is to become of him? This territory he cannot hold. This is not his territory. I think it is well we should be frank about this. We do not recognize it as his. Our emigration pouring in from the east is demanding it, and the emigration also coming up from the west demands it.

Now, what are his rights in and his relations to this territory? I understand our courts have decided his claim to be simply a right of "occupancy," a kind of "possessory claim." It is frank to say, Mr. Chairman, in this view of it, that the enterprising spirit of civilization is not only demanding this territory, but that this tide of emigration now pouring in upon it will have it. That is the living, practical fact, sentimentalize upon it as much as you please.

In that event, sir, what is to become of the Indian? In my judgment he has either to adopt the system and the habits and customs of civilized life and come within the rules and order of that life, or be trampled out of existence by this on-rolling tide of emigration and civilization.

Mr. Chairman, I understand that the Indian must give up his nomadic, rambling, wild life. He has to quit scalping and plundering, and he must be settled down somewhere in a fixed habitation and be kept there. This is to be done, I think, in the interest of humanity, (for he is human,) and done by the Government of the United States. Our people will not allow him to have a fifth part of our territory to roam over wildly and to commit his depredations upon our frontier. The frontier settler and the emigrant demand protection, and this Government is strong enough, and it must give them that protection. The Indian also demands protection and should have it, and the Government has the power and the will to give him that protection; but he must consent to be settled on reservations and be kept there.

Now, sir, in what I have stated thus far I meet with no opposition. There is a concurrence in these sentiments by those for and those opposed to this bill. Then how are we to accomplish that object, how are we to fix the wild tribes of the country upon reservations, feed them, clothe them, educate them, civilize and christianize them with the least cost and so as to insure the protection of the white man and of the Indian? How are we to do all this best?

The answer to this question, in my judgment, solves this whole Indian problem. Now, Mr. Chairman, let me ask, has the present system in the Interior Department, known as the "civil management of the Indians," or the "peace policy," as it is commonly called, been a success? Has it been efficient and has it been productive of no more cost than was absolutely necessary? In my judgment, it has been neither. It has not been efficient and it has been extravagantly costly. In arriving at this conclusion I must rely upon proofs. Of myself, I know but little of it; but, going to the proofs to see whether or not the system has been efficient of itself, I think it is demonstrable that it never could have succeeded at all without the aid of the Army; and, on the subject of cost, the men who control the Department themselves, as well as others, must admit its extravagance.

I have in my hand the report of the Commissioner of Indian Affairs for 1875, in which he suggests that all of the transportation of supplies to the Indians (which is a large item) could be done by the War Department more efficiently. He says also that the War Department is better arranged to manage the whole question of supplies, purchases, inspections, transportation, &c., which make up the main items of the whole expenditures of the Indian Bureau. I call the at-

tention of the committee to this report of the Commissioner for 1875, page 20, and ask the Clerk to read the passage which I have marked.

The Clerk read as follows:

There is, however, a sphere of service now undertaken by this Bureau which might to its great relief be transferred to the War Department. The supplies of clothing and subsistence required to be purchased for the Indian service amount to about \$2,000,000. Much the larger portion of this sum is expended in purchasing for the Sioux and several other tribes a few articles in large amounts. The Indian Bureau has never had an adequate appointment for making such large purchases and for transportation of the articles to the distant parts of the country. The Quartermaster and Commissary Departments of the Army have such appointments in complete organization, through which the War Department would be able to purchase, inspect, and transport the goods and supplies required to subsist Indians and fulfill the treaty obligations with much more regularity and system than is possible for this Bureau as at present organized; and, while a comparison of purchases made by the Army with those made by the Indian Bureau of the same article at the same place does not indicate that the transfer will on the whole tend to economy of funds, but rather otherwise, it will yet tend to allay suspicion, and will furnish checks and tests for ready application whenever charges of fraud in the service are made, either on good grounds or for partisan or selfish purposes or by persons of repute and acting in good faith who are themselves victims of such purposes on the part of others.

Mr. SPARKS. With reference to this matter of managing that Department of itself and its powerlessness to succeed in that, I quote also from the report of the board of Indian commissioners for 1874. Speaking of the effort made by the board or by the Bureau to manage the Indian Department purely upon the peace principle, they say:

The experiment was made in the belief that by the removal of what was regarded by the Indians as a standing menace in the presence of a military force their good faith could be relied on for the execution of the treaty stipulations entered into by them with the Government; it was not followed by a successful result.

Hence it may thus be seen from the report of the peace commissioners themselves that without the aid of the military they are powerless to contend with this grave question. The passage I have read is on page 3 of the sixth annual report of the board of Indian commissioners for 1874.

Again, I direct attention to a letter in the same report, on page 24, of Governor Potts, of Montana Territory, on this same point, namely, the inefficiency of this Department.

The Clerk read as follows:

In reply to your note I will, as requested, give you my views briefly upon the subject of the act of Congress of June 22, 1874. The present Indian policy, while successful in many respects, has failed to secure competent men as Indian agents; and, until better men are selected, the said act of Congress must remain a dead letter. The church authorities (unintentionally I am satisfied) have signally failed to select proper men for Indian agents, which failure has tended to impress the people unfavorably with the policy. I am quite confident I can demonstrate to the satisfaction of your honorable board that the agents generally selected by the churches for the Montana Indians have been total failures.

Mr. SPARKS. Mark, he says "generally selected."

The men selected may have been fair men at home, but they are without business ability or experience in the business world, and have little or no knowledge of men and things. Such men invariably fall victims to the wily machinations of corrupt sharpers that are always to be found around Indian agencies. It is apparent to me that unless better men are selected as agents the policy must be voted a failure in Montana.

The question with me, Mr. Chairman, is, how could it be otherwise than a failure? The very means by which these men are selected are sure indices that failure must result from their mode of selection. They are selected now by religious organizations; then formally nominated by the President, and also formally confirmed by the Senate. Does that system strike a sensible, practical business man as the one calculated to get efficient servants for the discharge of duties involving large money transactions and other grave questions of interest? I apprehend the religious organization will select the man having influence in his church, a good class-leader perhaps; a man who is of good standing as a church member, but who would prove a total failure when you apply the touch-stone of practical business life to him. Now, sir, the bill under consideration proposes to put the management of Indian affairs under the control of the War Department; and that, allow me to say, Mr. Chairman, is the special subject that I proposed in the outset mainly to discuss.

I am not the champion of the military. Its championship constitutes no part of my brief history. I have not been regarded by them or by those who are regarded as most favorable to them by any means as their special defender. But here is a grave and responsible subject-matter demanding service on the part of some Department of the Government; and the question occurs what Department of the Government can best discharge that service? Looking to the Treasury, looking to the general good, to the protection of the white man and the red man, to the civilization, enlightenment, and advancement of the Indian—in view of all this I favor this measure. But we are met here with the argument that this bill proposes to put the Indians entirely at the mercy of the strong arm of the military. "That if you mean war and the extermination of the Indians, your policy is correct," &c. "But that if you mean to civilize and make something of them, you must keep them away from the War Department," &c.

Now, Mr. Chairman, we propose frankly to meet these issues as well as all others connected with this subject. And here again we are compelled to rely upon the proofs. I myself, sir, I have had no practical knowledge upon this subject; but I will state to the committee that of over sixty officers of the Army examined by the Committee on Military Affairs and three civilians—am I right? [addressing Mr. BANNING, chairman of the Committee on Military Affairs]—

Mr. BANNING. Yes.

Mr. SPARKS. All of them concurred in this transfer except one person; and, sir, as I must rely upon proofs on this question, it has been my desire to get the testimony of practical and competent men to advise me as to the direction that my vote should be cast upon it. The report of the Committee on Military Affairs upon our desks shows that of over sixty officers of the highest grade, none lower than that of colonel, and three civilians, there was but one voice against this proposed transfer; all of them except only one advocating it. I will also state to the committee that the Committee on Indian Affairs examined twenty-nine persons, or have, in the way of letters and examination, the opinions of twenty-nine parties, twenty-seven civilians and two military men, (General Sherman, the head of the Army, and General Stanley,) and that out of these twenty-nine persons twenty-three of them advocated this transfer.

Now, when you take the witnesses that were before these two committees together, we have an aggregate of nearly one hundred practical and able men, disinterested, and seeking to give the best advice for the benefit of the whole country—the Indians included—and the almost unanimous voice of all of them in favor of this transfer, it seems to me certainly a very strong argument in favor of the passage of this bill. I will also state that in regard to the character of the civilians who were before the Committee on Indian Affairs, it was the object of that committee to select gentlemen of the most extensive practical experience on this subject—such men as General Denver, now in civil life; General Pike, an old pioneer, who for a great number of years has been experienced in Indian matters; and Mr. Sanborn, a very eminent gentleman from Minnesota, and many others. And then, sir, we made it a point to select as witnesses gentlemen in this House who represent territory bordering upon the Indian Territory. I would mention as among the gentlemen who appeared before the committee the distinguished gentleman from Texas, Governor THROCKMORTON, Judge HANCOCK, Mr. SCHLEICHER, and Mr. MILLS, of Texas; Mr. STRAIT, of Minnesota; Colonel GUNTER, of Arkansas; Judge WILSHIRE, of Arkansas; and the Delegates representing the Territories of Dakota, Montana, Wyoming, Colorado, and New Mexico—Messrs. KIDDER, MAGINNIS, STEELE, PATTERSON, and ELKINS; and also two of the Representatives from the State of California, Messrs. PIPER and LUTTRELL, and the Representative from the State of Oregon, Mr. LANE.

We made a point to select gentlemen who represent districts bordering upon the Indian territories. Among all of these gentlemen there was a concurrence of sentiment in favor of the transfer, except Mr. WILSHIRE, of Arkansas.

Mr. YOUNG. If the gentleman will allow me, I will make an inquiry.

Mr. SPARKS. Yes, sir.

Mr. YOUNG. I would ask the gentleman how many Indians were examined before the committee and what their views were?

Mr. SPARKS. We had none before us. I found strewn upon the desks here a few days ago what is called an extract from the annual report of the Commissioner of Indian Affairs, in which the main argument that I presume is to be relied upon here by the opposition is presented. It is "that the control of Indian affairs under the military arm of the Government or under the War Department is to produce war." There are some novelties about this extract to which I beg the attention of the committee. I have in my hand the report of the Commissioner of Indian Affairs from which this document to which I refer is extracted. I prefer to read from the book containing the report (report of Commissioner of Indian Affairs, 1868) rather than from the pamphlet which is extracted from it. The author, N. G. Taylor, on page 8, says:

Our true policy toward the Indian tribes is peace, and the proposed transfer is tantamount, in my judgment, to perpetual war.

This pamphlet, placed on our desks and from which I have just read, is a letter of Commissioner N. G. Taylor, incorporated into the report of the Commissioner of Indian Affairs for 1868. He was president of the board of Indian commissioners, and this pamphlet is a copy of his letter. He goes on in the letter to charge all the Indian wars upon the regular Army. He charges our wars with the Seminoles, the Saes and Foxes, and the trouble with the Creeks and Cherokees, and the Cheyenne war, and the Chivington or Sand Creek massacre, and the Sioux war, and all the Indian wars upon the Army.

Now, in reference to this Mr. Taylor, I want to direct the attention of the committee to a report signed by that same gentleman. It was the report of a commission consisting of Mr. Taylor, Mr. Henderson, General Sherman, General Harney, Mr. Sanborn, General Terry, Mr. Tappan, and General Angur.

Mr. HEREFORD. I desire to ask the gentleman a question, and I will do it now, unless he prefers that I should wait until he gets through.

Mr. SPARKS. I will hear the question.

Mr. HEREFORD. Do I understand that this bill interferes with the present organization of the legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaws, Chickasaws, or Creeks?

Mr. SPARKS. It does not change them at all in any sense.

Mr. HEREFORD. Not at all?

Mr. SPARKS. It would make an Army officer their agent, instead

of the present agent; that is all. I now read from the report signed by Mr. Taylor, on page 48:

That there are bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be denied that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way.

What? This man has just stated "that if you put the control of Indian affairs under the War Department you would have perpetual Indian wars;" "that all the wars with Indians had come from the military." Yet in this report, in order immediately following and signed by him and others, he says that "it cannot be denied that wars have originated from bad men connected with the Indian Bureau pocketing the funds belonging to the Indians," &c. He goes on to say that "the Sioux war in Minnesota is supposed to have been produced in this way." That is one of the wars mentioned by him as having been caused by the military. He says further:

For a long time these officers have been selected from partisan ranks, not so much on account of honesty and qualification as devotion to party interests and their willingness to apply the money of the Indians to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the Bureau now.

I presume this pamphlet was put upon the desks of members to influence the sentiment of the House upon this subject. It is a strong document, and, if you believe it, it would seem that to put the control of Indian affairs under the Army would lead to the destruction of the Indians. This Mr. Taylor, as I have before stated, is the author of that pamphlet, and yet he, with the full commission, says also as follows about the cause of Indian wars, on pages 48 and 49 of the report:

No governor or Legislature of States or Territories should be permitted to call out and equip troops for the purpose of carrying on war against the Indians. It was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes; it was a regiment of hundred-day men who perpetrated the butchery at Sand Creek, and took from the Treasury millions of money.

In the pamphlet, the Cheyenne war and the Sand Creek butchery are mentioned as being caused by the Army. This report of the commission, and signed by Taylor, says that "it was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes;" that "it was a regiment of hundred-day men who perpetrated the butchery at Sand Creek," that all of this hurrah is made over.

A regiment of Montana troops last September would have involved us in an almost interminable war with the Crows, but for the timely intervention of the military authorities.

That is an "Indian war" that would have been upon us, it seems, but for the "intervention of the military authorities."

If we must have Indian wars, let them be carried on by the regular Army, whose officers are generally actuated by the loftiest principles of humanity, and the honor of whose profession requires them to respect the rules of civilized warfare.

That is in the report signed by this same N. G. Taylor, who is also the author of this pamphlet which makes it appear an outrage and cruelty to put the control of Indian affairs in the War Department. It is just suggested to me by a friend that the Chivington or Sand Creek massacre (so called) was conducted by a minister of the Gospel. I do not know that that makes it any worse, but I hope for the sake of the prospect I may have for a better world that all the ministers of the Gospel are not like him.

Mr. THORNBURGH. Will the gentleman yield to me a moment?

Mr. SPARKS. I would rather not.

Mr. THORNBURGH. I desire to make a statement.

Mr. SPARKS. Very well.

Mr. THORNBURGH. Mr. Taylor, to whom the gentleman refers, is a citizen of my State. I do not agree with him in regard to the transfer of Indian affairs to the War Department. What I want to say, however, to the gentleman is, that Mr. Taylor is affiliating with his own party, and was appointed Commissioner of Indian Affairs by Mr. Johnson.

Mr. SPARKS. What was the gentleman's question? I did not understand fully the point in the close of his remarks.

Mr. THORNBURGH. I propounded no question. I simply made a statement.

Mr. SPARKS. What was it?

Mr. THORNBURGH. The gentleman seemed to be making an attack on Mr. Taylor, and I only stated who Mr. Taylor was.

Mr. SPARKS. I do not know that I have made any onslaught on Mr. Taylor; he seems to have been making an onslaught upon himself. He charged in this pamphlet here, which the opponents of this bill have evidently circulated for the purpose of producing prejudice against it, that the regular Army have produced all the Indian wars. I then have shown from a report in order immediately following his letter, of which this pamphlet is a copy, that he himself with the other commissioners attributed the Indian wars to other causes, and that they wind up with the highest encomiums upon the military.

Now, sir, will it produce Indian wars to transfer the control of Indian affairs to the War Department? What is the inducement to war? If the control of Indian affairs is put in the War Department, why should there be Indian wars? Are these military men disposed to war with the Indians? Is there any glory in an Indian war? Is there any military capital to be made out of an Indian war? Do men risk life and reputation without some inducement? And now, sir, on

this point I ask gentlemen to give attention to what is said upon this subject by General Sherman, (the General of the Army):

The idea which prevails with some that the Army wants war with the Indians is not true.

That is the military way of putting it.

Such wars bring exposure, toil, risk, and privation, with no honor. Therefore it naturally wants peace, and very often has prevented wars by its mere presence; and if intrusted with the exclusive management, a control of their annuities and supplies as well as force, I think Indian wars will cease and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry, the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

That is what General Sherman says about it. He also says:

The Indians can be cheaper and better managed by the War Department than by the Interior Department, because we have the Army at our command, the machinery which brings us directly in contact with the Indians themselves; and I contend that the Army is more kindly disposed toward the Indians than the citizens generally, and that if the country demands an extremely charitable treatment of these Indians it can be accomplished by and through the agency of the Army better than by and through the agency of those persons who approve more charity than we do, but do not, I believe, practice as much.

General Harney, a man of perhaps forty or fifty years' experience among the Indians, says:

I never heard of any difficulty being brought about by the Army. It is the whisky sellers and the Indian agents that make the difficulty. Indian agents go out there to make money and do not care about the Indians, but take care only of their own interests.

General Sheridan says on the same subject:

It has been my belief that if the Indians had been under the charge of the War Department, we never would have had any considerable wars with the Indians. I believe that if the Indians were in the hands of the War Department the Indian expenses would be reduced one-third or one-half.

General Pope, in answer to the question whether or not the transfer would conduce to war, says:

My answer to that is that there are no men in the country who are so emphatically peace men, so far as Indians are concerned, as the officers and soldiers of the United States Army. There lives are passed in that forlorn, desolate country, insufficiently sheltered, with nothing whatever of what is agreeable in life around them, and with the bare necessities of existence and shelter from storms furnished to them.

They are bound by every interest and consideration that can influence men to preserve the peace. A state of war means for them continual and harassing service. On the one side denounced by the worthy people of the East, who have but small understanding of the condition of affairs on the frontier, if they do anything to hurt an Indian, and denounced on the other side at the West by the western men if they do not hurt the Indians, they are of all men in the most unhappy and unfortunate condition. Peace to them means association with their wives and children. It means freedom from continual exposure and hardship; and it means what perhaps is quite as valuable to them, freedom from outrageous and unjust slander. There is, therefore, I say, no set of men who are more in favor of peace with the Indians and of preserving it and doing all they can to make it, than the officers and soldiers of the United States Army.

I take it, sir, that the proofs I have adduced and others which I have not taken time to present, together with this testimony taken by the Military Committee, and that taken by the Committee on Indian Affairs, and all concurring in the same sentiment, will certainly convince this Committee of the Whole House that, so far as regards the supposed danger of producing war is concerned, there need be no apprehensions of danger from this transfer.

But it is said, "that it will demoralize the Indian." Is it a fact that the transfer of Indian affairs from the Interior to the War Department will demoralize the Indian? This pamphlet which is being circulated here says that in this respect "the effects will be terrible." Again, sir, I must rely not upon the statements of sentimental philanthropists, men who live many hundreds of miles from the Indian country and who never saw an Indian; but, sir, I prefer to rely on practical men, who know something about this question, to tell me whether or not the influence of the Army over the Indians is any worse than the present system of managing them.

I refer to the report of the Committee on Military Affairs, published in 1874. This question was put to General Nelson H. Davis:

What is the character of the troops at the post you inspected? Have they or not a demoralizing influence on the Indians?

He answers:

My experience as to the influence of the troops upon the Indians generally is that it has been the reverse of demoralizing. The Indians have more respect for and they trust further in the troops than in any other people they have anything to do with. They have repeatedly asked, and have almost demanded, that they shall have officers of the Army for their agents. They say, [of the soldiers:] "You punish us when you are ordered to, but when you are not fighting us you are our friends; and you never cheat us, but give us what the Government sends us." That has been the case for years and years—for over twenty years of more or less experience among the Indians. As to any demoralizing influence exercised by the troops upon the Indians, if there is any charge or accusation of the kind, I think there is no truth in it, except that you may find an exceptional case where something has been done that you may call demoralizing or improper. If such be the case, a little investigation will perhaps show more bad results from other sources.

I next direct attention to the testimony of General Stanley. When he was upon the stand before the subcommittee on Indian affairs and was speaking of demoralization, this question was put to him: "Would that demoralization be increased or diminished by this transfer?" He answers:

I would say that the effect would be to diminish it; for the Army officer would not undertake to break up any connection that he found existing now; but if he was stationed as an agent he would prevent anything of that kind taking place, and, if necessary, would send a file of soldiers to drive off all those bad white men from

the reservation. The Indians have more respect for a military officer than any other. They will leave an agent at any time to go to a commanding officer of a post for advice. The Indian respects a man that has power to make him respect him.

Mr. Chairman, I direct attention next to the testimony of Dr. Burleigh, formerly a Delegate in Congress from Dakota Territory, an old plains man who has had experience in the Indian country for many years. He says:

My experience goes to show that the morality, subordination, and advancement of Indian tribes, when controlled by officers of the regular Army, is equal, if not superior, to those same tribes when under the management of the civil department of the Government.

Among the Sioux, Ponca, and Winnebago Indians on the Missouri River, I feel safe in asserting that, of all the illegitimate Indian children whose paternity can be traced to white men, more than nine-tenths of the fathers belong to civil life.

How now, sir, about the demoralization?

Then on this question of protecting the Indian, giving him the advantage of education, &c., he says:

Schools and churches for the benefit of the Indians would be better maintained under military than under civil control, from the fact that the commanding officer has at all times the necessary means at his disposal to enforce the rules of government established for his agency, and the same is true so far as educating the Indians in agriculture and the mechanic arts is concerned.

On that question allow me to direct your attention to what General Hazen says. I ask the Clerk to read that which is marked from the testimony of General Hazen.

The Clerk read as follows:

There is but one justifiable course to be pursued toward these wild men. Place them in charge of the Army; compel obedience; and it can be obtained in no other way. The veteran officers of the Army know thoroughly the Indian character, and will not be deceived by them, nor will they wrong them, but know exactly what steps to take, and when and how to prevent outbreaks. At the same time, they are their protectors when desiring it. Then fast as practicable place humane men over them to direct and instruct them, and use all the humane elements of civilization to better their condition and make them self-supporting; but never give this purely moral element the leading place with the wild and unconquered, as failure will always follow. This is erecting your mill without a dam, your church without an audience; in fact, to do a good work before securing the materials out of which it is to be wrought. Here, coming after, never before, should be seen the Quaker, the philanthropist, the religionist, and all those moral forces that have for the past six years wrought so worthily and laboriously, but with so meager results.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPARKS. I would like a few minutes more for the purpose of concluding what I have to say on this question.

Mr. STEVENSON. I move that the gentleman have his time extended for twenty minutes to finish his speech.

There was no objection, and it was ordered accordingly.

Mr. SPARKS. I am much obliged for the courtesy, and think that is as much as or more time than I will need. I have tried, sir, to make the point, mainly by reading extracts from these books, that the change of this Bureau from the Interior to the War Department would not conduce to war. I have shown by the testimony of men acquainted with the subject that it would not tend to any greater, if as great, demoralization than now exists under the present system, and that it would have a tendency to encourage civilization fully as well, if not better, than the present agents are able to give to that subject.

Now, sir, I propose to direct attention precisely to what this bill means. How are these Indians located and how situated? There are a great many tribes of Indians known to all of us who need no control of either or any Department. I would say that the five tribes in the Indian Territory certainly do not need any. I would further say that all the Indians in North Carolina need no control. If anything ought to be done with them, they should be put under State government, given in charge to the State. Those in New York certainly need no control. I apprehend those in Wisconsin, Michigan, and Minnesota would be much better cared for if controlled under those States. These are peaceable Indians. These are men many or all of whom ought to be now put upon the standard of citizenship. Then I would mention a large class of Indians, in fact the great body of them so far as numbers of tribes are concerned, who need no restraint; no control further than to have an agent whose duty it would be to pay them their annuities, to have a general supervision over the affairs of the agency, and in that way protect them.

Now, sir, who can do that? Just grant, if you please, that the men appointed as they are now by the Interior Department would do it as well as the military officer, (but certainly no better,) I ask this committee, then, why not use the military officer when you have him? He has nothing to do; you have educated him; you now pay him; he can do this service, and why hire another man to do it? Answer me that. In all these agencies of peaceable Indians that I have mentioned, the agent would have no soldiers with him, no more than the present agent has. Is he going to demoralize them? Who is he? A captain in your Army, a major, a colonel; and is he not as moral and upright a man as Agent Saville? Is he not competent to receive so many thousand dollars a year in annuities, supplies, or money and pay it out to these Indians as well as any civil agent? If he can do so and as we already have him, and as he belongs to us, and we must pay him anyhow, why hire anybody else to do this service? Why not let him do it? Nay, sir, why not make him do it? We have plenty of them to perform this service. Sir, to tell me that the Army officer would be a worse man and less competent than the agents appointed in the way they are now appointed, is treating our Army with great disrespect as also the system under which it is organized.

Now, how do you get your Army officers? Young men are selected with great care, rigid examination mentally and physically is gone through with, and they are educated carefully at the expense of the Government. Their profession I have always thought, with their surroundings, made them a class of men certainly equal to the ordinary standard of professional men if not superior to it. If that be so, and you have fifty agencies where you want peaceable agents, and you have these men paid by you who have nothing to do, I ask why not give charge of these agencies to them? Why do you want to hire others to do it.

We are told that these men are not morally fitted for the discharge of these duties, and that their employment will have a tendency to produce demoralization. If that be the fact, I suggest, then, that you burn up and demolish West Point and discharge the Army. And it is said they would not civilize the Indian; that they would not educate him as well as the present agents. Why, sir, the agent does not civilize or educate anybody. The agent is merely there to dispense the annuities and to take general charge of the agency. Your teachers educate and your missionaries preach and civilize and christianize the Indian. The officer will do the agent's part as well as anybody else can do it, and it will be a saving to the Government in the simple item of pay to these men, as I have estimated it, of about half a million of dollars annually.

But there are some of these tribes that are wild. Now, sir, allow me to suggest that in every one of them they have already got the Army. Hence, if the Army is demoralizing it is demoralizing now, and you cannot get along without it. These commissioners in their reports all show the necessity of a military force in the country where the wild tribes are. If that be so, why not give the entire charge to the military and let them be your agents? At the agencies they will fill the places of the present agents, and then there is the power back of them and under their immediate control that says to the Indian, "Here is your reservation; we propose to feed and clothe you, to educate you, to civilize and christianize you; but you must stay at home and behave yourselves, for we have a force back of us to make you." I think that will be better, and it will save much cost. And, sir, the Army will be used only where it is now used. No more, no less. Under this bill we do not expect to use the Army except where we are using it now, among the wild and warlike tribes; but we do propose to supply agents from it, and the chairman of the Military Committee will tell you that you have a great number of Army officers qualified for that duty and having nothing else to do.

Will the Chair please inform me how many minutes I have left of my twenty minutes' extension of time?

The CHAIRMAN. The gentleman from Illinois has ten minutes unused.

Mr. SPARKS. I hope to get through in that time.

I now wish to call attention to the last section of the bill, the section making provision for the protection of all the agencies that can be brought to bear upon the Indian touching his civilization and christianization. With my views and my sentiments with respect to these matters, I must say that I could hardly favor any proposition in which could be seen a possibility of an impediment being thrown in the way of civilizing, christianizing, and educational influences being brought to bear on the Indian. I am for this, and I think this bill makes provision for it better than has ever been made for it in any bill ever before presented to Congress. And I think that the educated, high-toned, honorable Army officer, colonel, major, captain, or first lieutenant, who is at his station with the power behind him to protect, will protect the missionary in his clerical garb and with his Bible and the emblems of his holy office in his hand in front of him. Sir, I would feel sadly out of joint with respect to the Army officer if I did not feel that he would do this. He will not be the missionary; neither is the present agent. He will not be the educator; and neither is the present agent. But he will be a gentleman and the official who dispenses the annuities, discharges the duties devolving upon that station, and gives countenance and protection to these agencies that are at work in front of him by persons chosen to educate, by farmers chosen to educate in agriculture, by mechanics selected to educate in the mechanic arts, by teachers selected to educate in books, and by missionaries who go there to prosecute their high calling.

This bill makes provision that all Christian organizations shall "equally and alike" have the right to be represented there. I will read section 9:

That it is hereby provided that all Christian churches shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their christianizing, civilizing, and educational efforts.

I charge that your present system does not do that, and I am prepared to make the charge good. The Constitution of our country of course covers this. Under it there is no doubt that the missionary has the right to go anywhere and everywhere. But under the present Indian management these agencies or reservations are divided or parceled out among the Christian organizations by an arbitrary rule under which the religious teacher may go and exercise his functions as a missionary and erect school-houses and churches upon the reservation to which he is assigned, and not otherwise. Now, sir, I want to encourage these religious instructors to go into any or all of them,

I proposed that question to the late Commissioner of Indian Affairs in this city, the gentleman who occupied that position at the beginning of this session. He said to me that the system "did not preclude anybody from going upon the reservations and exercising his functions as a minister, but that it practically amounted to that." In a word, where a reservation was given, if you please, to the Presbyterians, Presbyterianism only was allowed to be taught in it and all others had to leave it alone. Now, sir, that will not do. He said that it "practically amounted to that." Why of course it does, and it must "practically amount to that" when the Methodists select their agents and have their particular reservations, or where the Presbyterians select theirs, or the Baptists, or the Quakers, or the Catholics each select theirs. What we want to do is to encourage all; and, if the Indian cannot be converted under the preaching of the one, I would like that they may have the opportunity of hearing and being converted by some of the others. I would like for it to be understood that all have the right to take charge of him; and let them all exercise their best influence upon him.

And on this subject I have here a letter addressed to General Charles Ewing by Hon. E. P. Smith, late Commissioner of Indian Affairs. It is in relation to the erection of a building for a Catholic mission-school at Standing Rock agency, Dakota Territory. He says:

You will understand, however, that the Government cannot surrender its control over any matter connected with the Indian service, nor commit the religious instruction of the Indians, except for a temporary period, to any religious or other body, but retains as trustee for the Indians all rights over the property and buildings supplied at public expense used for school or religious purposes, and reserves the right to change the religious and educational management when it shall consider such change desirable in the best interests of the Indians.

The Commissioner is doubtless an excellent gentleman, but perhaps with this power conferred upon him he would compel the Indians to take just what religion he prescribes or have none. Now, sir, this bill under consideration says that the reservations shall be free to all.

Again, here is another letter addressed by Ex-Secretary Delano to the Commissioner of Indian Affairs, in which he says:

Perfect freedom should be allowed to the Indian population to attend such schools and churches as they prefer, but the right should be reserved by the Indian Office and the Department, in case of difficulty or contentions in consequence of allowing more than one religious denomination to have schools and churches on the same reservation, to require one or the other to leave it, as in their judgment might be deemed best.

Sir, I demur to that. This bill makes special provision that the religious teaching of the Indian shall be free to all, and then, sir, if rivalries exist, let them exist, but let it be distinctly understood that the field is free to all to exercise their religious functions among the Indians. In my judgment, that, and that only, is the correct rule. I have no time to argue it, and in fact it needs no argument. Had I the time, sir, it could be shown that difficulties have occurred under the present system, wherein it had been attempted to prescribe that upon the reservations particular denominations alone have exclusive control.

And again, sir, and in conclusion, allow me to suggest that there should be no partisanship in this matter; and the bill under consideration conserves that view of it. The Army is not supposed to be partisan. Its officers are not appointed for a year or two (in the language of General Stanley) to "feather their own nests" and then retire, but they hold their offices for life or during good behavior. They are educated by us, paid by us, and good sense and common justice to the millions of tax-payers of the country demand that we shall use them in these capacities rather than continue the inefficient and expensive system that is now upon us.

[Here the hammer fell.]

The committee informally rose, and Mr. RANDALL took the chair as Speaker *pro tempore* to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.; and

A bill (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin, under the direction of the Interior Department.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in the 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. 2678) to authorize the sale of the Pawnee reservation.

TRANSFER OF INDIAN BUREAU.

The Committee of the Whole resumed its session.

Mr. VAN VORHES. I had the honor to present the minority report on this bill, and the committee have generously given me a portion of the time; but not being in a condition to address the House to-day, I will yield my time to the gentleman from New York, [Mr. COX.]

Mr. COX.

THE INDIAN—WHERE SHALL HE GO?

Rushing westward o'er the mountains,
Stumbling westward down the mountains,
To the door-ways of the west wind,
To the portals of the sunset,
To the earth's remotest border,
Where into the empty spaces
Sinks the sun, as a flamingo
Drops into her nest at night-fall
In the melancholy marshes.—*Hiawatha*.

Mr. Chairman, "Give them hell" was the expression written upon a slate by a chivalric officer in the Mexican war as he breathed his last. Consciously or unconsciously, he expressed in one terrific monosyllable the horrors of war.

Well may the gentleman from North Carolina rush to Paradise Lost, and, as he surveys the Indian seeking to escape from his sad and unhappy environment, exclaim for the Indian, with the fallen archangel:

Which way I fly is hell; myself am hell;
And, in the lowest deep, a lower deep,
Still threat'ning to devour me, opens wide.

If the present system is hell and the Indian himself is hell and the lowest deep is in the Interior Department, where is the lower deep, lower even than the lowest, threatening to devour him, unless it be found in the War Department?

The bill before us, reduced to its last analysis, would transfer the Indian Bureau from the benignities of peace to the waging of battle. It would lift among the 300,000 Indians who are spread over 200,000 square miles of our territory some other banner than that of white. It would not merely give military supervision over the wild Indians of the West, but over the civilized tribes now organized in lawful communities. It would, to use the phrase of the gentleman from Illinois, [Mr. SPARKS,] place the latter under "general supervision" of a military officer. It would reverse the progress of our age and the civilization of centuries. It would give incentive and provocation to force and destroy those elements of peace which belong to a new and better order of society.

We have boasted since the Alabama treaty with England of the great value of arbitration in settling disputes between nations. We have condemned the umpirage of war. We have boasted of those principles which are blessed as peace-making, and yet, to still subdue the already subdued Indians of our plains and forests, we renounce the principles of peace to offer our devotions before the wrathful Moloch of hate.

NO GOOD WAR OR BAD PEACE.

Even a heathen writer has declared that he preferred the "unjust peace to the justest war;" and Dr. Franklin acknowledged, on signing his name to our treaty of peace with England, "that there never was a good war nor a bad peace." But if the spirit and provisions of this bill are sustained every example and precept which would enchain the worst passions of our nature are discouraged; and that, too, for a war in which there can be no glamour of glory for its participants. The appeal to arms for the maintenance of peace with our Indian tribes is a solecism. *Cedant arma toga*, was the expression of olden times, when wars ended. This bill would reverse the motto, and hide arms under the toga.

I hold it to be the duty of civilization, as represented by a Government based on the concord of our States, to restrain the natural tendencies to causeless violence and inequitable dominion. The philosopher, Thomas Hobbes, has many chapters upon the tendency of mankind in this direction. He holds that there is perpetual war which even victory does not end. Our own civil war has shown that the conqueror is subject to danger, and the strongest in mere force, except by a miracle, closes his life without many years. No man reasoning purely can believe that the pleasures, beauties, and felicities of life can come without peaceful society. Make those who are weak and in your power your enemies and you ask in vain for those auxiliaries of happiness which are the law of our highest nature.

TRIBAL CONFLICTS—TAMMANUND.

What is war, Mr. Chairman, but force against force; and if that be the case, how little time remains for us on earth which may be called peace. With but few exceptions since the discovery and settlement of our colonies or our continent have the native tribes enjoyed repose. Their traditions indicate that before our discovery war was their natural state.

It may be asked why a representative from the great metropolis should take such an interest in this Indian business. Perhaps it might be suggested that it was because I was associated with the Tamman wigwams. [Laughter.] And in this connection may I say that there is one tradition, however, which may be worth referring to as exceptional. It is said that Tammanund, after whom a very belligerent society has been named somewhat familiar to our politics, was a chief of many days because he was a wise and merciful sachem. He fought the malignant forces of nature, the malaria, the reptile, and the monsters of the elder world. Torrents, inundations, and, what was worse than all, the hearts of the tribes were turned against him, while brethren were arrayed against and slew brethren in civil war. How did he give peace? "We are children," said he, "of the same Great Father. Go to your desolate wigwams and wasted fields to repent,

work, and amend." His descendants forgot his teaching; and we, too, have forgotten the moral of the legend. But why should not that moral be applied to the descendants of these tribes who still remain with us? Why should we not in practical legislation find means for so wise a purpose?

If history were read aright it would be seen that the indictment which Milton made against war in its every count is, alas! too true. Under what favorable condition soever war may be waged, whether you hide the sword beneath the toga, or give the laws of humanity to conflict, the counts in the indictment are only varied by the words: rob, spoil, burn, slaughter, enslave, and ruin. From the earliest wars of Joshua down to the last of General Reynolds against Crazy Horse's village, this indictment can be proved. Vices, robberies, rapes, treacheries, spoils, cruelties, and crimes, not to speak of the vast taxation, losses, and expense of armament mark the red foot-step of battle.

EUROPEAN DISARMAMENT DEMANDED.

The best men of Europe are to-day considering how by prevention and conference to disarm the great powers which so oppressively tax the wages of workingmen. They do not indulge in the sentimentality or dream of brotherhood and universal peace, nor languish over the orphan's desolation or the widow's tear; but they would give the oppressed peoples of Europe those peaceful triumphs, in home, field, workshop, study, arts, science, and labor, which are more renowned than those of war. They would start the shuttle of that magic loom that weaves concord between the nations. They talk not of a golden age, but they talk practically of an age of freedom from the slavery of public debt and the exactions of insatiate rulers. Four millions of men in the flower of their age, supported by the industry of the rest of the population, with the large armaments and bustling preparation constantly going on, is a reproach to progress and a crime against humanity. Military establishments, and especially in the purchase of subsistence and clothing, are more expensive than other service, unless we except naval armaments. Turkey bought a lot of ironclads. They talk of selling those vessels now to raise money enough to pay their July dividends. Austria-Hungary this year shows a deficiency in the military budget of about twenty-five millions, reduced to dollars.

Statesmanship would reverse these onerous evidences of the philosophy of Hobbes, and create international interdependence. It would substitute co-operation for competition. It would thus establish the normal condition of civilized communities. Cannot these high thoughts now wrestling with the irrational elements of power and the national vanity of kings and states be applied with equal reason, on a less scale, to our relations with the red man? Fresh as we are from our own civil conflict, it is unnecessary in this Congress, where the repetitions of our great calamity are so frequent, to refer to the billions which have been wasted and to the distrust and animosity that have been engendered.

QUESTION OF DIGNITY TOWARD THE WEAKER.

There is no good rule, Mr. Chairman, which can be applied for the preservation of peace between civilized nations which should not obtain between the civilized and barbarous. Indeed, for a stronger reason, we can well afford to do that toward the weaker which cannot be done without some sacrifice between nations of equal position. Is there any question of dignity involved between those who are unequal? Is there anything contemptible in yielding for the general good to mere barbaric fury? Is it not a sign and source of strength in the superior to refuse contest with the inferior nation? What historic nation that is wise that did not regard the fighting of savages as folly, and the warring upon barbarians as fruitless? What mean our treaties and our presents and our annuities to the Indian tribes? Are they not intended to cultivate compliance with reason, and cannot that be done without degradation, even when the most insolent and unreasonable terms are urged?

PENN—HIS POLICY AND ITS VIOLATION.

The best portion of our Indian history is not that of war. I know that gentlemen who represent our Territories and border States laugh at the law of love as a rule of conduct between the Federal Government and the Indians. They laugh at the best examples of that conduct in our own nation. If I should quote William Penn as an example they would sneer at his efforts to subject savage nations by gentle manners and civil association. The picture of the great Quaker beneath the spreading elm forming the treaty of friendship with the Indian is to them a theme for leers and jeers; for to them is not the Indian only a treacherous savage, to be subdued by carnal weapons? Are not his lands to be wrested by violence or acquired by fraud, and not by free will and honest purchase? The doctrine of coercion in a Christian state dealing with savage neighbors is that which Mr. Sumner once called "the flinty hardness of the pilgrims of Plymouth Rock," whose "coarse and earthly" treatment of the Indians stands out in such brave and gentle contrast with the policy of Penn. The splendid State of Pennsylvania, as a philanthropist has said, became armed without arms, strong without strength, and safe without the ordinary means of safety. Unlike other colonies, which spent their money in forts and arms, not merely for the provocation of war but in anticipation of danger—Pennsylvania during the administration of Penn had no Indian quarrel and no war. Her record is stainless, at least during such peaceful rule.

But, sir, history paints another picture of Pennsylvania, which

only makes by its dark background the shining contrast of its founder more resplendent.

Leaving Western Pennsylvania and going beyond the limits of the Ohio, ay, and beyond the bounds of right and the law of love, following the peaceful track of the Moravian missionary to Gnadenhütten, in my own native Muskingum Valley, her white marauders ravaged the peaceful towns of the simple Christian Indian, and massacred and burned men, women, and children without discrimination, leaving a peaceful Arcadian village in ashes without a survivor to tell the terrible story.

JEFFERSON'S VIEW—SHEEP AND WOLVES.

Glancing to-day into Jefferson's Notes of Virginia, I found his significant article on the aborigines of his State. In 1607, from the "Pawtarmac to the most southern waters of the James, and from the sea-coast to the mountains, the country was occupied by upward of forty tribes of Indians." Their names are metrical poems; from the Mannahoacs and Chicahominies to the Tuscaroras and Nottaways. Their names only live in stream and valley. Nor is the interest in the Indian or his fate less interesting to me because of the speech made by Logan, the Mingo, reported to or by Jefferson himself, and which every school-boy has read. There are other associations running along the early border of Ohio and Pennsylvania which give their added interest to these narratives of Mr. Jefferson. He wrote kindly of the red man. He knew the injustice they suffered from the "Big Knives" and "land-jobbers" of that early day. He thought it strange that the Indian was not even made a subject of natural history, like the beasts that perish. He detected their art even in drawing, and their "astonishing strokes of sublime oratory, such as proved their reason and sentiment strong, their imagination glowing and elevated." He regarded their laws with his philosophic eye, and in his Notes (page 100) he says:

Imperfect as this species of coercion may seem, crimes are very rare among them; inasmuch that were it made a question whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last, and that the sheep are happier of themselves than under care of wolves. It will be said that great societies cannot exist without government; the savages, therefore, break them into smaller ones.

Were he called upon to vote upon this bill, where would he find the sheep, and where the wolves? Would he allow the sheep to be transferred to the care of the wolves?

The seeds of hate, sown very early in our annals, have brought forth their legitimate fruit in recent times upon our border. The bloody massacres known as the Chivington, Piegan, Black Kettle, Camp Grant, and others have their originals in other times, and have created more distrust and loss than all our three hundred and seventy-two Indian treaties can remedy in a century.

DOUBLE POLICY—KILLING AND CARESSING.

The permanent alarm and warfare upon our borders are not to be attributed to the savage quality of the Indian so much as to our own policy; for has not part of our policy been founded on the idea that the Indian was a beast of prey? Is he not to be hunted, fired upon, and dragged about at the will of the superior white man? And then, again, by a sudden caprice of policy, has he not been nursed as a ward of the nation, and given missionaries and agricultural implements and guns for the chase? Is it not time that we had a settled policy which would treat him with something else besides whisky and trinkets, gewgaws and cards? Bad liquor and bullets may not always find their proper substitute in pantaloons and plows, but if we treat the Indian as the worst of animals or of men, as a sort of chimpanzee or a dropped stitch in the garment of humanity, it is not so politic or wise as the other extreme which caresses, feeds, clothes, and patronizes him. There is certainly a better side to the red man than we are apt to see from the representations of our border men. I would not paint him as Cooper's lofty, poetic, generous Uncas; but is he always found the dirty, thieving, drunken savage, who allows his squaw to work with her papoose strapped to her back while he slumbers ingloriously in his wigwam or dances the war-dance with its pagan orgies? The good men upon our border, like Bishop Whipple or Bishop Hare, the Methodist, Quaker, and Catholic, who have gone out to talk with him for the highest and holiest purposes, do not confirm the statements made by the dishonest and selfish who prey upon him. We read of Bishop Hare's sojourn among the Oneidas, of their twenty thousand cultivated acres, of their frame-houses, neat table, healthy food, and we wonder why all the tribes should have such general odium. He found among the Cherokees, Creeks, and Choctaws 50,000 law-abiding and moral people. The Santees were earning their own living, surrendering their rights to annuities, rations, &c., while schools were overcrowded and honest faith and friendship prevailed. Mr. Janney, in his letter from Loudoun County, Virginia, dated "Twelfthmonth 23, 1873," reliably describes the self-reliant and self-supporting condition of the Santee Sioux, to which I can only refer. Can these be the beasts and demons too often confounded with the worst of the wild tribes who have come in contact with our blessed civilization? Some one has said that every savage can be made a "Friday" if you choose a Robinson Crusoe as his companion.

CANADIAN SYSTEM.

Why, I ask gentlemen who are urging the transfer of this peaceful Bureau to that of war, has the Canadian policy been successful as com-

pared with our own? Why has Canadian policy been cheap and good while ours has been expensive and bad? Has civilization been stopped in Canada by the presence of the Indian? Does not the Canadian government get along comfortably with him? Why have they not wars and rumors of Indian war there? The Canadian Indians number 85,379; the Indians under our own Bureau, not counting the wild Indians, are 115,000. In 1874 the Canadian bureau cost \$199,000 in gold, or \$2.35 for each Indian under its care. Our Bureau in 1872 and since has averaged six or seven million dollars a year, or about \$60 for each Indian. Solve the Canadian Indian question, and you may possibly strike a policy of peace and economy for ourselves. Is it successful because the Canadian agents are more honest and capable than our own, or is it because they treat the Indians as the governor-general, Lord Dufferin, has so often expressed to the Indians themselves, as an integral part of the British empire, to be legislated for as others of the human race?

BELLIGERENT SPIRIT IS WAR.

Let us remember that a state of war does not consist merely in fighting. The belligerent will and spirit is in the nature of war. Its existence implies destruction. It is said that "it is not foul weather which gives us a shower or two of rain; but it consists in an inclination thereto many days together; and so the nature of war consisteth not in the actual fighting but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace." We know too well that under military espionage and protection over the Indian the spirit of hostility continues even under a peaceful exterior. It is almost as if we were in actual battle. As in days and years of menace and unrest like those which followed Alsace and Lorraine after the Franco-German war, though not to the same extent, similar consequences follow. Industries cease, because the fruit is uncertain. There is little or no culture of the earth; scant navigation, transportation, and the use of commodities; no building of houses, no dissemination of knowledge, no commerce, no letters, no society; continual fear and danger. So "the life of man is solitary, poor, brutish, and short." This describes well the condition of the Indian and settler upon our border from the beginning of our Government down to our present and recent experiences, under our changeful and capricious policy.

HOW EUROPEAN BARBARISM WAS ERADICATED.

The "unrelenting vigor" with which General Ord would pursue the Indian, the exterminating spirit of Sheridan and Sherman, and the military *elan* which belongs to the Army hereafter to be proved, would lead us to infer *a priori* that to commit the Indian to the care of the soldier is to write his sentence of death. Certainly this is not in the spirit of those laws of progress which have redeemed our kind from barbarism. We are apt to forget that our ancestors were once no better than the Modoc, and far inferior to the Choctaw. I open Keightly's History of England, and read its first paragraph. It is based upon Roman authority of two thousand years ago. It calls upon us to behold the isle of Britain as it was then! It is a region covered with forests, and spreading into marshes. Its inhabitants are a rude, barbarous race. They subsist on the milk and flesh of their cattle. Their towns are mere inclosures in the woods. Their dwellings are rude, wicker cabins; not so good as the stone or cane huts of the Kabyles. Their only vessel, the *coracle*; a boat of frame-work and skins. Or, as the historian says, they were nearly as low in the scale of humanity as our colonists in after times found the aborigines of the New World. When they fight they do so *in puris naturalibus*, and their fighting is like a war of kites and crows. They are tattooed like the savages of the southwestern seas, and on their bodies—wonderful antitype of our ensign—is punctured the red, white, and blue, or, as the historian says, they were tattooed with "the stars and stripes." [Laughter.] Now behold that little island! Its valleys and plains are blooming with cultivation; its cities and towns are animated with the activity of commerce and manufacture. Its fleets ride triumphant on the most distant ocean; and its institutions are the wonder of the world. Its queen is just made empress of two hundred millions of subject races in a distant continent, held in perfect peace to a distant throne by the defender of another faith, whose Kohinoor in the imperial crown reflects the prismatic brilliance of farthest "Ormus and of Ind."

Dressed in beads and flowers, with weapons of bone and flint, clothed in the fur and wool of cats and rabbits and sheep, the condition of the British barbarian was no better than that of the indigenous Gaul and German who through many cycles of time have ruled by their policy and their refinement of civilization. In the time of Tacitus the Germans were barbarians. They had a warlike subtlety equal to our Indians, and the Romans acknowledged their skill in war. The Rhine and the Elbe were to them what the Missouri and Yellowstone are now to us. Mountains and forests were full of these barbarians. Their yellow-haired children had no cradles and no swaddling-bands. True they gambled with dice and allowed their women to work in the field; but it was from this cradle and by the very lack of the swaddling-bands that Rome was overcome by arms, only to overcome the barbarians in turn by arts.

From the family or the clan or the tribe, mere seedlings of progress, the early European nations have grown into a tree whose shadow covers many nations, and of whose magnificent bloom, fragrance, and fruitage our nation is a part.

ROMAN LAW VS. ROMAN EAGLES.

What was the cause of this growth in civilization? These barbarous tribes had their conquerors and their wars. But their conqueror was Roman, and Rome conquered more by her laws, language, fasces, and citizenship than by her eagles. A German chieftain once addressed the Romans thus:

Since I was made a Roman citizen by the divine Augustus I have had the conviction that the same thing is beneficial to both Roman and German, because I prefer peace to war, tranquillity to turmoil. I can become to the German people a useful advocate should they choose order instead of ruin.

DISHONEST AGENCIES MUST BE ERADICATED.

Who are the wise intermediaries between our superior Government and our savages? The squaw-men, the half-breed, the dishonest adventurer, the post-trader, the bar-tender, the vendor of sheet-iron spades, cast-iron axes, paper-sole brogans, shoddy and glue blankets, iron spoons, two-inch mirrors, gimlets, Jew's-harps, hair-oil, finger-rings, and elastic garters. [Laughter.] Alas! too many such selfish and scoundrelly evidences of civilization intervene against the law by which the greater should teach, civilize, and ennoble the weaker. "You tell me," said Little Raven to the good missionary, "that all good men, red and white, will go to heaven, and all bad ones to hell. Good notion; heap good; for if all the whites are like those I know, when Indian gets to heaven few whites trouble him there."

But is there any reason, Mr. Chairman, why abuses in the Indian service should be abated with a firm, strong hand, rather than increase them by other policies? Reprobating all the frauds so long continued in this service under every system; conscious that it is not an exceptional Bureau, and that purification and accountability are indispensable; yet how can one, overlooking the whole field, turn over the service to that destructive and expensive management which in the past forty years has cost five hundred millions, while the civil policy has cost but little more than one-tenth of this sum, including annuities, presents, purchase-money for lands, and all?

We have no reason to distrust safe and humane policies toward the Indian, if pursued by agents, without menace, force, or fraud. What we want is not the transfer of the Indian Bureau from one Department to another, but honest agents; not a partisan Bureau, but honest agents, even if under an independent Department. We have never yet seen in this service what the policy of peace can do when properly managed; for it has been so closely connected always with the military. We need not go to Canada, or to Algiers, or to William Penn for lessons. Is there not civil ingenuity and wisdom enough to devise remedies for Bureau mismanagement, purge our system of its putrescence, punish crime, and compel accountability without a transfer of the functions of civil government to the military?

ABORIGINAL CIVILIZATION.

Once the pioneers of Georgia, Alabama, Mississippi, North Carolina, Tennessee, and Florida had their conflicts with the Indians of the Savannah Mountains and valley. The fields of Talladega, Emuckfau, and Horseshoe, are they not associated with Andrew Jackson? The tomahawk and scalping-knife are not alone associated with the Pequots, the Delawares, or the Modocs. The beautiful land of the South had its Indian orgies and war-dances. Now go to the land provided for the Choctaw, Cherokee, Chickasaw, Creek, and Seminole, and, although you may find some relic of the superstitions and barbarous element, yet their average intelligence and morality put to shame many communities of the pure white type. These tribes yielded to the advance of the whites from time to time and clung to their old habits until agriculture and pasturage took the place of the destroyed game, and they learned the arts of war no more. True, they were circumscribed in domain and properly so. The members of their tribes were localized. The idea of property and sale was introduced, and in the one-fiftieth part of the time it took to regenerate the barbarians of Britain and Germany they have demonstrated that for peaceful civilization, with its herd and field, its plow, loom, and anvil, its book, school, and literature, and its religion, they are intrenched beyond the possibility of retrogression. May we not infer that like causes will operate upon the Cheyennes, Arapahoes, Apaches, Kiowas, Comanches, and even the Sioux, if affairs are properly administered? Referring to the Six Nations, said Oldmixon, "We entered their land and inhabited therein as safe as if there had been thousands of garrisons." What New York has done, through wise policy, for the confederated six tribes, other States have done and will do for the tribes within their borders. How much better to prepare for such local management than at once to open the flood-gate of distrust and destruction.

INDIAN PROTESTS AGAINST THE TRANSFER.

There has been laid upon the table of members a protest of the lawful delegates of some of these civilized tribes or nations of the Indian Territory against their transfer to military control. The delegation of Cherokee, Creek, Choctaw, Seminole, and other nations have honored me with a letter asking me to protest against the transfer of their race from the civil to the military rule "as unnecessary, impolitic, and unlawful." I do this, inasmuch as it was just answered here that not a committee hearkened to them. They only heard the Army officers, who "can be well spared" and have "nothing to do," according to the gentleman from Illinois, [Mr. SPARKS.] Judgment is taken against them by default. Their protest is signed by the authorized delegates of some of these tribes. They have no representative here. The colored man has his Senator and his Representative and

friends here, and the descendants of the Celt, the German, and the Englishman have their exponents, partial by blood and association; but these red men depend solely for their protection on the law of kindness, the treaties of faith, and the dictates of justice. Lord Chatham once commended the papers of the Continental Congress as unequalled in style and manner since the time of Thucydides. This equally commendable paper which I hold in my hand is an able, though brief, presentation in the interest of humanity and liberty against an infraction of our own Constitution, which disallows the quartering of soldiers in time of peace without consent or in time of war except by law. It is a protest against breaking contracts and treaties, and it appeals to us by the very genius of our hundredth anniversary against the avaricious and tyrannical designs of those who would prejudice—not for his own faults, but on account of the bad conduct of our own officials—the red man whom the United States have treated on equal terms.

SECTARIAN AND MILITARY AGENCIES.

It was argued by the gentleman from North Carolina [Mr. SCALES] that the association of the Christian missionaries was in violation of the Constitution of the United States in relation to the free exercise of religion. It is not my purpose to defend the selection of sectarian agents. But this ought to be quoted from the testimony of Mr. Welsh, in this connection, as a full answer. He says to the committee:

I think the present policy is the best we can advise. No agent has the right to exclude any religious body from exercising their missionary operations on his reservation. They dissuade others from coming if he thinks the multiplication of them will be injurious. On three of the reservations in which we operate other religious bodies are at work as well as ours, and they are all equally favored by the agent, though it might not be promotive of the highest good, but inasmuch as there are more Indians than the religious bodies of this country are willing to undertake the care of, there seems to be an advantage in the system as at present adopted.

Much reproach has ensued because of these teachers and preachers; much more because of the partisan character of the agents, and still more because of the robbery and plundering, suffering and starvation of the Indian through the infidelity of the Indian agents generally. I do not extenuate in the least the fraud and corruption of the present system. I doubt not that the special report of Mr. Nesmith, quoted by the gentleman, is true as to the outrageous swindling of the Indians in their goods both in the quality and the prices. This special report of Senator Nesmith is calculated, without proper deliberation, to assist the transfer of this Bureau to the War Department, but I beg the House to pause before the fraud of the Indian Office is made a pretext of worse injustice. It is not the ills which the Indian now suffers from the Indian Office which should be considered merely, but the ills which may come to him that we know not of, when the transfer is consummated. I ask the distinguished gentleman from North Carolina, who has served in war, not merely to recall his own honorable service and that of his compatriots, but to remember what the Army has been in connection with his section in time of peace during the last ten years. Has it not been used throughout the South to overturn established institutions from the ballot up through various gradations to the Legislatures of sovereign States? Must I rehearse to him the jealousy of arms in free countries, handed down in traditions, bills of right, and constitutions for our guidance in the pursuit of well-ordered civil freedom?

WAR DEPARTMENT HONEY-COMBED WITH FRAUD.

It is not necessary to refer to post-traderships and other recent illustrations of rascality. It is not necessary to hint that during many years this very War Department has been honey-combed with fraud, and that but a few of those officers on the frontier posts had the courage to announce these frauds to the public or to the Government. I know men now say that they knew of this abomination all the time; but why stand by fearfully subordinated without the nerve to call a halt upon this progress in vice and fraud? And yet, sir, in the face of these revelations, and while impeachment stands in *terrorem* over the late head of this very Department, and with a soldier Chief Magistrate reckless of just accountability, and his brother a convicted stipendiary of corrupt post-trading, we are asked in the open sunlight of these scandalous truths that have startled the nation and the world to place the Indian Bureau under a system which connects so much fraud with its force.

If the Indian service, which should be entirely peaceful in order to be economical and just, is to be transferred to the War Office because of the corruption of Indian agents and contractors, let us first purify the military service in the War Office. Let us sweep away the rotten *débris* before we build a new structure. Let us first ascertain the length and breadth of this confessed corruption. Let us be in no haste to give these Indians, against their protest, over to irresponsible force and unexampled fraud.

MILITARY OMNIPRESENT.

If, Mr. Chairman, the military should take charge of this civil service, why not have it in every branch of the service, as we have had it around the ballots and the Legislatures and the courts of the South? Is it not said to be constituted of most honorable men? Has it not stern systems of account and penalty? Are not its teachings rigorous and its officers unsullied? Suppose we grant all this, and what is the consequence? But how is it? Many of the officers in the Army are honest gentlemen, doubtless; but it is an insult to suppose that the only honest gentlemen in this country are educated at West Point. It is a mistake

to imagine that every military officer is a modest, truthful, humane man. I will not go so far as an old writer, who said the Gods never made a polite soldier. The members of this House, who are ex-soldiers, forbid the ungallant remark. But this remark may be hazarded: that there are profanity and drunkenness and vice among Army officers as well as elsewhere. They are educated to exercise power; and Army officers in all ages and countries have not hesitated to exercise it harshly when it suits their whim or convenience. Is it claimed that they are more honest than other men? It is to be hoped that men who have been educated at a great expense to the Government and given positions of high honor and generous pay for life are not quite so likely to steal as poor devils who were never educated at all and who have no secured future; but is it possible that among the tens of thousands of young men who leave our families, seminaries, and colleges year after year, the sons of cultured, honored people, there cannot be found a sufficient number to fill honestly and faithfully the civil offices of the Government? If that be so, the sooner we establish schools to educate, at the expense of Government, boys who are to have a life-tenure of all the offices the better. But, if the Indian agencies are to be turned over to the Army simply because we cannot get honest agents in civil life, why stop there? Why not give the Army control of the Land Office or the collection of internal revenue? Why not have the mail contracts let by Army officers? If a warrior is to be chosen for peace, and the War Office is to be the organ of civilization, why may not the soldier be detailed as bank examiner or a troop of cavalry deliver letters in our big cities? Frauds are alleged to exist in almost all the Departments of the Government. Even the War Department, as I have said, is not free from suspicion.

O, yes; carry out the logic to its finality. Let us have a private at the light-house, a corporal to manage the boats of the life-saving station, a sergeant to watch the smuggler on the frontier, an adjutant to collect statistics, a sutler to run our Printing Bureau, a lieutenant to collect the whisky tax, a captain to run the custom-house, a judge-advocate to decide upon the Alabama claims and write letters about guilty witnesses, a drum major to distribute seeds, a quartermaster to issue patents for bee-hives, a commissary for Secretary of the Interior, a paymaster as foreign minister, a major as Sergeant-at-Arms of the House of Representatives, a chaplain of the Army to pray for the Senate, a company to run the Bureau of Education, a battalion to man our iron-clads, a regiment in place of the girls in the redemption bureau, and, if it would not make too much of an innovation, a general and his aids to run the White House, while brigadiers by brevet should swell under the stoles of our supreme judges! [Laughter.]

PENSION TRANSFER.

It has already been suggested by the gentleman from Pennsylvania [Mr. JENKS] in a bill that we should employ the military for pension purposes, and perhaps this is the most sensible, if not economical, of all these recommendations. His bill will save us over a half million; and, as he so clearly showed us on the 15th of March, there is a close connection between pensions and the War Office, which would facilitate and cheapen the service. True, there are negligence and fraud in the Pension Office, but that should be cleared. It is not for that reason but for other reasons that I find myself an advocate of the plan of the gentleman from Pennsylvania.

THE ECONOMIES.

In the present financial condition of the country it would be strange indeed if this suggestion as to pensions as well as to Indians did not meet with favor, since it has the flavor of economy in it; and I shall be much surprised if it be not pressed with energy by a class of men professing to be advocates of economy.

I am aware that the expenditures for the Indian service have increased rapidly in the last few years. I am also aware that the service is not in a satisfactory condition, and many persons believe that under what is known as the "peace policy" corruption has been and now is as prevalent as at any former period.

The bill under consideration, Mr. Chairman, is based on economy. The Committee on Appropriations seem to have accepted this bill, as well as the bill in relation to the transfer of the Pension Office to the War Department, as in the line of retrenchment. The chairman of that committee has left this proposition in the last clause but two of the legislative bill, so that Congress may pass upon the transfer before we make the appropriation. This is wise. Those who wish to assist the committee in its strenuous and laudable efforts for reform will be glad to hear a full debate of this subject before the short debates are concluded upon the legislative bill. I doubt not that the Committee on Appropriations will cheerfully concur in the action of the House on this bill, when that action is ascertained. It is no antagonism to the principles of retrenchment, but in my judgment a vindication of them, that leads members to hesitate before adopting this policy of transfer.

COST OF KILLING RED MEN.

I have read carefully the speech of the gentleman from Texas, [Mr. THROCKMORTON,] whose superior sources of information and his locality near the border naturally color his views and give emphasis to his judgment. He has made a special study and statement of what may be saved by this transfer. I will not contest the exactness of his calculation. His saving runs into the millions by the proposed transfer, from his stand-point. But it seems to me, sir, that he mis-

takes in failing to estimate the expensive alternative should this transfer be made. Has he calculated what it will cost to keep up the Army for Indian warfare? It was stated some time since by a gentleman from Minnesota, in 1867, that it cost over \$6,000,000 for a regiment in the Indian country. "One Indian was killed," said Senator WINDOM; "\$6,000,000 for one Indian, and it is doubtful whether he is dead or alive." [Laughter.]

I have before me a statement of the cost of our Indian wars. Before, however, dilating upon that, allow me to say that in 1849 Congress created the Department of the Interior and transferred the Indian Bureau to that Department. Since that time the Army has had more or less connection with the Indian service; and the great bulk of the expenses of the Army has been in consequence of that connection. The entire military and civil cost of the Indian management under the present mixed policy, if we include the twenty regiments of soldiers, ten of cavalry and ten of infantry, will be a little short of \$40,000,000 per annum, instead of the seven millions as represented in our Indian appropriation bills. If it costs \$2,000,000 a year for a cavalry regiment and \$1,000,000 for the infantry, the \$40,000,000 can easily be made up from other details which it is not necessary now to consider.

Why did not gentlemen-economists cut down the Army? Was it because of such protests as this from Colonel Kautz, and addressed to the chairman of the Military Committee? Hear him:

I should consider it very expensive in the end to reduce the Army further. A hundred thousand men would have saved the expenses of the late war, and what that war cost the country would have maintained such an army for more than a hundred years; in fact one-half the interest the country now pays on the national debt would support such an army throughout.

Our Army is all on duty. Not a soldier of the cavalry and infantry but what is practically standing guard over from fifty to one hundred savages, while the two thousand five hundred artillery-men are taking care of the armament and fortifications for the protection of seven thousand miles of coast.

The reasoning of such officers did not prevail to keep up salaries; but they did prevail with committees to preserve the 25,000 rank and file and the supernumerary officers. What reasoning it is! It requires no answer.

CUT DOWN THE ARMY.

It must be remembered that it costs a little less than \$1,000 a man in the Army. Why not, you economists of the House, strike off or cut down your Army? It will yet bear a reduction of 10,000 men. But the experiment of the gentleman from Ohio, [Mr. BANNING,] however much we may applaud it, does not go to the root of the matter. It does not reduce the existing force at all. It provides for an Army of 25,000; more than double what is needed. I agree with the gentleman from Texas that the Rio Grande needs protection and that the forts need manning in the Indian country; but what other utility has this armed machine, with its constant wastes and its exposure to abuse? My friend from North Carolina [Mr. SCALES] states that in 1874 Sheridan had 18,000 troops in the Indian service alone—three-fourths of the Army. May not this expense be lessened by other agencies and with benefit? Gentlemen differ, however, as to the saving by this transfer. The gentleman from Texas [Mr. THROCKMORTON] estimates a saving of a million by the transfer; the gentleman from North Carolina [Mr. SCALES] reckons the saving at \$300,000. It is easy to cipher out how much can be saved by striking off 10,000 privates; it is easy to reckon what utility can be subserved by dispensing with 10,000 bayonets in southern elections. If you would put the Army on a cheap footing, cut down not merely the salaries of the officers, but dismiss the supernumerary officers and men. The saving would be at least 5 per cent. on \$350,000,000 of our bonds.

The gentleman from Ohio, [Mr. BANNING,] for whose bill I voted, has not recognized the full extent of the reduction demanded by the people in these times of luxury among the few and suffering among the many. It was the hope of this House at its beginning that the implacable demand of our people for retrenchment would be heeded and that the military establishment would be brought down to a republican standard. We want no standing army either for the South or the frontier. We want no more partisan duty for the bayonet. We want no more Gatling guns to repress liberties and no swords drawn over legislators at the call of United States marshals or State governors. What we want is a restriction on the aggrandizement of the power of the War Department and of the Commander-in-Chief, who is President.

Does the House remember an order which I read to them issued by Mr. Belknap forbidding officers of the Army to give information as to military matters to Congressmen, or give advice for the conduct of military forces to legislators, except they were in harmony with the Department of War itself? Is such a Department, capable of issuing such orders without protest, handling so many millions of dollars and such immense patronage, the one to which we must ever defer as to the civilization and moralization of our Indians? Do we not know that the sound of our gun and the presence of uniformed soldiers upon the border and on the hunting-ground and reservation inflames, instead of conciliates, hostility? The recent Commissioner of Indian Affairs threw a little tub to the whale in his report, in which he recommended the War Department as preferable for the supply of subsistence and clothing, amounting to two millions. He gave, as General Sherman does, some plausible reasons for this recommendation.

But, Mr. Chairman, let us remember the law of human nature. If the military through the policy of economy is made to distribute the food and clothing to the Indians, will not the Indian cease to regard

the agent and lose his respect for his authority? He will look at the donor perhaps with fear and trembling, but not with love and kindness, when that donor is the military man.

INDIAN WARS CAUSED BY SOLDIERS; THEIR COST.

I have said that our Indian wars have been under the direction and control of the War Department. I may go further and say that for more than half the period while the Bureau was under that control it was occupied in wars, more or less unjust, against the Seminoles, Sacs and Foxes; not to speak of troubles with the Creeks and Cherokees. It can also be shown that since the Bureau has been under the Interior Department the military stationed in the Indian country have been responsible for most of the wars. It was the cause of the Sioux war in 1855-'54. That war arose, like the fire at Chicago, from a cow; a lieutenant and his squad began the killing and wounding, and the expenditure of \$20,000,000, besides hundreds of lives and immense loss of property, was the result.

The Chivington massacre, the Cheyenne war, culminating in the Sand Creek massacre, started with a lieutenant. Forty millions was its cost. The violation of treaty stipulations in Dakota cost us many lives and many millions of dollars. Was it not so with the Cheyenne war of 1867, the Navajo war in New Mexico, not to speak of others, all costing us millions in money and hundreds of lives? Let us, sir, separate the Army from the Indian in so far as is possible, unless we would have a repetition of the seven-years Seminole war, which cost fifteen hundred lives on our part and fifty millions in treasure. At the same Indian death-rate our 300,000 Indians when exterminated will have cost a million of dollars each, and at the rate of one Indian to kill per month it is calculated that he will be exterminated in 25,000 years, at an expense of three hundred billions of money. If our previous experience is to be reproduced, then twenty-five whites are to be slain for every Indian, which, by a similar calculation, will bring about the slaughter of 7,500,000 of our people.

But all this calculation is an absurdity. It is impossible for the American people long to acquiesce in a system of extermination without mercy. Allow your whites to break faith and push in on the Black Hills, allow your military to treat the Indian according to the code laid down by the chairman of the Military Committee of this House, and you break down all that has been done for the Indian in the past, and leave us without our ameliorating agencies and tendencies for the future, by which I mean agricultural and mechanical tuition, for which all agree the soldier is unfit. We must regard the Indians as they are. With rare exceptions they seldom make war without provocation. But when the war comes, as come it will, under Army auspices; when it comes, and come it will when power seeks to aggrandize itself; when it comes, as come it will when the dispensation of patronage goes hand in hand with mere power, the necessity for war will be easily created to give employment to a Department that has no other *raison d'être* than force and slaughter.

LESSONS FROM ALGERIA.

Would gentlemen disdain to consult the policy of other nations, or the history of the treatment of other tribes by civilized nations, to reach a proper policy? I have been in Algiers. Time will not allow me to state the number and variety of the tribes with which the French for so many years have fought in that dependency of France. The long war of France against Abd-el-Kader and the Marabouts was intensified by the differences of religion, peculiarity of country and climate; and it never could have ended in the permanent subjection of even the most civilized under the finest military system then existing but for the arts of peace and the policy of persuasion. A marshal of France, once governor of Algiers, at a public dinner in Paris gave this toast: "To the pacific union of the great human family by the association of individuals, nations, and races! To the annihilation of war! To the transformation of destructive armies into corps of industrious laborers, who will consecrate their lives to the cultivation and embellishment of the world." In the spirit of this sentiment Algiers was reconciled; and the most warlike of their tribes, the Kabyles of the Atlas, were induced to take up the pursuits of agriculture and the mechanic arts.

Standing upon one of the mountain heights in Eastern Algeria I counted one hundred and seventy prosperous Kabyle villages.

[Here the hammer fell.]

Mr. WILSHIRE. I hope the gentleman will be allowed to proceed. No objection was made.

Mr. SPARKS. Before the gentleman proceeds, will he allow me to ask him one question?

Mr. COX. I must respectfully decline. It would be difficult for me from the mountain height on which I stood when my time expired to descend to the level of the gentleman from Illinois. [Laughter.] I know that he stands much higher than I do in one respect, and perhaps morally and intellectually too, but, if he had been on that mountain height, I think I might have overtopped him on this question, even as a pigmy upon an alp. [Great laughter.]

There was but one fort with five hundred soldiers amid 600,000 people. Markets for animals and fruits and coals and everything needed for comfort are held periodically. Thousands of the natives who attend these fairs go buzzing about their barter like so many bulls and bears in a New York exchange. Prosperity was on every hand. What was the secret? The native laws and customs were not interfered with. Their system was home rule. Their villages were made up of

so many families, each electing a local legislator and a mayor yearly. They met *en masse*, voted *à viva voce*. They had a parliament, whose speaker was the responsible intercessor between the French and the people. I have seen these Kabyle mayors and legislators sitting serenely cross-legged in their courts giving advice and establishing justice, while hundreds of anxious suitors were waiting decisions as to their rights of person and property. The secret of this prosperity and peace was the promise, never broken, to conserve their domestic institutions, and on that promise the military rule was mitigated and French domination became elevating and honorable.

As in Algiers so in Canada, the military are not a perpetual menace, nor are the government agents a perpetual fraud. What warrant is there in history or in humanity for a nation which has enfranchised five millions of blacks for treating the Indian as a beast of prey? Why should our boasted civilization keep up the warfare upon the red race while trying to reconcile the blacks to new and better conditions? Why should hostility toward the Indians be encouraged?

OLD QUARREL BETWEEN CIVIL AND MILITARY, FOR INDIAN CONTROL.

At intervals for more than twenty years the military arm has made efforts to capture the Indian Bureau. During all that time it has thwarted the work of the civil department in its management of Indian affairs. Instead of acting in harmony with and properly aiding the officers in the civil service in charge of the Indians it has placed obstacles in the way. It has thus retarded the work of civilization, encouraged trespasses upon the Indians, resulting in hostilities and the sacrifice of the lives of the Indians and the contiguous frontier settlers as well.

In all these years Congress has signally failed to do its duty. Appeal after appeal has been made to it to legislate so as to protect the Indian in his rights and at the same time shield the honest frontier settler from the horrors of Indian wars. Occasionally a spasmodic effort has been made in Congress looking to some future action on this important subject, but before anything was accomplished, the subject was dismissed from consideration. Hence the years have passed and the interests of this race of men have been neglected. To-day it is the saddest sight on our continent to contemplate the condition of these helpless people.

In my judgment two elements have combined, and their influence has been potent in negating every proper impulse that has heretofore shown itself in the halls of Congress. These elements are the Army, which has desired to wrest Indian management from the civil service, and the heartless, avaricious, and corrupt men who make plunder and gain from all the complications and disturbances that grow out of the unsettled condition in which our Indian affairs are kept.

NEGLECT OF CONGRESS.

In throwing open the country west of Iowa, Missouri, and Arkansas to the settlement and occupation of the whites, the United States should have made provision for the care and protection of the Indians. This was not done, however, and in 1856 the Commissioner of Indian Affairs in his annual report, dated the 22d of November of that year, called the attention of Congress to the necessity for such legislation as the exigency demanded. No heed was given to the suggestions of that officer, and the same fate has met all subsequent suggestions looking to a proper solution of our Indian affairs. The influence of the Army has always been against the views of the Indian Bureau when its efforts have been for the amelioration of the condition of the red man. I regret to say that the Bureau has not always stood up manfully against the impertinent interference of the military, and in all instances where it has failed the Army has made an aggressive movement and untold injury has resulted.

But I must return to the question of the transfer of the Bureau. It is time this question was settled and settled forever, for so long as it remains open for discussion it is pregnant with injury to the Indian and to all inhabitants adjacent to them. Both suffer and the Treasury of the nation is depleted as a necessary result.

The transfer of the Bureau to the War Department, then, means force in the management of Indian affairs; force begets outbreaks, and war follows. As an economic measure it is a delusion. If the Army was entirely withdrawn from the Indian country, economy in the Indian service would follow. A single Indian war on the smallest scale, as I have shown, will deplete the Treasury of millions. All such wars ought and could be avoided. But they never will be until the military is given unmistakably to understand that its officious interference will not be tolerated.

JOINT COMMITTEE AGAINST TRANSFER, 1866-'67.

About the close of the civil war Congress appointed a joint committee of both Houses, consisting of Messrs. Doolittle, Foster, Ross, Nesmith, Higby, Windom, and Hubbard, directing it to inquire into the condition of the Indian tribes and their treatment by the civil and military authorities. This committee made their report January 26, 1867, through Senator Doolittle to the Senate. It is a document of more than five hundred pages. It discussed this question, and its conclusion was in these words:

Weighing this matter and all the arguments for and against the proposed change, your committee are of the unanimous opinion that the Indian Bureau should remain where it is.

BOARD OF COMMISSIONERS AGAINST TRANSFER.

On the 20th of July, 1867, Congress passed a law creating a board of commissioners the object of which was "to establish peace with certain hostile Indians; and said board was authorized to call together the chiefs and head men of such bands of Indians as were then waging war for the purpose of ascertaining their reasons for hostility, and, if thought advisable, to make treaties with them having in view if possible the removal of the causes of the war, and as far as possible to secure the frontier settlements and the safe building of our railroads to the Pacific coast, and to suggest or inaugurate some plan for the civilization of the Indians. I gather the substance of the duties of this commission from the text of their report. From my reading of the current history of the times, I would amend this text by substituting that the war was waged by the whites and not by the Indians, and that the latter were only acting in self-defense.

This peace commission was composed of N. G. Taylor, Commissioner of Indian Affairs; Hon. J. B. Henderson, Senator from Missouri; John B. Sanborn and S. F. Tappan, civilians; and Generals Sherman, Harney, Terry, and Augur, of the Army. On the 8th of January, 1868, this board of peace commissioners made a report to the President. It will be found in the executive document of that time, and to it I ask your attention. In it this commission treats of the question of the transfer of the Indian Bureau to the War Department. Remember, Mr. Chairman, that the Army had a full and able representation in this commission. General Sherman himself, just quoted by the gentleman from Illinois, [Mr. SPARKS,] concurred in this report. From this and other reports, which I have not time to read at length, I ask to be permitted to print an extract, which is as follows:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the Bureau should go the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us we cannot now advise the change. The military arm of the Government is not the most admirably adapted to discharge duties of this character. [To educate and instruct in the peaceful arts.] We have the highest possible appreciation of the officers of the Army and fully recognize their proverbial integrity and honor, but we are satisfied that not one in a thousand would like to teach Indian children to read and write or Indian men to sow and reap.

Again, and in the same report, the commission say:

We believe the Indian question to be one of such momentous importance, as it respects both the honor and interests of the nation, as to require for its proper solution an undivided responsibility. The vast and complicated duties now devolved upon the Secretary of the Interior leave him too little time to examine and determine the multiplicity of questions necessarily connected with the government and civilization of a race. The same may be said of the Secretary of War. As things now are it is difficult to fix responsibility. When errors are committed the civil department blames the military; the military retort by the charge of inefficiency or corruption against the officers of the Bureau. The Commissioner of Indian Affairs escapes responsibility by pointing to the Secretary of the Interior, while the Secretary may well respond that, though in theory he may well be responsible, practically he is governed by the head of the Bureau. We therefore recommend that Indian affairs be committed to an independent bureau or department. Whether the head of the department should be made a member of the President's Cabinet is a matter for the discretion of Congress and yourself.

I most cordially indorse the recommendation of the commission. Let the Indian service be confided to an independent department, and the head of it made a member of the Cabinet. This done, the service would at once be emancipated from its confused condition. Disturbances, outbreaks, and wars would then be the exception, and not, as now, the rule. The condition of the Indian could then in reality be improved, and his domestication and civilization assured, and a vast saving of money would assuredly follow this new relation. Could I reach the heart of every member of Congress I would implore each and all to unite in this measure of emancipation of the red race, confident in the happy results that would follow.

The question naturally arises, why did not Congress act on the subject and adopt the policy recommended by the commission created by it? In the commission the military was ably represented, and there was but one voice, and that was, to make the Indian service an independent department.

During the fall of the year 1867 this commission made treaties with certain tribes of Indians, among whom were the Cheyennes, Arapahoes, Kiowas, Comanches, &c., and, closing their labors for the season, repaired to Washington and made their report to the President, on January 7, 1868. But it had not then closed its labors, but had further work in view for the season of 1868. In 1868 various treaties were made, among which were those with the Sioux, Crow, Snake, and other tribes. On the 8th of October, 1868, the commission convened in Chicago, General Sherman and all his military associates being present. Commissioner Taylor and Messrs. Sanborn and Tappan were also present. Ex-Senator Henderson was absent. At the date of the Chicago meeting the Government had not taken a single step toward fulfilling the stipulations of the treaties made by the commission except that some few had been ratified by the Senate, though a number were not then ratified. The Indians had ceded their respective lands to the Government and in return were to be provided with reservations designated in general terms in the treaties, but none of the boundaries had been defined, no agency buildings provided, and, but for a right guaranteed in the treaties to the Indians to roam and hunt on lands adjacent to the reservations, they were without a place to dwell. It was, in my judgment, the duty of the

commission to see to it that prompt action was taken by all departments of the Government to fulfill its obligations to the Indians as the same were expressed in the treaties. In the homeless condition of the Indians grave duties were imposed upon the commission, and how did it meet them?

THE BOARD RECONSIDERS ITS LAUDABLE ACTION.

In its deliberations at Chicago on the 8th day of October, 1868, by the vote of the military part of the commission, it was resolved that the treaties it had made with the Indians should be broken in this, that the clauses guaranteeing the right to roam and hunt outside of the reservations should be abrogated, the Indians compelled by military force to go upon their reservations, the boundaries of which had not then and to this day some have not been defined, and further, as the judgment of the commission, that the Indian Bureau should at once be transferred from the Interior to the War Department. This proceeding at Chicago is, you will observe, the work of the very same military gentlemen who united in the report of January 7, 1868, to the President. Such gross inconsistency has no parallel, that I am aware of. General Grant was at Chicago at the date of the meeting, and, it is said, concurred in the action there taken, whereupon the commission adjourned *sine die*, leaving its great work in an unfinished condition, not even, so far as I have seen, making a report of its doings during the summer of 1868.

Now what evil, malign influence operated to produce this extraordinary action on the part of this commission?

SHERIDAN ON HIS INDIAN RIDE.

In the spring of 1868 General Sheridan was transferred from New Orleans to the command of the Department of the Missouri. In a very short time after his assuming the command of that department he did not fail to condemn the work of the commission then treating with the Indians. He expressed it that the commission had pursued a mistaken policy; that, instead of treating with the Indians, they should be punished; as he during the season expressed it officially, the Indians should be "soundly whipped, their ponies killed, the ring-leaders hung, and such destruction of their property as will make them very poor." That was his remedy and the mode he would adopt to civilize the red man. During the spring General Sheridan made a tour of inspection to the military posts on the Arkansas, and he found about Fort Dodge some of the Comanches, Kiowas, Cheyennes, and Arapahoes with whom the commission had made treaties the fall previous, and he states that the Indians asked him "to have an interview with them; which he declined, stating to them that he was simply visiting the military posts to learn their condition and that of the soldiers, and that he was not authorized to talk with them."

It is to be observed that the Indians who sought this interview with General Sheridan were the same Indians that by the treaty of Medicine Lodge Creek had ceded their country to the Government, and were to have as a permanent home a reservation set apart for them south of the State of Kansas, but nothing had then been done to prepare it for occupancy. He found them near a military post, not in a hostile attitude. He refused them an audience, but was willing to hear others, and says:

From all I could learn at Dodge there appeared to be outspoken dissatisfaction on the part of the Indians to removing to the reservation assigned to them by the treaty of Medicine Lodge Creek of the previous fall. I learned from officers and others that all the tribes considered the treaty of no importance, save to get the annuities promised them in it, and that they did not intend to remove to the reservation.

I am satisfied that had General Sheridan allowed these unlettered men to tell their own story to him, he would have learned that they were awaiting some one to inform them when they could be placed on the reservation and that they were impatient of the delay on the part of the Government. But he would not hear, preferring to listen to those who had schemes of their own and whose views harmonized with his own. He had decided in his own mind that the Indians should be "punished," and to justify his action they must be adjudged hostile; and he immediately set about the work of preparing for a military campaign against them. By what authority he inaugurated his campaign I know not. His theory was to get ready by fall with a large force and make what he termed a winter campaign "against the hostile Indians south of the Arkansas," and prove to the Indians that they would be soundly whipped during the winter, their leading men killed, their property destroyed, the tribes reduced to extreme poverty, and thus the Indian problem be solved. These Indians were not hostile, but he determined they should be. Before the meeting of the peace commission at Chicago in October, 1868, General Sheridan had his military plans perfected, and five different columns of troops were in the field, covering the territory between the line of the Smoky Hill Fork and the Republican Fork toward the north and the Cimarron and Canadian Rivers on the south. This formidable military movement was in direct conflict with all that the peace commission had been and were then doing, and contrasts strangely with the views expressed by that commission in its report of January 7, 1868, to the President. Instead of rebuking this restless man, the commission, at its Chicago meeting, yielded to his views, encouraged his movements, repudiated its own work, and by a *sine die* adjournment left General Sheridan master of the situation. His campaign was a very expensive one, and its climax an outrage that has no parallel in barbarity: the assassination of Black Kettle's band

of friendly Cheyenne Indians on the Washita River, where they were legally and peacefully dwelling.

In June, 1869, General Sheridan issued an order in which the following paragraph appears:

All Indians, when on their proper reservations, are under the exclusive jurisdiction of their agents. They will not be interfered with in any manner by the military except upon the requisition of the special agent resident among them, his superintendent, or the Bureau of Indian Affairs at Washington. Outside the well-defined limits of their reservations they are under the original and exclusive jurisdiction of the military authority, and as a rule will be considered as hostile.

This order is without lawful authority; it is a gross usurpation. It is to this day in force, and under it Indians are punished even to death. And here we have this strange condition of things: A board of peace commissioners, of whom General Sherman is one, making treaties with the Indians by which the right is guaranteed to them to roam and hunt outside of their reservations, and when found in the exercise of this right they are, under General Sheridan's order, regarded hostile, and remorselessly killed. Who can justify such conduct? And what kind of custodians of the Indians would the officers of the Army be who are guilty of such flagrant injustice? In such a state of things who can expect the Indians to be passive or that Indian outbreaks will not occur?

PIEGAN MASSACRE.

Does the House desire further evidence of ruthless massacres? Read the history of the Piegiens and their massacre. I have it before me and from it I quote—

Mr. MAGINNIS. By whom?

Mr. COX. By Colonel Manypenny, former Indian Commissioner under President Pierce.

Mr. MAGINNIS. What does he know about it?

Mr. COX. He has been following the scoundrels about the Indian Department from the time he left the service as Indian Commissioner. He fought the Army, too, when Jeff. Davis had much to say about Indian affairs from a military stand-point. He has never flinched from his duty as a friend of the Indian; and his authority with good men is absolutely true.

Mr. HANCOCK. I ask the gentleman to yield to me.

Mr. COX. No, sir; not now.

Mr. HANCOCK. I do not think he was in the service much.

Mr. COX. The gentleman from Texas has his speech already handsomely attached to the committee's report. I read it with great interest, as I do everything which comes from a man who bears so distinguished a centennial name. I read his remarks about the Indians with more than ordinary interest; for does he not tell the committee that the Indian is capable of great things? Did he not find among the Mexicans Indian poets? Did he not find their best president, Juarez himself, to be a pure Indian? Did he not find that a large body of the best of the Mexicans were Indians; and does he not believe that they are capable of improvement? He actually believes, without the doubt expressed on this side by others, that the Indian is capable of advancement; but, alas! he would place him under the Army. He knows not what he does. Perhaps his judgment may be colored by his associations on the border. I know there have been ruthless, horrible Indian barbarities upon his border. I would not fail by my vote to protect that border, as he well knows from my previous conduct here, as well from the Mexican marauder as from the treacherous savage. But the border is not the place to settle this question in a philanthropic, statesman-like view of it, if he will allow me to say so. Every border-man, I suppose, is in favor of the extermination of the Indians, or nearly all.

Mr. HANCOCK. You do injustice to the border-men.

The CHAIRMAN. Does the gentleman from New York [Mr. Cox] yield?

Mr. COX. I must decline to yield. I do not mean all the border-men; I mean all the border Congressmen, [laughter,] except the one gentleman from Arkansas [Mr. WILSHIRE] who so nobly stands up in vindication of the red man of his neighborhood.

Let me proceed with the Piegan narrative.

General Sheridan concluded in October, 1869, that in the civilizing treatment of the Piegan Indians it was necessary to punish them, and that it would be the best plan to let him "find out exactly where these Indians are going to spend the winter, and about the time of a good heavy snow he would send out a party and try and strike them. About the 15th of January they will be very helpless, and if where they live is not too far from Shaw or Ellis we might be able to give them a good hard blow. * * * We must occasionally strike where it hurts, and if the General-in-Chief thinks well of this I will try and steal a small force on this tribe from Fort Shaw or Ellis during the winter."

On the 4th of November, 1869, General Sheridan was advised from headquarters at Washington that his plan for punishing the Piegiens was approved by the General of the Army; that is, by General Sherman.

Preparations were therefore commenced, and Colonel Baker was selected, General Sheridan informing General Hancock that he (Sheridan) had had a personal conference with Baker on the subject when the latter was at Chicago on his route to Fort Ellis. General Hancock was admonished that the greatest care should be taken to keep the Indians from gaining any information on the subject.

The result of the expedition is announced in General Orders No. 1,

headquarters at Chicago, March 12, 1870, by General Sheridan, in which he "takes great pleasure in announcing to the command the complete success of a detachment of Second Cavalry and Thirteenth Infantry under command of Brevet Colonel Baker, of the Second Cavalry, against a band of Piegan Indians in Montana. He concludes the bulletin thus:

One hundred and seventy-three Indians were killed, three hundred horses captured, and the village and property of the band totally destroyed.

The Lieutenant-General cannot commend too highly the spirit and the conduct of the troops and their command under the difficulties and hardships they experienced in the inclemency of the weather, and as one of the results of this severe but necessary and well-merited punishment of these Indians he congratulates the citizens of Montana upon the reasonable prospect of future security for their property and lives.

Lieutenant Pease, who was for the time being the agent of these Indians, reported the result of the expedition, as he was in duty bound to do, to General Sully, then acting as superintendent of Indian Affairs, and the latter made report to the Indian Office, at Washington. From Lieutenant Pease's report it seems that of the one hundred and seventy-three Indians killed only fifteen were what might be called fighting men, that is, men between the ages of twelve and thirty-seven years. Ten were from thirty-seven to sixty years of age, and eight additional were over sixty years. Fifty children under twelve years of age were killed. The village had been suffering for over two months with the small-pox raging in it, and some half dozen were dying daily.

The band attacked and thus destroyed were Red Horn's band, against which no charges of hostility had been made, and General Sully remarks in his report that it was to be regretted, since it was thought necessary to chastise a portion of the Piegans, "that Mountain Chief's band was not the band that suffered;" but this band was across the line in the British possessions.

The report of General Sully, which was simply the substance of that of Lieutenant Pease, in fact the transmission of the report of the latter to the Indian Bureau, as it was his duty by the regulation to make, so incensed General Sherman that he wrote to General Sheridan that—

General Sully, by communicating by telegraph the particulars of the fight for the use of Mr. Collyer did an unofficial and wrong act, and this will in the end stand to his discredit.

I give this as a sample of military treatment of Indians. It gave General Sheridan pleasure to announce to the Army the complete success of Baker without, to be sure, going into "the particulars of the fight;" and, when these are given, the General of the Army, though approving of the deed, is indignant at the officer who in the discharge of his duty states officially the facts in the case.

If the policy of butchering peaceful bands of Indians, even to women and children, is good, then the victors make fame by the publication of such achievements. To approve and order this to be done and then to denounce it as an offense on the part of the officers who tell it, is to notify all such that the public must not be apprised of the actual facts, and if the Indians be under Army treatment such cruel acts will inevitably be smothered.

In every aspect in which I view this question I turn away from the idea of giving the treatment of the Indians to the Army. The Piegan matter will show the unscrupulous and heartless conduct of the "high military officers," and this runs down through all grades. There are exceptions, to be sure, but they are few and would have no place or influence in the new order of things.

ARMY INFLUENCES.

General Sheridan on all occasions urges the transfer of the Indian Bureau to the War Department, and if the thing be accomplished, no man in the Army would exercise equal influence with him in the management of our Indian affairs. He believes in extermination. He never speaks of any other kind of treatment toward the Indians but that of force. They must be "punished;" they must be struck "a hard blow;" they must be "wiped out." Such expressions as these are favorite terms with him.

General Sherman holds that extermination is proper, having expressed the sentiment in an official paper thus:

We must act with vindictive earnestness against the Sioux, even to their extermination, men, women, and children. Nothing less will reach the root of this case.

With such sentiments as are held by the General and Lieutenant-General of our Army, how admirably they would minister President Grant's "peace policy!"

THE ARMED PEACE POLICY.

Practically, ever since the "peace policy" of the President has been in operation, the Army, under Sheridan's order of June, 1869, has had the discipline of all Indians found outside of the well-defined limits of their reservations, and he has administered to them such treatment as may be expected in the future should the tribes be turned over to the tender care of the Army. I might cite, too, the operations of the Army from year to year, and give some appalling facts in the way of showing how rapidly the Indian population, by the surprise of peaceful villages and their slaughter, is being decimated. I could cite the exploits of Custer, Carr, Crook, Baker, &c., and show how remorselessly a war of extermination has been waged; and I am pained to say that I look in vain for any proper remonstrance against these outrages on the part of the board of Indian peace commissioners of whom the

Hon. Felix Brunot was president, or of the mission boards of the various churches to whom the selection of agents was remitted, or even the Indian Bureau itself. On the contrary, these humanitarian gentlemen have been lavish in their compliments to Army officers for their courtesies and aid, and some have expressed the opinion that such military gentlemen as Sherman and Sheridan are more in sympathy with the "peace policy" than the Christian churches.

BLACK KETTLE MASSACRE.

Before I close I must give an insight into the manner in which the Army officers present to the untutored Indian their view of civilization.

General Sheridan's formidable and expensive campaign of 1868, against what he called the hostile Indians south of the Arkansas, resulted in the destruction of Black Kettle's band of friendly Cheyenne Indians. In the official report of the affair, which General Custer calls "the battle of the Washita," Custer says that on the morning of the 26th of November, 1868, his command struck a "trail of an Indian war party" at a point where the Texas boundary crosses the Canadian River, the direction of the trail being toward the southeast. He abandoned his wagons, tents, and all impediments to a rapid march. From daylight until nine o'clock at night the pursuit was unchecked. The horses and men were then allowed one hour for refreshments, and at ten o'clock the march was resumed, and continued until half past one o'clock at night, when the Osage Indian trailers reported an Indian village within one mile in advance. This was Black Kettle's village, the inhabitants of which were quietly reposing in profound sleep and unconscious of danger. General Custer withdrew to a retired point to avoid discovery, and after reconnoitering the location of the village, he and his subordinates planned the order of attack which was to take place at a given signal about daylight. The troops were thrown around the devoted village, and at dawn of day, the band playing "Garry Owen," the attack was made. "It was a complete surprise." Men charged the village and reached the lodges before the Indians were aware of the presence of the troops. The report, which I ask leave to insert in full, says:

The Indians left on the ground and in our possession the bodies of one hundred and three of their warriors, including Black Kettle himself, whose scalp is now in the possession of our Osage guides. We captured in good condition 875 horses, ponies, and mules, 241 saddles—some of very fine and costly workmanship—573 buffalo-ropes, 390 buffalo-skins for lodges, 160 untanned robes, 210 axes, 140 hatchets, 35 revolvers, 47 rifles, 535 pounds powder, 1,050 pounds lead, 4,000 arrows and arrow-heads, 75 spears, 90 bullet-molds, 35 bows and quivers, 12 shields, 300 pounds bullets, 775 lariats, 940 buckskin saddle-bags, 470 blankets, 93 coats, 700 pounds tobacco. In addition, we captured all their winter supply of buffalo-meat, all their meal, flour, and other provisions, and, in fact, everything they possessed, even driving the warriors from the village with little or no clothing.

General Custer admits that some squaws and some children were killed, but does not give the number. The fact is the slaughter was indiscriminate. About noon, and long after the "battle" had ceased, General Custer says that the Kiowas and Arapahoes under Satanta and Little Raven, who were encamped about six miles farther down the stream, came to attempt the rescue, hoping to recover the squaws and herd of the Cheyennes.

CUSTER'S PROCESSION AND SHERIDAN'S SCALP-DANCE.

General Custer made and transmitted his official report to General Sheridan on the 28th November, 1868, and then immediately set out to return to Camp Supply, the headquarters of General Sheridan, to receive in person the congratulations of that officer. So great was his haste, that he left the body of Major Elliott and a number of soldiers killed in the affair on the field unburied, to be the prey of wild beasts. Of course he gave no attention to the bodies of the slaughtered Cheyennes. His troops were wearied and exhausted and required repose, but they were pressed forward, and actually appeared at Camp Supply on the morning of the 1st of December, 1868. The column camped about ten miles distant the previous night, and a courier was sent in to herald the arrival of Custer the following morning. An eye-witness and ready writer thus describes the pageant:

Shortly after the sun had passed its meridian a cluster of dark and almost indefinable objects appearing upon the crest of the hill about a mile distant, simultaneously accompanied with shouts and the firing of musketry, announced the approach of the column. On the summit of the hill the head of the column halted for a few moments. Meanwhile General Sheridan took position in the valley to await the column which was to pass the commanding general in review. All the officers and soldiers not on duty assembled in the vicinity of the fort to witness the warlike pageant.

The column was now within a short distance of the commanding general, the Indians (the Osage trailers belonging to the expedition) shouted, the band reiterated the stirring tones of "Garry Owen," and the troopers cheered. In response rounds of huzzas from the troops of the fort shouted welcome and congratulation. In advance were the Osage Indian trailers. Before leaving camp this morning they had arrayed and decorated themselves in a manner becoming the importance of the occasion. Their faces were painted in the most fantastic and hideous designs. About their persons were dangling the trophies they had captured in battle. Spears upon which were fastened the scalps of their fallen foes were slung upon their shoulders; from their own painted scalp-locks were suspended long trails of silver ornaments and feathers; over their shoulders hung shields and bows and quivers full of arrows, while in one hand they held their trusty rifle and with the other grasped the reins.

Even the animals which the Osages bestrode were decorated with scalps and strips of red and blue blanket. At the head of the band rode Little Beaver, the chief, with a countenance as fixed as stone, yet in his bearing showing indications of self-glorification, which was apparently kept stirring and swelling higher and higher by the gesticulations and wild notes of the war-songs shouted by his warriors, intermingled with whoops and the discharge of rifles. In a moment of enthusiasm the chief shouted, "They call us Americans; we are Osages!" to which sentiment went up a responsive yell of approval. Conspicuous in this party was the young Osage warrior, Koom-la-Manche, (Trotter.) It was he, under the im-

pulse of the highest ambition of Indian valor, that singled out the great chief, Black Kettle, the terror of all the Osages, as his victim. After a severe conflict he reached the crowning point of his efforts, and bore away the ghastly scalp of the terrible chief as the trophy attaching to his success. With a mark of special attention this scalp was carefully and fantastically decorated and hung prominently among the most sacred possessions of the young warrior.

Following the Indians were the scouts, led by California Joe, a veteran pioneer of more than forty years. Joe is a hirsute-looking specimen of humanity, exhibiting an altitude of six feet, a mat of red whiskers hiding two-thirds of his face, and a long, knotty head of hair, well powdered in a series of coats of dust, intermixed with stray blades of grass, leaves, and sticks, as the vestiges of his previous night's slumbers on mother earth. Joe was a suitable figure-head for the motley band of curiously-clad, brave, adventurous, and rugged men. Next came General Custer, riding alone, mounted on a magnificent black stallion, and dressed in a short blue sack-coat trimmed with the color of his arm of the service and re-enforced with fur collar and cuffs. On his head he wore an otter cap. When General Custer came within fifty yards of the commanding general he left his position in the column and dashed up to his chief, when a warm and hearty exchange of salutations was made between the commander and his distinguished and successful lieutenant.

Next followed the living evidences of the victory—over fifty squaws and their children, surrounded by a suitable guard to prevent their escape. These were mounted on their own ponies, seating themselves astride the animals, their persons wrapped in skins and blankets, even their heads and faces being covered, leaving nothing visible but their eyes. The mothers had their offspring mounted behind them, the papoose being visible only by its diminutive head peering up over the back of the head of its mother. As many as three were mounted on some of the ponies. Without a sigh, without a glance to the right or left, this remnant of the band of the once powerful Black Kettle followed with all the submission of captives. Following them came the keen-sighted sharpshooters, commanded by Brevet Lieutenant Colonel Cook, and following the bravest men in the different companies of the regiment, in column by platoons under their proper officers.

On a separate line of march from the summit came the wagon-train pouring over the hill. In the lead were the ambulances conveying the dead and wounded. The regiment moved up the Beaver about half a mile from the fort and there went into camp.

The next evening after the arrival of this cavalcade at Camp Supply, the Osage trailers and some Kaw Indians gave a scalp-dance in honor of Custer's fete on the Washita, which is described by the same writer as follows:

The scene was one of savage effect. The burning logs in the center, the Indians painted and attired in war costumes, with spears, bows, shields, and all the trophies taken by them about their persons, performed their mysterious contortions of the body and whooped wildly as if about to engage their foe. One of the Kaw warriors stepping forward said he would be buried under the ground sooner than run from the enemy. This sentiment was received with a shout of approval. Each made his profession of bravery when he should meet the enemy. The dance lasted until a late hour. Generals Sheridan and Custer and a large number of officers witnessed the scene.

Can it be possible that treatment of our Indian population will ever be confided to the Army in which the highest officers are capable of participating in such cruel, wicked, and barbarous practices?

A PERMANENT PEACE POLICY.

The policy which should be pursued toward the Indians by the Government, not for one year, or for five, or ten, but as a permanent, well-defined, intelligent policy, should now be determined. If it is the intention of the advocates of this bill by its passage to settle the question as to the future treatment of the Indians, few if any graver questions can receive the consideration of this Congress.

The consideration of this bill involves the fate of a race. The main question in respect to it is whether the hope of the civilization of the Indian tribes is to be given up. If so, then we should adopt some plan by which we can most cheaply and efficiently protect the white people from Indian hostilities as the race gradually perishes. If it ought to be assumed, as many seem to assume, that the aborigines are destined to pass away as the buffalo is passing away, then perhaps the only question worth our consideration is whether it may not be cheaper for the Government to simply establish an efficient military police throughout the immense regions of the West to see that there shall be no flagrant violations of the peace, but allow the Indian to gradually succumb to influences for his destruction which will inevitably surround him.

A savage race always must fall before a civilized race unless the disparity of numbers is tremendously in their favor, or unless the civilized race protects and aids them. The survival of the fittest makes this result inevitable.

But does it become a great nation to assume that three hundred thousand people, who in many respects, both physical and mental, are the equal if not the superior of other races to which I have referred, which have been elevated from barbarism to civilization, are hopeless savages? If, in spite of every possible effort which we can make, that in the end should prove to be true, does it become us to assume it? Is it not our duty to make one honest, faithful, persevering, even very costly effort to avert such a doom? Do not our benevolence and fair fame demand that much?

For more than two centuries we have had an almost continual spirit, if not a state of war, broken by armistices with the Indian. He has been driven from his home, from one home to another, with little regard to his wishes and with no regard to his interests. He has retaliated for his own injuries, or supposed injuries, with savage brutality. But war, whisky, disease, and chicanery, backed by overwhelming numbers and the power of civilization, have at last put him into our power completely. He is at our feet and at our mercy. Everywhere, in every State and in every Territory, the white man is more numerous and ten times more powerful than the Indian. We have taken his land; we have destroyed his game; we have convinced him that he is powerless.

CONTRAST OF POLICIES.

Now, how shall we treat him? What shall we try to make of him? To any one not versed in the conflict on this topic the testimony collected by the Indian Committee in its report is a puzzle of contradictions. Even the members of Congress whose opinions are collated differ widely. The gentleman from Texas [Mr. HANCOCK] insists that the Indian must be civilized. He traces the blood of the Indian in the veins of Mexican poets and presidents, and does not depreciate him as a human being, even when he would place him under the Army. The Delegate from New Mexico finds the Pueblo a man who works for wages and has ninety thousand sheep, and soon to be self-supporting. The gentleman from Arkansas [Mr. GUNTER] and the Delegate from Montana evidently are afraid of the War Department. Other testimony is of a mixed nature; while another gentleman from Arkansas [Mr. WILSHIRE] has no uncertain voice as to the demoralizing tendencies of war rule. The testimony of Dr. Dart (page 33) is almost conclusive as to this lamentable result.

There are two general plans of treatment proposed: The "peace policy," as it is called, is to put the Indian on limited reservations of land, protect him on that land from intrusion and spoliation, give to him instruction in the arts of peace, and provide him such assistance as his necessities most require. That he will need much assistance is beyond a doubt. It is a long road from barbarism to civilization, and if we undertake, in one or two generations, to raise the Indian to the level which it has taken our race a thousand years to reach, it will no doubt be very costly. But at each advancing step, if the attempt succeed at all, the cost will grow less. All the evidence we have (and, as the present able Indian Commissioner states, there is much more than usually seems to be supposed) tends to show that under favorable circumstances with full protection and adequate aid the Indians are rapidly acquiring the art of providing themselves with food. Some of the tribes already produce an abundance of corn, wheat, and cattle for their own supply. This is notably the case with the civilized tribes in the Indian Territory. Before the war they had hundreds of thousands of cattle, and in a few years they will be able to count them by the million. Doubtless these Indians have advanced more than most of the others, but rapid progress is being made in many places and among various tribes. There is a constant call upon the Indian Office for supplies of farming implements and seeds. This demand is so great that it can be met only to a very limited extent.

It is not claimed, it cannot be claimed, that the supplies actually furnished are always, if ever, used with the most care, intelligence, and profit. That cannot be expected. But the fact is beyond question that real substantial progress is made from year to year, and if the present peace policy is persistently pursued and its methods improved as experience may suggest, there is good reason to hope, if not to believe, that in a few more years it will be demonstrated that the Indian may in time not only become self-supporting, but that he may, as some tribes have already become, be elevated to respectable and useful citizenship.

This policy is in its infancy. No doubt it needs much amendment in administration. Time and experience will correct mistakes and errors. Inefficient and incompetent men will have to be got rid of. The confidence of the Indians as yet is only partially acquired. He grudgingly surrenders his wild independence. He very slowly and reluctantly abandons the idea that labor is degrading. He is as tenacious of his wild customs and as averse to toil as the Scotch highlander was two centuries ago. His superstitions, his traditions, and his personal tastes all have to be revolutionized.

DIFFICULTIES OF THE INDIAN SERVICE AND HOW MET.

One of the principal difficulties which lies in the way of the successful administration of our Indian affairs arises from the fact that very much of the greater part of the service is performed in the most remote and frequently inaccessible regions of the country. Our Indian agents are not and cannot be under the same sort of constant espionage and supervision that officers in other Government Departments are. There are and must of necessity be unusual facilities in the service for fraud. But as the management is perfected, as the country is opened up, as railroads, telegraphs, and mail facilities come into more frequent use, as the agents are brought more and more under the observation and criticism of the public it is fair to suppose that the public service will become purer and more efficient.

The aim of this policy is to throw around the Indian the best influences of a Christian civilization and sympathy. We aim to send to live with him at least one upright, virtuous family. We see to send him to aid and care for him a good physician in place of his ignorant, superstitious "medicine-man." We usually send to him a farmer to instruct him in the simplest processes of agriculture. We send him a teacher to teach those of his children who can be got into school, and it is gratifying to know that many of the schools are well filled with willing scholars. Joined to all this which is done by the Government is the active, earnest, efficient help of nearly all the religious organizations of the land. Suppose you turn over to the Army the control of the Indians. What is to be gained? Of course you must put into immediate and direct management of all the tribes men whose very presence is a menace. The Indian will understand that hereafter he is to fear and obey.

BAD CONTACT—DISEASE.

The gentleman from North Carolina [Mr. SCALES] has dwelt, with no pleasure in his kind heart, upon the demoralizing influences of the Indian system, which allows contact between the baser elements of the white and red races. But he should not forget the report made to us in 1868 by the Indian Commissioner. Let him remember the results of our establishment of military posts: six or eight hundred half-breeds vagabondizing around Fort Laramie. It is the same at the Missouri forts. Fort Sumner, in New Mexico, was an illustration. Massacres by wholesale, as at Sand Creek, are as nothing to the syphilitic poisons about military posts. In the report of the committee there is testimony on this point worth considering. Peruse the statement of Dr. Dart, (page 33.) He says, somewhat vaguely but all too suggestively:

You observe—perhaps you already know the fact—that, prior to 1850, for seventeen years the Indians were under the control of the Army; and if you will take the trouble to look at Mr. Taylor's report of that matter, he will show you the enormous cost of the indiscretion of the Army in the management of the Indians. I was first brought to the views that I have now in regard to the merits of the question by noticing the great number of half-breeds surrounding the military reservations. The number is astonishing. It would astonish any man to go into the country around the reservations and see the great number of half-breed children of all ages.

Those who are disposed to peace and who wish to have their wives, young men, and children grow up and hold the lands, says Mr. Kimball, are bitterly hostile to military government, and, as we can guess, for some other reasons than the constitutional inhibition against quartering soldiers.

CIVIL SERVICE.

Mr. Chairman, we must purify our civil service. But still the service of the Government must be a civil service, except to the small and very limited extent where force is absolutely required to maintain the civil authority. I would in no case, except for that purpose alone and for the defense against a foreign foe, employ the Army.

But suppose you put an honorable, upright officer in charge of an Indian agency. What is the result? He must be surrounded with soldiers, at least as far as the employés are required. The command he will exercise over them must be despotic. What sort of farmers and millers and blacksmiths and teachers is he likely to get from the ranks of his company or regiment? In many cases, including families, there is now quite a little community of white people at the agencies, each one of whom is a missionary of civilization and culture. Can the officer with his dozen soldiers take their places? They could do so just to this extent: They could receive and distribute supplies of food and clothing, and they could compel the obedience of the Indians. The accounts might be rendered correctly. But the day this bill passes you close every Indian school. You no longer teach the Indian to farm or hold out to him the hand of encouragement and assistance. The private soldier in time of peace is, as every one knows, too often taken from the most ignorant and degraded classes of society; and these are the men whom you propose to put into daily and hourly contact with Indians of all ages and of each sex. What must be the inevitable result? The records before me show this too well and too sadly.

It may be that you can preserve the peace. But that, it is manifest, we can now do under the peace policy. Indeed, except a small band of Sioux, who have never acknowledged the Government at all, and whom the Army now is endeavoring to subdue, we are at peace with all our Indian tribes. That they are at last conscious it is better for them to remain at peace, whatever provocation they may receive, is proven by the fact that many hundreds of men are at this moment, in violation of treaty engagements, invading and occupying the reservation of the most powerful and warlike tribe on the continent without having so far excited an Indian war.

The Apaches of Arizona, numbering several thousands, who were three or four years ago at war with us, are to-day so profoundly at peace, that the agent not only has requested the withdrawal of troops from the reservation, but has organized an Indian police, who aid him in the most efficient manner in keeping in subjection to the authority of the Government those fierce warriors, and Arizona is to-day as safe to the white citizen or traveler as Maryland.

But, sir, this Indian question is not simply a question of policy. Is it not a question of statesmanship? Is it not a question of statesmanship as difficult as any which has risen in our history? For several generations we have been dealing with it in a fragmentary, desultory way, sometimes fighting the Indian at the cost of many millions and then buying a peace with him at the cost of many millions more. Sometimes we have treated him generously and sometimes meanly, rarely with justice. Sometimes he is the noble red man, dressed in all the glowing fancies of poetry; sometimes he is an unmitigated, barbarous, treacherous savage. He has done us infinite harm, and we have done him infinite harm. At last the way seems to be open to settle with him our long dispute. He is helpless; we are powerful. At last, in almost every instance, over half of our territory, he asks for peace and begs for kindness and help. Shall we turn to him a deaf ear?

The true way to deal with this Indian question is to make the "peace policy" more and more perfect. The Indian Office should have at its head a man of clear head and honest heart. He should have sufficient power and means conferred on him to do those things which in a wise discretion should be done. The duties of the office

are to some extent anomalous. In every other Department our officers have to deal exclusively with civilized men. The Indian service is among savages and those who are just rising from the savage state. As I have already said, the service is remote. In the purchase of supplies and in the aid generally to the Indians a very large discretion has to be conferred. No other officer in the Government must necessarily have so large a discretion. The soundest judgment should be exercised, and doubtless even the soundest judgment will sometimes fail. The Commissioner of Indian Affairs should make himself thoroughly familiar with all the circumstances which surround each Indian tribe, and deliberately and intelligently decide what can be done to aid them most effectually without too much cost.

If you have an able man or can get one for this work, a few years will solve the problem. I believe that, if you will faithfully fulfill all your agreements with the Indian; if you will keep white men from trespassing upon and abusing him; if you will give him a sure guarantee that he shall be protected in a suitable home; if you will keep whisky away from him, and give him for a few years intelligent aid, that he can be civilized. But at all events, whether we succeed or fail, I shall be ashamed of Congress and of my countrymen if we do not make a fair trial.

IN CONCLUSION.

Therefore, let me say, that by all the sanctions of economy, faith, justice, humanity, honor, statesmanship, and civilization, the peaceful policy is that which is kindest, wisest, and best. Besides, it is the policy of human advancement. If Rome made her mission grand by the rule of men "entirely great" who studied the arts of peace; if, in deference to classic morals and in the fulfillment of Hebrew prophecy, and as the consummate flower of the holiest of religions—we are to look forward to an era when material and moral devastation shall cease, and men shall learn that violence is chaotic and destructive; if mankind is destined to make this world better for living in it,—then let the very forests and plains of our land, where the Indian roams, echo the glad tidings of great joy which ushered into our fallen star with angelic anthems the Prince of Peace himself, by whom the beatitudes were so gloriously promised to the peace-makers!

Mr. COOK obtained the floor.

Mr. HURLBUT. In consideration of the lateness of the hour and as the House has to take a recess in less than ten minutes, I ask the gentleman from Georgia to yield to me to move that the committee rise.

Mr. COOK. I yield for that motion.

Mr. HURLBUT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLOUNT for three days on account of business, and to Mr. CHITTENDEN for two days on account of a death in his family.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which were signed by the Speaker:

An act (H. R. No. 1438) to incorporate the Georgetown and Tennytown Railroad Company;

An act (H. R. No. 1580) granting a pension to Almon P. Graves;

An act (H. R. No. 2305) granting a pension to Melville H. Hudson;

An act (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps; and

An act (H. R. No. 2800) 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."

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order of business, which, I believe, is the calling of the yeas and nays on the motion made just before we went into Committee of the Whole to refer a bill to the Committee of the Whole.

The SPEAKER *pro tempore*. That is the unfinished business of the morning hour.

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

Mr. RANDALL. I hope the gentleman from Oregon [Mr. LANE] will not make that motion, but will let us have an evening session for the further consideration of the legislative appropriation bill.

Mr. LANE. I will withdraw the motion to adjourn.

A. J. PRICE.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3025) granting a pension to A. J. Price, sergeant of Company A, Sixteenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELATIVE RANK OF OFFICERS OF THE NAVY.

Mr. MILLS, by unanimous consent, introduced a bill (H. R. No. 3026) to fix and determine the relative rank of officers of the several corps of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OSCAR S. COLLINS.

Mr. EAMES, by unanimous consent, introduced a bill (H. R. No. 3027) granting a pension to Oscar S. Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADOLPH MÜLLER.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 3028) for the relief of Adolph Müller, of Madison County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-SHIP IN MASSACHUSETTS BAY.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 3029) to appropriate money to place a light-ship with steam-whistle attached upon Stelwagen's Bank, in Massachusetts Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VENEZUELAN INDEMNITY FUND.

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

Resolved, That the President be requested to furnish this House, if, in his opinion, it is not incompatible with the public interest, with a statement of the amount of money in gold received from the republic of Venezuela since the 5th of August, 1868, in payment of the interest due on American claims, with the dates of such payments; and also to specify the percentage distributed in gold to the American claimants, with dates, and the amount in gold, if any, now remaining in the State Department applicable to the payment of said American claimants, with the reason why further distribution is withheld.

CONTINGENT EXPENSES OF TREASURY DEPARTMENT.

Mr. RANDALL, from the Committee on Appropriations, reported back a communication from the Treasury Department, transmitting a statement of the contingent expenses of that Department for the year ending June 30, 1875, and moved that the same be printed and recommitted.

The motion was agreed to.

The hour of half past four having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The hour of half past seven having arrived, the House resumed its session, Mr. HOLMAN in the chair as Speaker *pro tempore*.

Mr. COX. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

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. When the committee rose last night there was no amendment pending to this bill.

The Clerk resumed the reading of the bill and read the following:

For compensation to the following in the office of the President of the United States, namely: For private secretary, \$3,150; assistant secretary, \$2,250; one executive clerk at \$2,000, steward at \$1,500, and messenger at \$980; in all, \$9,880.

Mr. FOSTER. I move to amend the paragraph just read by striking out "one executive clerk at \$2,000" and inserting in lieu thereof "three executive clerks at \$2,000 each."

Mr. HOLMAN. I move to amend the amendment by inserting "two" instead of "three." That was the understanding in the Committee on Appropriations, I believe.

Mr. HALE. Accept that.

Mr. FOSTER. Very well; I will modify my amendment so as to make it "two executive clerks."

The amendment, as modified, was agreed to.

Mr. RANDALL. I move to amend by striking out "\$980" and inserting "\$1,200" as the compensation of the messenger. As there has been one additional clerk inserted in this paragraph on the motion of the gentleman from Ohio, [Mr. FOSTER,] his salary will have to be added to the total for the paragraph.

Mr. HALE. The salary of the additional clerk is \$2,000.

Mr. RANDALL. Then the total for the paragraph should be \$12,100 instead of \$9,880.

The amendment of Mr. RANDALL was agreed to.

The Clerk read the following:

For contingent expenses of the executive office, including stationery therefor, \$2,000.

Mr. FOSTER. I move to amend this paragraph by striking out "\$2,000" and inserting "\$4,000." The estimate for the contingent expenses of the executive office was \$6,000, and I believe the appro-

priation last year for this purpose was \$6,000. I learn upon examination that over \$1,100 was expended last year for telegrams alone. I think \$2,000 will not be enough for that purpose.

Mr. RANDALL. The reason the committee struck that out was that we considered \$6,000 entirely too much. Upon research we found that during Mr. Lincoln's administration the expense for this item was but \$1,000. We thought we would allow this Administration to be twice as extravagant as the administration of Mr. Lincoln. Two thousand dollars we consider quite enough.

Mr. HALE. A great deal of the business of the executive office at that time came in a loose way from appropriations for other Departments. I suggest to the gentlemen of the Committee on Appropriations to consent to make the amount \$3,000.

Mr. RANDALL. I think \$2,000 is enough. We have consented to allow this office one more clerk than the bill as printed proposes. I think that \$1,100 for telegraphing is a little excessive.

Mr. FOSTER. I modify my amendment so as to strike out "\$2,000" and insert "\$3,000."

The question being taken on the amendment of Mr. FOSTER as modified, there were—ayes 23, noes 41; no quorum voting.

Tellers were ordered; and Mr. FOSTER and Mr. RANDALL were appointed.

The committee divided; and the tellers reported ayes 26, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For official postage-stamps, \$600.

Mr. CANNON, of Illinois. I move to amend by striking out the paragraph just read.

Mr. Chairman, in 1873, I believe at the close of the fiscal year, the franking privilege was abolished by an act passed a little prior to that time. There was a great flourish of trumpets in reference to the saving that would accrue to the Post-Office Department by virtue of that measure. I want to state in the outset that it never has saved the Government one penny, but has absolutely added over \$50,000 to the expenses of the Department every year since the measure was adopted. Though I have but five minutes, I think I can show this satisfactorily.

The first thing that was done upon the abolition of the franking privilege was to provide some means by which 35,000 or 40,000 postmasters in the United States could have the franking privilege by virtue of official stamps and some means by which the executive departments could also have the franking privilege in the same way; and, in arranging this, the first thing that was done (and I have the official figures before me) was to spend \$50,000 for plates from which to print those official postage-stamps; and every year since that time \$50,000, in round numbers, have been spent for the purpose of printing those official postage-stamps and furnishing official stamped envelopes; and what for? Purely that the account might be kept between the Post-Office Department and the other branches of the Government; that and nothing more. It never has yielded one cent of revenue in fact.

I know that the money appropriated for these stamps is counted as revenue. One million seven hundred thousand dollars in round numbers was returned in that way for the first year, 1873, and \$1,100,000 in round numbers for the last fiscal year. But no money ever came in. It was a credit to the Post-Office Department without any money.

Now it appears that there is a franking privilege for the executive departments by means of these official stamps; there is a franking privilege for 40,000 postmasters in this country as to official business by aid of these official stamps; and nobody who ever had the franking privilege is deprived of it in fact except members of this House and of the Senate.

These official stamps we have to make and pay for, putting our hands into the Treasury every year and taking out the cost thereof in clean cash and making it a present to the printers of these stamps, in order that these people who had the franking privilege before may still have it at the additional expense of cost of stamps.

Now, who else has the franking privilege in this country? The newspapers practically have it or those who take the papers. Many of them have been making a great deal of fuss ever since I have been in Congress and before about the franking privilege of members to Congress. I have the data before me to show that eight-tenths of all the mail matter that passes through the mails of the country consists of newspapers and periodicals. Now the expenditures of the Post-Office Department are in round numbers \$36,000,000 a year. Eight-tenths of all this expense is paid out that the newspapers may pass through the mails at a cost of say \$25,000,000. How much do you suppose these newspapers pay or the people who get them pay as postage thereon? Less than \$1,000,000 per annum; an absolute loss to the Department of over \$24,000,000 per annum in order that the newspapers may practically go free through the mails.

I am not complaining of this, nor would I change it, for the circulation of papers and periodicals is necessary for the dissemination of knowledge among the people, and should have as few burdens attached as possible, but I refer to it to show the fact as to why the Post-Office Department does not pay expenses.

[Here the hammer fell.]

Mr. RANDALL obtained the floor and said: I yield the time to

which I am entitled to the gentleman from Illinois, [Mr. CANNON,] that he may conclude his remarks.

Mr. CANNON, of Illinois. So much for the franking privilege to forty-thousand postmasters, to all the Executive Departments, and the franking privilege practically to the newspapers of the country or the people who receive them at an actual loss to the Department of \$24,000,000 per annum.

Now, about one-tenth of all the mail matter consists of letters, which pay, in round numbers, \$23,000,000 postage annually.

Mr. BUCKNER. Has the gentleman made any calculation how many messengers or other employes it requires to do the stamp-licking at the Departments? [Laughter.]

Mr. CANNON, of Illinois. Well, I should think it would take oceans of saliva. [Laughter.] Of course that is an expense to be taken into consideration. You may go back and look at the estimates of the Postmaster-General and the appropriations since the franking privilege was ostensibly abolished, and you will find that the Third Assistant Postmaster-General in 1873 claimed that he must have more clerks because he has more duties to perform in the handling of official stamps, and more clerks have been granted him.

It is about time, Mr. Chairman, that this foolishness was stopped. How much do you think the franking privilege would cost if members had it for public documents?—and I only advocate the restoration of the franking privilege so far as public documents are concerned. Let members continue to pay postage on their correspondence. The people want these documents. Suppose it cost \$300 a year for each member, how much would that be? It would be \$112,000, counting three hundred and seventy-five Members and Senators. Yet you pay more than half that amount each year to the printers for printing official stamps and manufacturing official stamped envelopes.

I undertake to say Postmaster-General Jewell was right when he said that the restoration of the franking privilege so far as sending public documents through the mails without one cent of postage would not make any appreciable difference in the expenditure of the Post-Office Department. This is true, as I have shown time and again upon this floor. It will be apparent when you recollect that you have the machinery to carry on anyhow. In fact, Postmaster-General Jewell tells us that he took up tons and tons of books under temporary restoration of the franking privilege and sent them broadcast over the country and absolutely did not perceive it as affecting the mails.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the effect of making this appropriation of \$600 is simply a mode of furnishing the facilities for free mailage to the Executive Departments, and at the same time to make appropriation of money to the Post-Office Department. The gentleman from Illinois thinks it will be safer and better to go back to the franking privilege. The expense to the Government for the printing of these official postage-stamps is very slight. It accomplishes at least one good purpose. It prevents the fraudulent use of the frank in the Departments of the Government. That was its main object. That was the main object of the abolition of the franking privilege. It was to prevent fraudulent use of a frank. It was impossible the postmasters of this entire country, or any considerable number of them, could know the genuineness of the frank of any person connected with any one Department of the Government. So far as any mail matter from any Department of the Government under the franking privilege is concerned, it necessarily went free, no matter whether it was public or private business. The effect of private official stamps has been to cure that evil, for no person could apprehend the executive office would permit these stamps, the character of which is known by every person in this country, to be used for private business. There is a reasonable guarantee, therefore, the stamps will not be used for any other than the legitimate purpose of public business.

Mr. HALE. Let me ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. HALE. I see the point the gentleman makes. I ask the gentleman if there had been any abuse to any great extent of the kind indicated, then the abolition of the franking privilege with its abuses and the substitution of stamps would have shown a saving to the Department. Does not the fact that there is not any such saving show the abuse which was much talked about was really very small? The transportation of matter is as much under a system of stamps as it was under your system of franks.

Mr. HOLMAN. I do not think the gentleman can assume safely there has been no saving on the part of the Government.

Mr. HALE. There was some abuse, but it was small.

Mr. HOLMAN. There was no such extensive saving as the recent Postmaster-General assumed there would be. Every person understands his calculations were all fictitious; but at the same time there has been in fact a very material saving to the Government by the abolition of the franking privilege, and by this mode alone.

The CHAIRMAN. The gentleman's time has expired.

Mr. ATKINS. I move to strike out the last word, and will yield my time to the gentleman from Indiana.

Mr. HOLMAN. That there were frauds perpetrated upon the Post-Office Department under the old order of things, I think every fair-minded man must admit; and that this is the only remedy suggested is equally clear. That it does limit the amount of free mail matter

which comes from each Department of the Government is clear beyond all question.

Now, the cost of furnishing these stamps is but a trifling matter and of no consequence. And having said that much, I wish to call the attention of the House to the result of striking this out. We will have to revise all the estimates. The Post-Office estimates are based upon the assumption that a certain amount of revenue will come to the Post-Office Department by appropriations through this channel.

We appropriate to each Department of the Government certain sums of money for stamps. That is a portion of the appropriations for the Post-Office Department. All this has got to be revised if you abandon the present practice, and provide for the free use of the franking privilege in every Department of the Government.

This is the first test of that question which has been attempted during the present Congress, I believe. I trust the committee will not accept the proposition of the gentleman from Illinois. If it be thought desirable to return to the old system, which I think it is not, I believe it is better to make the usual appropriations to the various Departments during the present session of Congress, and then to repeal the present law providing for stamps, and to restore the franking privilege to take effect at some future day. Then no inconvenience and no embarrassment would result. But gentlemen must see that the striking out of this particular item must be followed by a long series of measures, a long series of estimates, and further appropriations to the Post-Office Department which have not been in contemplation up to this time, and which cannot really be entered upon at so late a stage in this session of Congress.

I trust, therefore, that the gentleman from Illinois will withdraw his amendment. Let us make our appropriations to the Post-Office Department through this channel as heretofore, and if it is thought desirable to go back to the franking privilege with all its abuses, let it be done by a repeal of the law to take effect at some future time, before the appropriations are made for the following fiscal year.

I agree with all the gentleman has said on the subject of the postage on third-class matter; but I trust he will not bring so incongruous a subject into the debate on so simple a question as this: the abolition of the franking privilege in the Departments and the substitution of stamps. The gentleman must bear another fact in mind: A single clerk, a female clerk, will apply stamps with great rapidity, and perform the labor of giving the quality of free matter to matter going from a Department, which would require the services of many clerks under the other system. That is to be taken into account also. We have to provide an increased number of clerks for every one of the Departments of the Government if this change is made. The gentleman must see that this is a serious matter, and I trust that he will not press his motion.

I withdraw the formal amendment.

Mr. HUNTON. I renew it.

Mr. Chairman, I have renewed the formal amendment in order to call the attention of the committee to a most unwarranted statement and attack upon the Postmaster of the House in the remarks of my friend from Missouri [Mr. WELLS] last night. It is in these words, as his remarks are reported in the CONGRESSIONAL RECORD:

Mr. WELLS, of Missouri. The man from whom we hire the horses and wagons will not deliver the mails. The mails are to be delivered by the messengers of the House post-office. The man with whom we contract agrees only to furnish seven wagons and seven horses. This is now done by the Postmaster himself, and he today is making \$4,000 or \$5,000 a year out of this business. We propose that this money, which now goes into the pocket of the Postmaster, increasing his perquisites, shall be put into the Treasury of the United States.

I desire to say, sir, that that is entirely erroneous, and I am surprised that the gentleman from Missouri should have fallen into so egregious a mistake. The Postmaster of the House has nothing in the world to do with this matter, except to contract with this man to furnish the horses and wagons. I will read here a memorandum which has been furnished to me by the Postmaster of the House, and it is as follows:

The Postmaster has nothing whatever to do with the mail-contractor, except to give out the contract and certify to his account. The contractor furnishes seven wagons and eight horses each day, for which he receives \$12.50 per day, or at the rate of \$2.50 each for five wagons and five horses. No money passes through the Postmaster's hands, nor has he any interest in the contract. The accounts of the contractor have to be approved by the Committee of Accounts and paid by the Clerk.

Mr. WELLS, of Missouri. I have not read the report of my remarks in the CONGRESSIONAL RECORD. But I will say this, that, so far as the profits of the Postmaster are concerned, I had been informed that it had been the custom for the Postmaster heretofore to own the horses and wagons himself.

Mr. GARFIELD. The Postmaster never owned the horses and wagons. He has hired them all.

Mr. WELLS, of Missouri. I will say this, that I look upon the present Postmaster of the House as being a high-minded man in all respects, and I would be sorry to do anything or say anything that would do him injustice; and if I have done him injustice in any remarks, I take them back.

Mr. HUNTON. That is satisfactory. At the same time I must say that I cannot see how the gentleman from Missouri could have made the charge contained in his remarks last night without some idea that he was reflecting on an officer who, I will undertake to say as a high-minded man and a gentleman, is the peer of any man on this floor.

Mr. WELLS, of Missouri. I wish to say a word or two more on this matter. I will state, sir, that my calculation was made entirely on the number of wagons which this bill proposes to allow for this work. I made the calculation on the supposition that the Postmaster was furnishing the horses and wagon. That was my impression, and I was so informed. My calculation was made on the impression that the Postmaster was getting at the rate of \$10 a day for each horse and wagon used during the short session of Congress; that is, that he would be getting pay for twelve months while he was only doing the work for three months. It was a simple matter of calculation. That, getting \$2.50 a day during the year and only working a fourth of the time, he was receiving at the rate of \$10 per day during the short session for each horse and wagon; and which would leave him, on a fair calculation with regard to the expenses of the horses, a profit of at least about \$4,000. That is my calculation. I do not impugn anything in the action of the present Postmaster of the House, but I may have been misinformed.

Mr. HUNTON. I was going to say if the gentleman had gone to the Postmaster himself he would have ascertained all the facts.

Mr. WELLS, of Missouri. I did not expect when I rose to make any remarks. I did not expect to be called on to explain this matter. I had not taken any particular interest in the matter until my attention was called to it by gentlemen on the other side.

Mr. HUNTON. I withdraw my formal amendment.

The question was taken on the amendment offered by Mr. CANNON, of Illinois; and on a division there were ayes 49, noes not counted. So the amendment was not agreed to.

Mr. CANNON, of Illinois. I move to strike out the last two words.

Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] a few minutes ago stated that the cost of printing these official stamps is now merely nominal. I do not so understand it, and I read from a statement that I obtained to-day from the Third Assistant Postmaster-General, and which is as follows:

SIR: The cost of making plates for official stamps was \$50,000; the cost of manufacturing official stamps for the fiscal year ending June 30, 1874, was \$25,856.07; the cost of official stamped envelopes for the same period was \$33,486.08; the cost of official stamps for the fiscal year ending June 30, 1875, was \$14,764.74, of official stamped envelopes for the same period, \$35,252.76, and the official envelopes were for the State and Post-Office Departments.

E. W. BARBER,
Third Assistant Postmaster-General.

Now, then, let the gentleman's statement stand upon the one side and mine on the other, with mine backed by the Third Assistant Postmaster-General.

Mr. HOLMAN. How much does he say it amounts to?

Mr. CANNON, of Illinois. The statement of the Third Assistant Postmaster-General has just been read and speaks for itself. Now, the gentleman says, if the franking privilege is to be restored let it be restored in some other way. We are not now considering the restoration of the franking privilege. We are considering, under the rule which you have adopted, whether or no we cannot save the cost of these official stamps. I want to see whether you are in favor of retrenchment and reform or not, or whether you want to continue to give to the bank-note companies of Philadelphia and New York this large sum of money for printing stamps that are of no use to the Government and only benefit the bank-note companies.

Ah, but says the gentleman from Indiana, there will have to be more clerks if you give the Department the franking privilege instead of using stamps. Not so; the official records show that more clerks are required for licking the stamps and handling the same than were required for the franking.

I therefore trust that when this item is reached in the next paragraph it will be stricken out, so that the heads of the Department or Bureau shall have the right to frank these official letters and matters that now pass under the frank of these official stamps.

Mr. HOLMAN. I do not wish to consume time in the discussion of this question, because the committee has already passed on it and rejected the motion of the gentleman from Illinois, [Mr. CANNON.] But I wish to call the attention of the gentleman to the fact that the evil is not in the law, which was the best substitute we could get on abolishment of the franking privilege; the only evil is in its execution. My friend knows very well that if \$50,000 is expended for this purpose it is a misappropriation of the public money, a wrongful appropriation of it. The gentleman knows very well that scarcely one-fifth of that sum of money would be necessary for this purpose. The experience of every citizen must show him that the expense of clerical hire for placing these stamps on the various documents sent from our Departments will cost far less than the clerical force necessary to write a frank on every document, without reference to the frauds which are usually perpetrated under the franking privilege.

Sir, I do not pretend to say what may be the extravagance of carrying this simple law into effect. I speak of what was to be presumed, that it is a mere bagatelle; and the extravagance, if extravagance there be, arises from the administration of the law, and not from the law itself. But, for my part, I do not intend by my silence to give my sanction to the proposition involved here of a restoration of the franking privilege. In my judgment, it was a system full of fraud in every part of the Government, not excepting the legislative branch of the Government. It was a system to be got rid of, and one that members of Congress should not desire to have in existence, be-

cause their names were liable to be counterfeited on every hand, and in such a manner as to work fraud on the Government.

Mr. CANNON, of Illinois. Does not the gentleman know that the most objectionable portion of the franking privilege has already been restored, and that any buncombe speeches made on this floor, any Agricultural Report published, any seeds sent out from the Agricultural Department, and the CONGRESSIONAL RECORD all go free under the present system?

Mr. HOLMAN. I understand that the Agricultural Report is sent free through the mails. And if anything is to be sent free, I think it should be the Agricultural Report. I understand that the seeds purchased for distribution by the Agricultural Bureau are sent free, and I think if anything should go free, next to the Agricultural Reports, that is proper enough. And perhaps it is well enough that the record of what transpires here in Congress should pass free through the country without restraint or limitation. To that extent I was myself willing to go; but I am not willing to go one step further than that. All this discussion year after year is to lay the foundation for the restoration of that huge fraud, the franking privilege.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I withdraw my formal amendment.

Mr. WILLIAMS, of Wisconsin. I renew the amendment. I think the keen sense of equity and justice and the high heroism of members of Congress and politicians generally have never been more eminently displayed than upon this single question of the franking privilege.

I do not agree with the gentleman from Illinois [Mr. CANNON] in regard to the comparatively free circulation of newspapers. One newspaper will convey more intelligence to the country, more knowledge of the current events of this capital and elsewhere than you could convey in a hundred letters. I do agree with him, however, in regard to the restoration of the franking privilege so far as the circulation of public documents is concerned, provided Congress proposes to continue their publication. Under the spasmodic effort at economy, by the repeal of the franking privilege printing has been interrupted in some directions, until now we are sending forth to our constituents in the West, as fresh and valuable reading, the Agricultural Report for 1873. And every man to whom you send that report or some of his neighbors write back, wanting to know why you do not send a report for 1874 or 1875. And if you were to pay the postage on answers to those letters—and you are liable to offend the constituent if you leave his letter unanswered—you will expend more for postage than it would cost to send all the documents printed by the Government.

Then again, as to letters, I do not quite agree with my friend from Illinois in regard to them. The Post-Office Department sends to a member of Congress, making an inquiry about some local matter in his district, and incloses to him a two-cent stamp to pay for the reply. The member of Congress writes to some gentleman in a central town of his district, making the inquiry; that gentleman writes into the country. His letter is answered, and he answers the letter of the member of Congress. Thus the constituent and the member have paid twelve cents postage and the Government has paid two cents. This certainly ought to satisfy even our eminent and economical friend from Indiana [Mr. HOLMAN] so far as the Government is concerned; but how is it with the constituents, leaving out the member of Congress?

Now, sir, in regard to printing and circulating documents and in regard to "official correspondence," I would make a law putting it upon the high and sacred honor of a member to mark his letters "official business," and let these and their answers go free. I would not resort to any fine or imprisonment, which is never enforced; but if we have the power under the Constitution I would make the breach of that privilege in the slightest degree by a member work a forfeiture of his seat in this House. And, my word for it, his district will be policed by disinterested gentlemen, willing to serve the public, with a vigor which will keep the Representative strictly in the line of duty and of law.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee now rise in order to have debate closed on this paragraph.

Mr. HOLMAN. Do not rise. It can be done without that.

Mr. RANDALL. Then I ask unanimous consent that debate now be considered closed on this paragraph.

There was no objection.

Mr. WILLIAMS, of Wisconsin. I withdraw my formal amendment. The Clerk read the following:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, \$3,000; two Assistant Secretaries of State, at \$3,150 each; for chief clerk, \$2,250; ten clerks of class four; four clerks of class three; eight clerks of class one; and ten clerks, at \$900 each; one messenger; one assistant messenger; one superintendent of the watch, at \$1,000; six watchmen; ten laborers; chief engineer, who shall be a machinist, \$1,200; one assistant engineer, \$1,000; four firemen, at \$720 each; ten charwomen, at \$180 each; and a conductor for the elevator, at \$720; in all, \$78,630.

Mr. KASSON. I move to amend the paragraph just read by striking out "two" and inserting "three" before the words "Assistant Secretaries of State." In some remarks which I addressed to this committee just before the close of the general debate upon this bill, I said to the gentlemen of the committee and of the House that on reaching the paragraph in this bill relating to the Department of State I should

ask their attention to those provisions which seem to affect the organization of that Department. I now desire to call their attention to that question.

In the last Congress provision was made for the organization of that Department with double reference to the business of the Department and to its arrangement in the new and permanent building provided for its occupancy. A part of that organization involved three Assistant Secretaries, and there are three now performing the work of the Department. Among them the business is so classified that the additional Assistant Secretary provided by the last Congress has an entire independent charge, distinct not only in amount but in character, from the work pertaining to the two other Assistant Secretaries. The Third Assistant Secretary has the entire correspondence with non-christian countries, embracing diplomatic and consular correspondence and the jurisdiction of all the consular courts and the business arising therefrom. Each has a specialty, with which he has become practically acquainted.

The reason for the appointment of the additional Assistant Secretary was that this division of labor might be made, the business of the Department being so large as to require this in addition to all their correspondence with the countries under the Christian dispensation.

This paragraph just read destroys that organization. I desire to appeal to the gentlemen of the committee and of the House that, in this retrenchment, some parts of which, of course in various portions of the bill, arouse no opposition whatever, they will not carry it to the point of an essential derangement of the public business in any of the Departments. The entire clerical force of the State Department is less than fifty, including the chiefs of Bureaus. Gentlemen certainly will see that it is not an expensive Department so far as regards the amount of clerical force authorized by law.

I will also say touching the amount of this force (and I beg gentlemen to observe it) that in this Department clerks do not leave their offices at three o'clock as they might do if there were a surplus. They do not now leave and never have left before four o'clock; they often stay till five and six o'clock; and the assistant secretaries of the Secretary himself frequently continue at their work till a late hour. In this there is an evidence that the work is sufficient to employ this force; and in respect to the organization it shows also that this is essential to the proper conduct of the Department.

There is but one fourth-class clerk to each Bureau in that Department. If you take away one Assistant Secretary, and then destroy the arrangements of the Bureaus, (with, as I said at the beginning of this debate, a single exception where two Bureaus may be united,) you necessarily derange the conduct of business to a very serious extent. For that reason I beg that this proposition may have fair consideration from all gentlemen of this House.

[Here the hammer fell.]

Mr. RANDALL. The reduction proposed in the bill was not agreed to by the committee without due consideration. The gentleman will remember that a Third Assistant Secretary of State was added only two years ago, which was deemed at that time by a very considerable minority here an unnecessary expense.

Now the State Department in its appointments and conduct—in consequence, I suppose, of its intercourse with foreign nations—assumes rather a regal aspect, instead of that free republican aspect appropriate to our Government. Perhaps as the result of its associations, it has crept along and increased in various ways.

In the arrangement of this paragraph the committee was governed by an examination of the force which Mr. Seward had in that Department during his administration of it. We found that in the appropriations for the year ending June 30, 1868, there were but two Assistant Secretaries. I do not speak positively, but my impression is that Mr. Seward conducted that Department during the entire period of the war with but one assistant. The amount appropriated for the force of the Office in this paragraph in the year I have named was \$65,000. In this bill we give \$87,000. In order to avoid producing any friction in the administration of the Office we allow 25 per cent. more than the expenditures at that time. This allowance we think adequate. In fact, I think that Department could be administered for the same expense for which Mr. Seward administered it during the trying period of the war, when the Department was busy in keeping other nations from interfering in our internal struggle. I believe the committee have acted upon this matter with great discretion. I hope, therefore, the amendment will not be adopted.

Mr. KASSON. For the purpose of making some additional remarks, I withdraw my previous amendment and move to make the number four. The gentleman from Pennsylvania [Mr. RANDALL] is mistaken touching the fact alleged that in the time of Mr. Seward there was but one Assistant Secretary. He will remember that during the administration of Mr. Seward Mr. Hunter was made an Assistant Secretary, in addition to the son of Mr. Seward himself. This statement will probably recall to the gentleman's mind the fact to which I refer.

In addition to the work that is constantly and naturally increasing in this Department with the increased extent of our relations with foreign countries, an entirely new kind of work has been introduced in this Department. In Mr. Seward's time there was no organization and analysis of the correspondence of that Department. One most important improvement effected under the present Administration has been in indexing, analyzing, and abstracting every official letter that comes from foreign countries, preserving that complete analysis with

index for all future time. The work is going on touching all former correspondence of the Department, in order that whatever information exists upon its files may be permanently accessible for the benefit of the country.

Besides, since the time mentioned we have greatly enlarged our relations with several countries. Our commerce with oriental countries has been considerably increased, and the wise business men of this country are looking largely to the commerce across the Pacific Ocean for the restoration of our commercial prosperity. But, sir, I go further than that. I said in the last Congress, and I take the liberty to repeat now, that when there is a Department of the Government unassailed and unassailable for the character of its administration—so unassailable that a democratic Senator has recently declared in Connecticut that this is the exceptional Department in the Government—when that Department insists that it is necessary to have a certain force for the proper conduct of its business, that it is disorganizing to cut off the arrangements that have been made by previous act of Congress, I submit that those of us who are not better informed, unless we assail either the judgment or the honesty of the Department, must admit that it is dangerous to carry out retrenchment to the extent proposed here.

Mr. Chairman, this is a subject in which I have no other than a public interest. No friend of mine within my knowledge has ever been appointed in that Department. I speak simply as a public man in the interest of the public service. I speak of what I know; and the committee do not tell us that any of the chief officers of the Department have been consulted on this matter or have expressed their approval of this proposed disorganization of the Department. You have cut down salaries; I am not quarreling with you about that. I simply ask that you do not destroy the efficiency of the Department.

Why, sir, look at the number of clerks. Of the few clerks in that Department thirteen receive but \$900. There are but ten fourth-class clerks; but few third-class clerks; no second-class clerks. You have not merely made a reduction of 20 per cent., but a reduction of over 25 per cent. upon the force in that Department.

I have only to make these statements. I know unless gentlemen vote purely in the public interest it is useless for me to offer an amendment, but I do submit it to the honest judgment of the House.

I withdraw the amendment last offered, and renew the amendment increasing the number from "two" to "three."

[Here the hammer fell.]

Mr. HOLMAN. I know the gentleman from Iowa must have noticed that the efficiency of this branch of the Government does not depend on the increased force during the war when our relations growing out of the early events in the war and subsequently in regard to the relations of European powers with Mexico when it is clear the duties devolving on the Department of State exceeded anything which has occurred for a great many years or anything at the present time.

Mr. KASSON. Let me say to the gentleman from Indiana that the records disprove that statement, for the correspondence is much greater now.

Mr. HOLMAN. That is absolutely impossible, so far as the necessary correspondence of the State Department is concerned.

Mr. KASSON. Nevertheless it is a fact.

Mr. HOLMAN. The correspondence of this Government with Great Britain, France, Germany, Prussia, and Russia, and indeed with the whole civilized world, was of such a character as absolutely to require vigilance on the part of the State Department, which could not possibly be exceeded in a time of peace. Then but a single Assistant Secretary of State was all that was necessary, and it was all that was necessary clear up to the close of the war.

Now, the gentleman from Iowa, if he has examined the history of the times, must know that the beginning of the extravagance in that Department occurred just about the same time that it occurred everywhere else in our Government. It occurred in 1866, from which year we date the tendency toward growth of expenditure in the civil branch of our Government. So, too, in 1867, when the money of the Government was of less value than now.

I find, Mr. Chairman, in 1867, under Seward, the whole expenditures of the Government in this branch of the service were \$57,800. We appropriate by this bill \$122,280, being an increase since 1867 in this one Department of \$64,480; more than double the expenditures since 1867. If you take out an item of \$16,000, an unusual item, for the purchase of Howard's Reports, you will still have an increase of expenditure for the present fiscal year, as appropriated by this bill, of \$48,380; \$48,380 of an increase even by this bill, without reference to the heavy appropriations of last year, and the basis upon which these reductions are made.

Mr. KASSON. What are the elements of increase?

Mr. HOLMAN. Mainly in the clerical force and in the increased number of the heads of Bureaus in this Department of State.

Mr. RANDALL. There are six Bureaus—

[Here the hammer fell.]

Mr. FOSTER. I move to make it four, instead of three.

Now, Mr. Chairman, I have the best authority for stating that the correspondence and business of the State Department are to-day larger than ever before in our history, notwithstanding the statement of the gentleman from Indiana. There are but fifty clerks in that Depart-

ment to-day. We propose to reduce them 35 per cent., and the statement has been made here, and not denied, that not a single chief of division, not a single officer of the Department of State, has been consulted in reference to this proposed reduction. I believe a reduction could be made, perhaps, of 20 per cent.; but the head of this Department, acknowledged by everybody to be an able and pure man, and who has been successful in the management of his Department, says that it will be simply impossible for him to run the Department if the proposed reduction by this bill is made.

Mr. RANDALL. I am very sorry, then, that Mr. Seward is dead, for he ran it in much more difficult times for a great deal less.

Mr. HOLMAN. I wish to correct a mistake into which I have fallen.

Mr. FOSTER. In those times there were large contingent expenses. We did not appropriate as closely as we do now in this itemized way.

Mr. HOLMAN. The gentleman will excuse me; in matters like this accuracy is of the utmost importance. I find I have fallen into a mistake in reference to my statement a moment ago. I made my statement on the estimate of 1859, the year before the war. The appropriations made in 1859, 1869, were \$57,850, against \$122,000. I find in 1867, to which I have referred, the expense had gone up to \$122,800; so that appropriations made by this bill are within a few dollars of the same as the appropriations made in 1867, when there was but two Assistant Secretaries, the same this bill proposes to appropriate for.

I desire to make that correction because in a statement of fact, in matters upon which legislation is to be founded, absolute accuracy is of the first importance. I only fell into the error by having the appropriation of 1858-'59 before me as well as that for 1867.

Mr. CONGER. Does not the gentleman from Indiana know that at that time no fees were covered into the Treasury? Now the fees are covered into the Treasury and the appropriations cover all the expenses.

Mr. HOLMAN. My friend from Michigan must be aware that there is no change in the law in that respect at all. The consular act dates back prior to 1867. The system by which fees go into the Treasury instead of going to public officers existed even prior to 1860 in the main, and it has been still further extended since 1860 and all along prior to 1867. No, sir; the basis is the same. The whole sum of money received by the State Department in 1867 was received out of the Treasury by direct appropriation just as much as it is now; and I think when we appropriate the same sum of money this year, when the value of money is largely increased, that we did in 1867, we appropriate a sum that certainly is amply sufficient.

Mr. KASSON. I rise again because I failed to notice before one observation of the gentleman from Pennsylvania. As the gentleman from Indiana [Mr. HOLMAN] has corrected his comparison with the expenditures of 1867, I need not make any remark upon that.

The gentleman from Pennsylvania, however, made an observation which I can hardly understand as being a proper one to make, when he said that the State Department had assumed a regal sort of aspect. It is almost impossible for any one who understands the working of the State Department to see any fitness in that remark. This Department has responded more to the demand of the country for civil-service reform than perhaps any other. Those in its employment have risen by merit through the various grades, their promotion depending on their merits and efficiency in the service. There is now an assistant secretary in that Department who had his first appointment, I think, under Andrew Jackson. There is another officer in that Department who is a man of great age, the nephew of Thomas Jefferson, and bearing that honored name. All through that Department I see in it men whom I remember having seen there when I first came to Congress.

If it is this that the gentleman from Pennsylvania means when he says it is a regal Department, I can understand him, but in no other way. It is at all events a Department which has responded to the demand of honest men on both sides of politics that promotion in the service should be the recognition of faithful service and merit, irrespective of political predilections on the part of the clerks of the Department.

Mr. RANDALL. I move that the committee rise for the purpose of closing debate on this paragraph.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN 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 when the committee resume the consideration of the legislative appropriation bill all debate on the pending paragraph be closed in one-half minute.

Mr. KASSON. I hope the gentleman will not make his motion apply to the whole paragraph. I wish to offer an amendment relating to chiefs of Bureaus.

Mr. RANDALL. This will not cut off amendments.

Mr. KASSON. But I wish to make a statement in explanation of my amendment. I ask the gentleman if he will not allow ten min-

utes' debate on the question of the chiefs of Bureaus and fourth-class clerks?

Mr. RANDALL. That is not in the pending paragraph.

Mr. KASSON. The clerks are.

Mr. RANDALL's motion was agreed to.

Mr. RANDALL. I move that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union. 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. By order of the House debate on the pending paragraph is limited to one-half minute.

The question was taken on Mr. FOSTER's amendment; and it was not agreed to.

Mr. FOSTER. I offer the following amendment:

In line 357 strike out "six" and insert "nine," so that it will read, "nine watchmen."

That is the present force, and it is for a large building.

The CHAIRMAN. Debate is not in order.

The amendment was not agreed to.

Mr. FOSTER. I offer the following amendment, to which I call the attention of the gentleman from Indiana, [Mr. HOLMAN:]

In line 361 strike out "ten" and insert "twenty," so that it will read, "twenty charwomen, at \$120 each."

I would like to have a minute's debate on that. I am entitled, I believe, to a half minute.

Mr. RANDALL. I object to debate. The half minute has been exhausted.

The CHAIRMAN. In the judgment of the Chair, the half minute allowed for debate has not been exhausted. The gentleman from Ohio will proceed.

Mr. FOSTER. I simply desire to make the statement to the gentleman from Indiana [Mr. HOLMAN] that he proposes to preserve the whole force of charwomen in the Treasury Department, while in the State Department he cuts it down one-half.

Mr. RANDALL. We have avoided striking out any female employees where we could.

The question being taken on Mr. FOSTER's amendment, there were—ayes 57, noes 72; no quorum voting.

No further vote being called for, the amendment was rejected.

The Clerk read the following paragraph:

For three chiefs of Bureaus and one translator, at \$2,100 each, \$8,400.

Mr. KASSON. I desire once more to call the attention of the House to the proposed reduction in the chiefs of Bureaus. I think it very likely that I will do so in vain, though not necessarily, because this reduction does not follow from the reduction in the number of Assistant Secretaries.

The CHAIRMAN. The gentleman from Iowa will state what is his amendment.

Mr. KASSON. My amendment is to strike out "three" and insert "five," so that it will read, "for five chiefs of Bureaus," &c.

The Bureaus now are as follows: Bureau of Indexes and Archives, to which I have already alluded, and I need not go over the same ground again. The work there is very extensive and very useful, and is going on upon hundreds of volumes of collections of foreign correspondence. Another is the Diplomatic Bureau, having charge of all that relates to diplomatic correspondence. Another is the Consular Bureau, having charge of all that branch.

The fourth is the Bureau of Accounts, taking charge of all accounts, the seamen's fund in foreign countries as well as the accounts in the diplomatic and consular offices, amounting to between one and two millions dollars every year. There are very many accounts to be stated, adjusted, and settled.

The fifth is the Bureau of Rolls and Library, having charge of all the laws of Congress, the copying of them for publication, the supervision of them for publication.

The sixth is the Bureau of Statistics, which prepares for publication the volume which we have used every year, analyzing the statistics obtained from every part of the world.

These are the Bureaus as now organized, and I think that every gentleman who has examined it will appreciate the importance of maintaining the system.

But my information—which I am bound in frankness to state to the House—is that they can combine the Bureau of Statistics and one of the other Bureaus, that of Rolls and Library; that these two can be combined in one without damaging necessarily the organization, as both classes of work are in their nature statistical. My information is that the work of these two Bureaus can be performed by one without serious injury to the Department; and having made this statement I submit the question to the House.

Mr. RANDALL. One of the evils which we find in the Departments is the multiplying of Bureaus, which is a sort of excuse for giving largesalaries. Now, the Committee on Appropriations were of the opinion that the six Bureaus of the State Department could well be consolidated into three, in this manner: that the diplomatic and consular business could be conducted by one, the account, rolls, and li-

brary by another, and the statistics, index, and archives by a third. I believe, and the majority of the committee believe, that this consolidation is wise, and I hope therefore that the amendment of the gentleman from Iowa will not be adopted.

The question was taken on Mr. Kasson's amendment; and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For expense of editing, printing, binding, and distributing the laws enacted by the first session of the Forty-fourth Congress, \$10,000.

Mr. KASSON. I call the attention of the chairman of the Committee on Appropriations to the fact that there is no provision made here for the publication of the laws of the next session of Congress. He has provided only for the publication of the laws of the first session of the Forty-fourth Congress, and I suggest to him that, unless he make some provision for the printing of the laws of the second session of the Forty-fourth Congress, because it is within the present fiscal year, it will require a deficiency.

Mr. HOLMAN. The appropriation for that purpose will only be required after the 4th of March next.

Mr. KASSON. Yes; but it will come within the fiscal year for which this bill provides.

Mr. HOLMAN. It can readily be provided for next year.

Mr. KASSON. But it will be a deficiency.

Mr. HOLMAN. It will not be a deficiency; it will simply be authorizing the use of the money at once after the appropriation between the 4th of March and the 1st of July.

Mr. HALE. Why not make the appropriation now?

Mr. KASSON. It is for this fiscal year for which we are providing.

Mr. HOLMAN. It comes within the limits of that fiscal year, but it is to be expended after the appropriations of next year. It is for the publication of laws to be enacted hereafter, and it seems to me to be much more appropriate that that appropriation should be made for laws to be enacted next year, and which can just as well be made then as in this appropriation bill.

Mr. KASSON. Then it is simply left out, and is to be a deficiency after the coming election.

Mr. HOLMAN. That is entirely a gratuitous remark, and if I wished to retaliate I would call attention to the half million of dollars which we are now called upon to appropriate for the use of the Army, which is a deficiency for the last fiscal year.

Mr. KASSON. If the Committee on Appropriations wish to have it as a deficiency, I have no objection.

Mr. HALE. I rise to oppose the amendment, whatever it is.

The CHAIRMAN. There is no amendment pending.

Mr. HALE. Then I move to strike out the last two words, and I do it for the purpose of saying to the gentleman from Indiana [Mr. HOLMAN] that he has given no reason whatever against the amendment indicated, if not formally presented, by the gentleman from Iowa, [Mr. KASSON.]

The gentleman says that this need not be put in this bill, because the work will be done in the next short session, and therefore it can be put in a bill in the next session of Congress. Why, Mr. Chairman, that argument would apply to divers matters in all the appropriation bills. We are here confronting the expenditures for the fiscal year beginning July 1, 1876, and it is our duty to appropriate for the needs and wants that arise between July 1 next and July 1, 1877; and it is a poor way to cut down an appropriation and claim a saving when it is admitted that in the next session of Congress we shall have to appropriate this summer's deficiency.

Why, sir, the gentleman must know that if we neglect to make this appropriation, which comes in the fiscal year which we are confronting now, we have got to put it in next year in some bill, and that it will be a deficiency.

I deny what the gentleman states, that this will not be a deficiency. Next winter we shall be face to face with a demand or a request on the part of the Secretary of State to piece out the appropriations for the fiscal year ending June 30, 1877, and that is logically and legitimately what a deficiency bill is for. There is no reason, there is no fairness, there is no justice in not putting this in here.

Mr. HOLMAN. What is your amendment?

Mr. HALE. I have—

Mr. HOLMAN. I supposed the item was of such magnitude that the gentleman had his mind upon it.

Mr. HALE. So I have.

Mr. HOLMAN. This item of \$10,000 that the gentleman makes such a disturbance about is for printing laws to be enacted next winter.

Mr. HALE. Does the gentleman deny—

Mr. HOLMAN. It is for printing laws to be enacted next winter.

Mr. HALE. Does the gentleman deny that the \$10,000 not included in this item, but which must be appropriated next winter, is a legitimate subject of expenditure for the fiscal year that we are appropriating for in this bill?

Mr. HOLMAN. It may be expended within the year.

Mr. HALE. Does the gentleman deny that it is a legitimate subject-matter for this bill?

Mr. HOLMAN. I do not know whether it is or not; that depends upon whether it will be expended prior to the month of July of next year.

Mr. HALE. Does not the gentleman expect that these laws will

be enacted and published within the fiscal year for which we are now appropriating?

Mr. HOLMAN. My belief is—

Mr. HALE. Published immediately after the next session.

Mr. HOLMAN. My belief is that they will not be then published; they will be published during the summer some time. The gentleman must see that it is a matter of no sort of consequence, and if he had been half as earnest about the matter upon another occasion as he seems to be about this little item of \$10,000—

Mr. HALE. Does not the gentleman—

Mr. HOLMAN. It seemed to the committee, and the gentleman from Maine [Mr. HALE] did not seem to regard it—

Mr. HALE. The gentleman and I discussed this matter.

Mr. HOLMAN. It seemed to the committee that inasmuch as the laws were to be enacted next winter—

Mr. HALE. The gentleman must recollect that he is speaking in my time.

Mr. HOLMAN. Inasmuch as appropriations are to be made next winter to meet the current expenses after the 4th of March next, it seemed to the committee that it would be more appropriate to make the appropriation in the bill which will be passed at the session which will pass the laws that are to be published for that expenditure of \$10,000. It is a question of no practical moment.

Mr. HALE. Then why not—

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Maine [Mr. HALE] has expired. [Laughter.]

Mr. HOLMAN. Now, Mr. Chairman—

Mr. HALE. I want as much of the gentleman's time as he took of mine. When he once gets up it is a hard matter to get him down. [Laughter.]

Mr. HOLMAN. I think the gentleman from Maine, [Mr. HALE,] in view of the deficiency of nearly \$3,000,000 (over \$2,000,000) that comes down to the present Congress, ought not to talk about a little item of \$10,000 being withheld for the purpose of diminishing the aggregate of appropriations. Why, sir, in contrast with the \$13,000,000 or \$14,000,000 appropriated by this bill, that item of \$10,000 amounts to nothing. It simply occurred to the Committee on Appropriations that inasmuch as the laws to be published are not yet passed, and will not be enacted until the next winter, and will probably not be published during the next fiscal year, it would be time enough to provide for their publication when they were enacted. And I will say to my friend another thing—

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

Mr. HOLMAN. I will tell him another thing, if he pleases. It seemed well enough to make some inquiry, when we had time to do so, how it happened that this expenditure of \$10,000 is required.

Mr. HALE. Now will my friend allow me to ask him a question?

Mr. HOLMAN. The gentleman must bear in mind that this has a little to do with the more economical work of printing and the incidental matters pertaining to the publication of the laws; and inasmuch as we had not looked carefully into these little items, we thought it would be well that the printing of laws to be enacted eight or nine months hence should be provided for in appropriation bills to be passed at the next session.

Mr. HALE. Now, will my friend tell me if that is good reasoning in regard to the publication of laws to be passed at the next session, an expense which we know we must meet and provide for, why would it not be just as well to put off the appropriations for the compensation of officers of this House—

Mr. GARFIELD. And for our own salaries.

Mr. HALE. And for our own salaries, and everything else that is dependent upon the next session of Congress? The gentleman knows now that there will be a session next winter, and there will be laws enacted then, and those laws must be published, and that must be done in the next fiscal year. And as the gentleman has referred to me, as though I had sprung this matter suddenly here, he will remember that on another occasion—I will not refer to anything as having occurred in the committee-room—he and I discussed this matter, and I wanted it put on this bill at that time.

[Here the hammer fell.]

Mr. RANDALL. I move to amend the amendment by striking out the last word. This is a very plain matter. The last Congress provided in the last appropriation bill for the printing of the laws enacted at the second session of the Forty-third Congress. This bill will provide for the printing of the laws enacted at this first session of the Forty-fourth Congress. The next session of Congress will provide for the printing of the laws passed at the second session of the Forty-fourth Congress. It is following exactly the line that you pointed out to us in the appropriation bills of last year.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands that the formal amendments are withdrawn.

Mr. KASSON. I have reduced my proposition to writing and now offer it, as follows:

For editing, printing, and distributing the laws of the second session of the Forty-fourth Congress, \$10,000.

For Statutes at Large, Forty-fourth Congress, \$20,000.

That is the regular estimate, and is the usual form of providing for all the expenses for the fiscal year. As is well known, the Statutes

at Large are prepared for the entire Congress at the close of the Congress. This Congress closes on the 4th of March next, and within this fiscal year. The work should be commenced promptly and brought to completion and the laws distributed before the close of that fiscal year.

Now that the question is presented, I ask that it be fairly acted on to see whether the expenses of the coming fiscal year are to be provided for by this bill or postponed to a future session of Congress. Personally, it is a matter of indifference to me if gentlemen on the other side refuse to make the appropriation.

Mr. RANDALL. We understand what we are about; and this is right. The Statutes at Large will be provided for when both sessions of Congress have completed their labors.

Mr. KASSON. Then the next Congress only can provide for them.

Mr. GARFIELD. Mr. Chairman, we have tried in years past, so far as possible, to reduce the deficiency bills. Of all the bills that business men pay in their private affairs, or that governments pay in public affairs, none are more troublesome, none more odious than the payment for "dead horses"—the payment for things that are already done in the past. Of that nature are deficiency bills.

During the war the deficiency bills grew to be very large, and mainly because nobody could tell in advance what the amount of expenditures would be. Some years after the war the deficiencies arose to \$23,000,000. They averaged about \$10,000,000 or \$11,000,000. In the last four years we were able to reduce them so that last year all our deficiency bills amounted to less than \$3,000,000. The only way we were able to do that was by adhering rigidly to this rule: whatever we knew would properly come under the fiscal year for which we were appropriating, we put in the bill for that year; and we were the more careful to avoid deficiencies for the reason that we knew they were always hard to explain.

We are now passing a bill to cover not the year in which we are living, but to cover a year that will begin on the 1st of July next and will end on the 1st of July, 1877, nearly four months after we shall have ceased to be a Congress. We are appropriating for a time extending beyond the existence of this Congress. All the appropriations we shall make next winter, except deficiencies, will be for a year entirely beyond the existence of the Congress making the appropriations. Now, the large sum of money we appropriate in this bill for salaries of Congressmen is not for our salaries for this winter, but for salaries beginning with next July, and running not only until we cease to be a Congress, but including the first six months of the next congressional term.

Now we come to the cost of printing the laws that we are to pass during the next year. The Department has made the proper estimate for this session and the next session for the publication of the general statutes under general laws. It is simply a plain question whether we will now appropriate for what we know will come as an expense within the year for which we are appropriating, or whether we will save up two items, one of \$10,000 and the other of \$20,000, to be put into a deficiency bill next winter. It is a simple, plain question of fair business dealing.

Now I must say that I do not see why the appropriation for this session was not in the bill of last year. It ought to have been. I do not now remember on what ground it was left out; it must have been through inadvertence.

Mr. RANDALL. On the same ground perhaps that you are charging we had in view in this bill.

Mr. GARFIELD. O, no, I take whatever fault is due to me, if any is, for leaving out the \$10,000 for printing the laws for the first session of this Congress. That is really a deficiency. The two items now proposed are for the year for which we are now appropriating; and we ought to put them in.

Mr. HOLMAN. The gentleman from Ohio [Mr. GARFIELD] must see that in this respect we make exactly the appropriation made by the last bill. No appropriation was made for publishing the laws of this session; and we must therefore appropriate in this bill the sum necessary to publish the statutes enacted at the present session of Congress. Next session, following the same example, we will appropriate the sum necessary to publish the laws of the next session. Does not the gentleman from Ohio perceive that we are doing here exactly what his own precedents require us to do? We appropriate this year for the publication of the statutes enacted at this session. We shall appropriate next year the amount necessary for the publication of the laws enacted then; and at that time we shall determine the question whether the laws of the two sessions shall be incorporated into a single volume or not.

I think that is a debatable question, and for one I am not willing at this time to provide for \$20,000 for the republication of the acts of this session and the republication of the acts of next session in a volume to be added to the present Statutes at Large, forming the eighteenth volume.

Mr. GARFIELD. Does not the gentleman see the difference between a long and a short session? This is the long session, and I very much fear it will run into the next fiscal year.

Mr. HOLMAN. It might not.

Mr. GARFIELD. We are appropriating for what will cover the short session. We will get through and cease to be a Congress on the 4th of March next, and this fiscal year we are appropriating for will run on and end on the 30th of June after we are gone.

Mr. HOLMAN. We have adopted your principle of appropriation, and you have no right to complain. We are adopting the principle which you have recognized up to this time.

Mr. GARFIELD. I do not recognize it; I never have recognized it.

Mr. HOLMAN. To call it a deficiency is all wrong.

Mr. RANDALL. I rise to oppose the amendment. I wish to reply to that part of the gentleman's remarks alluding to deficiency bills. He said during the war deficiency bills rose as high as \$23,000,000, and spoke at one time of a deficiency bill of \$11,000,000. I have a statement from the Clerk that the deficiency for the year ending June 30, 1876, was \$4,703,699.18. I wish to tell gentlemen how much harder we work and with how much better result we have labored during this session of Congress, for the Committee on Appropriations have already considered the deficiency bill and do not consider it will amount to more than \$1,500,000.

Mr. GARFIELD. I am much delighted to hear that, because if it does not amount to more than that it is because we prevented it at the last session of Congress.

Mr. RANDALL. Because we served notice on you at the last session of Congress we would not allow any more deficiencies. That was the reason of it, and next year we hope our advice will be taken to heart more earnestly and practically so we will not have any deficiency at all.

Mr. GARFIELD. You are laying the foundation for a deficiency now by refusing to make proper appropriations in this bill.

The question recurred on Mr. KASSON's amendment.

The committee divided; and there were—ayes 54, noes 78.

So (no further count being demanded) the amendment was rejected.

Mr. CAULFIELD. I wish to inquire of the Chair whether it is in order to go back at this time to lines 374 and 375?

The CHAIRMAN. Unanimous consent is required by the rule in order to go back.

Mr. CAULFIELD. I ask unanimous consent to offer an amendment to lines 374 and 375, "for care and subsistence of one horse and repair of one wagon and harness, \$1,000." It seems to me \$1,000 is a remarkable sum for that purpose. I move to strike out "\$1,000" and insert "\$500."

Mr. KASSON. They cut off one horse.

Mr. HURLBUT. I object.

Mr. CAULFIELD. I am afraid this is a one-horse concern.

[Laughter.]

Mr. GARFIELD. O, no; it is a one-horse amendment.

The CHAIRMAN. The amendment is not in order.

The Clerk read as follows:

For the purchase of official postage-stamps, \$20,000.

Mr. SPRINGER. I move to amend by adding the following proviso

The Clerk read as follows:

Provided, That all letters, books, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States residing in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mails and be prepaid with official stamps.

Mr. RANDALL. That amendment ought to be adopted.

Mr. HOAR. I rise to a point of order, that it is new legislation.

Mr. RANDALL. But this is to reduce expenses.

Mr. HOAR. It does not so appear.

Mr. SPRINGER. I think I can make it appear if the committee will indulge me.

Mr. HOAR. I desire to call the attention of the Chair to the effect of that very important rule which has been adopted. It cannot be claimed—it would be unsafe to claim any substitution of a new system of government or legislation for the old one would be cheaper. Would it be in order to strike out the Department of State and transfer the whole to the Treasury or War Department upon the ground claimed by the gentleman who made the motion, that it would be a cheaper mode of doing the business? This amendment is unimportant, but the construction of this rule in its effect on general legislation is of great importance.

Mr. SPRINGER. I think, sir, that this amendment is a reduction of expenditure.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. SPRINGER. I hope the Chair will decide it.

The CHAIRMAN. The Chair will decide, under the new rule adopted this session, that in the first place the amendment is germane and in the next place it does not increase expenditure. The Chair rules it in order.

Mr. SPRINGER. I desire to state to the committee the reason for moving the amendment. The committee will remember the United States formed a postal treaty, which took effect on the 1st day of July, 1875, with Germany, Austria, Hungary, Belgium, Denmark, Egypt, Spain, Great Britain, Greece, Italy, Luxembourg, Norway, the Netherlands, Portugal, Roumania, Russia, Servia, Switzerland, Sweden, and Turkey. With these governments we have a special postal treaty, which provides among other things that—

Each country retains all the postage it collects on the postal-union correspondence of every kind, both on the prepaid sent or the unpaid received, thus dispensing with all accounts between the several post departments of the union upon the international correspondence exchanged between them.

My amendment provides that all correspondence between the State Department and those countries shall have the postage prepaid with official postage-stamps in this city and committed to the regular mail communications.

Mr. HURLBUT. Will my colleague allow me to ask him whether the treaty covers all the class of matter he speaks of?

Mr. SPRINGER. It does. Here is the treaty, if the gentleman desires to examine it. It covers everything put into the mails.

Mr. HURLBUT. Books?

Mr. SPRINGER. Yes; books go in the mails. In Europe you can send a live ox by mail if you desire. [Laughter.]

At this time the State Department, instead of committing its mail matter to the regular mails sends it by special communications of its own to New York, and thence it is transmitted through its agent, being put on board the steamer at New York and carried to Liverpool or Queenstown, and thence by special agents carried to London, and in the city of London the dispatch agent of the United States prepaies the postage on this matter with postage-stamps purchased of the British government with gold furnished that dispatch agent by the State Department here. During the last year, that ending June 30, 1875, that dispatch agent purchased postage-stamps to the amount of £2,000 sterling, or \$10,000 in gold. He purchased postage-stamps to that amount of Great Britain to prepay the postage on American correspondence; whereas under the present postal treaty they need not cost this Government one cent, except the official postage-stamps which are put on by the Department of State in the city of Washington.

Mr. HALE. May I ask the gentleman from Illinois when that treaty was negotiated?

Mr. SPRINGER. It was signed at Berne on the 9th of October, 1874, and was finally ratified on the 3d May, 1875, by all the governments that were parties to it, and it took effect as to this Government, with all those that I have named, on the 1st day of July, 1875.

Mr. HALE. Some seven or eight months ago?

Mr. SPRINGER. Yes, sir.

Mr. HALE. Now, does the gentleman know that since that treaty took effect and became operative advantage has not been taken of it in the transmission of its dispatches by the State Department?

Mr. SPRINGER. I do happen to know that from the circumstance that I went to the Fifth Auditor of the Treasury, who keeps the accounts of the State Department, and having examined the accounts of this dispatch agent in London but a few weeks ago, I found that, notwithstanding that the treaty took effect on the 1st of July last, the postage account of the dispatch agent was running on at the same rate as before, with but little diminution.

[Here the hammer fell.]

Mr. KASSON. The gentleman from Illinois [Mr. SPRINGER] perhaps failed to notice that the treaty did not take effect so far as France was concerned until the 1st day of January last. The principle he refers to is not new so far as some of the countries are concerned. There were similar provisions in the postal treaties made in 1867. I ask that the gentleman's amendment may be again read.

Mr. SPRINGER's amendment was again read, as follows:

Provided, That all letters, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States residing in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mail and be prepaid with official stamps.

Mr. KASSON. Now, if the gentleman will insert in his amendment the words "so far as compatible with the public interests," I do not know but it may be well enough to submit this at least to consideration, as it is now proposed for the first time. I think there is not a man in this House who knows anything of the diplomatic sagacity of foreign governments who will say that they dare to commit the private instructions addressed to their agents abroad to the public mail. The secrecy of the mails has been repeatedly violated, and counterfeit seals have been used to replace the seals which have been broken. And I think it should not be permitted that the private correspondence of the Government of the United States should be advertised to every post-office and public agent abroad by an official stamp that it is on business of the State Department, and that if they wish to examine it they may. That is why I suggest to the gentleman that if he will add the words "so far as compatible with the public interests" perhaps it may be well enough to let his amendment go.

Mr. SPRINGER. I desire to say that the argument that foreign governments will interfere with our mail matter is not well taken; because it is the fact that this very dispatch agent in London has committed the correspondence of the State Department to the mails of the foreign governments which the gentleman says will purloin and open that correspondence.

Mr. KASSON. The gentleman will remember that what he alludes to is but part of the correspondence of the State Department. Some of it even goes from Washington by special hand, and some of it is forwarded from London by special agents.

Mr. SPRINGER. I know that. I know that the American minister at London in 1871, sent General Badeau, consul-general at London, to Spain, as bearer of special dispatches, for which service General Badeau was paid nearly \$500. I am aware of that.

Mr. HOAR. I move to strike out the last word. I can hardly be-

lieve that the gentleman from Illinois [Mr. SPRINGER] means to deprive absolutely the Government of the United States of the power to send a dispatch abroad, from one point abroad to another, however confidential, however vast the interests that it may affect, by private messengers. This amendment, as I understand it, is peremptory; it applies to all cases without any exception whatever. It would prevent the Department of State from sending a dispatch by private hand without cost to the Government at all. It would be a violation of the law under that amendment to commit to an agent of the Government going abroad, a minister, a consul, or a secretary of legation going abroad, letters from the Department to any other diplomatic agent of the Government.

Mr. SPRINGER. I am willing to accept the amendment of the gentleman from Iowa.

Mr. HOAR. Then instead of moving to strike out the last word and substitute for it the amendment suggested by the gentleman from Iowa, I will discontinue my remarks.

The amendment of Mr. SPRINGER, as modified, was read, as follows:

Provided, That all letters, books, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mails and prepaid with official stamps so far as is compatible with the public interests.

Mr. HOAR. I think the amendment, being the words "so far as is compatible with the public interests," had better come in after the word "shall" where it first occurs.

Mr. SPRINGER. I think that would be better, and I accept that modification.

The amendment, as modified, was agreed to.

The Clerk proceeded with the reading of the bill, and read as follows:

TREASURY DEPARTMENT.

Secretary's Office:

For compensation of the Secretary of the Treasury, \$8,000; two Assistant Secretaries of the Treasury, at \$4,000 each; chief clerk and, ex officio, superintendent of the Treasury building, \$2,500; one principal clerk of warrants, estimates, and appropriations, \$2,500; four principal clerks, at \$2,500 each; four assistant clerks, at \$1,800 each; twenty clerks of class four; two disbursing clerks, at \$2,500 each; stenographer to the Secretary, \$1,800; twenty clerks of class three; fifteen clerks of class two; fourteen clerks of class one; twenty-five female clerks, at \$900 each; eight messengers and six laborers; one clerk of class one, to assist the chief clerk in superintending the building; one captain of the watch, \$1,000; one engineer, \$1,200; one assistant engineer, \$1,000; one machinist and gas-fitter, \$1,200; forty watchmen, at \$720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, \$180 each; twenty laborers, at \$720 each; six firemen, at \$720 each; ninety charwomen, at \$180 each; in all, \$245,520; and for the loans division and for the currency division, namely: Two clerks, at \$2,500 each; one assistant, at \$1,800; ten clerks of class four; six clerks of class three; four clerks of class two; four clerks of class one; fifty clerks, at \$900 each; four messengers; five laborers, at \$720 each; and six laborers, at \$2.25 per diem; in all, \$97,686.50.

Mr. RANDALL. I offer the following amendment in behalf of the Committee on Appropriations:

In line 395, strike out "four" and insert "six;" in line 400, strike out "twenty" and insert "nineteen;" in line 401, strike out "fifteen" and insert "fourteen."

It will be seen that that does not increase the number; it only changes the classification of the clerks and provides for six principal clerks instead of four, but it reduces the number of clerks of class three and clerks of class two one each.

The amendment was agreed to.

Mr. RANDALL. I also, in behalf of the Committee on Appropriations, offer the following amendment:

In line 415, strike out the word "five" in each case of its occurrence and substitute therefor the word "seven."

That makes the total right.

The amendment was agreed to.

Mr. RANDALL. I move to strike out all after the word "dollars" in line 416 down to the end of line 424, as follows:

And for the loans division and for the currency division, namely: Two clerks at \$2,500 each; one assistant, at \$1,800; ten clerks of class four, six clerks of class three, four clerks of class two, four clerks of class one; fifty clerks at \$900 each, four messengers, five laborers at \$720 each, and six laborers at \$2.25 per diem; in all, \$97,686.50.

And to insert in lieu thereof the following:

And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division, and all the work now done in the one division shall be done in the other division, with the following employees, namely: One chief of division, at \$2,500; two assistant chiefs of division, at \$2,100 each; seven clerks of class four, five clerks of class three, three clerks of class two, four clerks of class one; forty clerks, at \$900; four messengers, at \$840 each; five laborers, at \$720 each; and six laborers, at \$2.25 per day each; in all, \$1,035.50.

Mr. FOSTER. Was that agreed to in committee?

Mr. RANDALL. No, sir; I offered that amendment because the Secretary of the Treasury has stated that he can consolidate these two Bureaus, and I propose to give the Secretary the option to consolidate them as he pleases.

Mr. GARFIELD. What bureaus are they?

Mr. RANDALL. The Bureau of Loans and the Bureau of Currency. I have been advised that they could be consolidated in one way; but I understand that the Secretary prefers to consolidate them in another. I have therefore left it optional with the Secretary of the Treasury to consolidate them in his own way. I have reduced the force from what is recommended in the bill, because I am advised that the work can be done with the number of clerks that I have provided for.

Mr. GARFIELD. This amendment is so important that I hope the gentleman will let it be printed and passed over for the present.

Mr. RANDALL. No, sir.

Mr. GARFIELD. It is in manuscript, and we cannot see it or understand it, and it is simply in the interest of fair legislation that we should see it in print so that we may know what it is. It will not delay the progress of the bill if the gentleman allows it to be passed over for the present.

Mr. RANDALL. The gentleman can find out all about it if the committee so determine, and then he will have the privilege of asking a vote upon it in the House.

Mr. GARFIELD. You cannot discuss it, then. I do not ask the gentleman to delay the consideration of this bill at all, but simply to give us an opportunity to see what this amendment is.

Mr. RANDALL. Well, I will not object to that.

Mr. GARFIELD. I have done that sort of thing many times myself. This amendment may be all right; I do not know that it is.

Mr. RANDALL. I do not think the Department concurs in the reduction to the extent I have proposed. But I believe the Secretary of the Treasury has said—I think the gentleman from Ohio [Mr. GARFIELD] will confirm my statement—that these two Bureaus can be consolidated with great propriety and much economy.

Mr. GARFIELD. I should not be at all surprised if that is true, that they can be consolidated; but how, is another thing.

Mr. FOSTER. Allow me to ask the chairman of the Committee on Appropriations if by this amendment he leaves eight chiefs of divisions? I think that is what he intends to do.

Mr. RANDALL. I leave seven chiefs of divisions. I provide for six principal clerks in the main Treasury Office and two here.

Mr. FOSTER. That makes eight altogether.

Mr. RANDALL. That makes seven: six in the first part of the bill and one here. In the other amendment which I offered the chief clerks were increased from four to six.

Mr. FOSTER. Yes.

Mr. RANDALL. According to the wish of the Department.

Mr. FOSTER. I think the gentleman is mistaken. I think he will find just preceding this a single chief of division, which will make eight chiefs of divisions, just exactly as I think he intended.

Mr. RANDALL. I have provided for one, the chief of warrants, estimates, and appropriations, at \$2,500.

Mr. FOSTER. The Secretary says he can get along with eight chiefs of divisions.

Mr. RANDALL. I will permit this amendment to be printed and go over, with the privilege of having a vote upon it with the understanding that no objection shall be made to going back.

Mr. FOSTER. Yes, that is right.

The CHAIRMAN. If no objection be made the pending amendment will be passed over for the present and until it can be printed.

Mr. RANDALL. With the right to refer to it without objection.

The CHAIRMAN. That is understood.

There was no objection, and it was so ordered.

Mr. WHITE. In line 398 I find "twenty clerks of class four;" in lines 402 and 403 I find "twenty-five female clerks, at \$900 each." The twenty clerks of class four receive \$1,800 a year; the twenty-five female clerks are to receive but \$900 a year. I would like to know of the chairman of the Committee on Appropriations—

The CHAIRMAN. Does the gentleman propose any amendment?

Mr. WHITE. I move to strike out "twenty clerks of class four" and increase the clerks of class three from twenty to forty. I am informed that in the Treasury Department there are clerks of classes one, two, three, and four who are doing precisely the same work, but they receive \$1,200, \$1,400, \$1,600, and \$1,800 a year respectively. I am also credibly informed that there are ladies in the Treasury Department who receive but \$900 a year each, performing the same amount of work, under more rigid surveillance than any of the males in that Department, and receiving but half the pay of the fourth-class clerks. Now that is an act of injustice, a disgrace to the legislation of this country and to our system, and I protest against its being continued in this bill.

I ask that wherever these fourth-class clerks occur and a distinction is made against female clerks the one shall be reduced and the other elevated. This bill says, "twenty-five female clerks." Why does it not also say "twenty male clerks of class four?" It might just as well have said it, for that is just what it means.

Mr. HOLMAN. Females can be employed in the higher classes.

Mr. WHITE. They are not generally put there.

Mr. HOLMAN. Sometimes.

Mr. WHITE. Very rarely.

Mr. HOLMAN. The law allows it.

Mr. WHITE. And on the next page of the bill the committee seems to have become ashamed of its own work, for, instead of saying "fifty female clerks, at \$900 each," it puts a comma there, and supposes the country will understand the fact. [Laughter.] I ask that this injustice of cheap pay to female clerks, who perform the same kind of work, and as much of it, and under more rigid surveillance than the male clerks, will be remedied. At least I would like to have the chairman of the Committee on Appropriations explain why there should be a distinction made on account of sex when we are told that in this country there shall be no distinction on account of race or color. [Laughter.]

[Here the hammer fell.]

Mr. CONGER. This charge is so serious that I ask the gentleman from Indiana [Mr. HOLMAN] to make a full explanation. [Laughter.]

Mr. HOLMAN. Vote.

Mr. WHITE. I will state in clearer terms—

The CHAIRMAN. The gentleman's time has certainly expired. [Laughter.]

Mr. RUSK. Let the Clerk read the amendment.

Mr. WHITE. I am sure the Clerk cannot read it. [Renewed laughter.]

Mr. RUSK. Then if there is no amendment that can be read, let the Clerk read on in the bill.

The CHAIRMAN. The Clerk informs the Chair that it is impossible for him to read the amendment as proposed.

Mr. WHITE. I will give it to him, unless I am allowed to read it myself.

Mr. HOLMAN. What is the amendment?

Mr. WHITE. I move to strike out "twenty clerks of class four" in line 398; and in line 400 to insert "forty" instead of "twenty" as the number of clerks of class three, and in lines 402 and 403 to strike out "twenty-five female clerks, at \$900 each," and insert in lieu thereof "twenty-six clerks, at \$1,000 each." That will be a saving of \$500 over this part of the bill, and be doing something like justice, but not equal justice even then.

Mr. HOLMAN. Ladies can occupy the higher grades of clerkships if they are competent.

Mr. RANDALL. There is nothing to prevent the Secretary of the Treasury from appointing ladies to the highest positions.

The CHAIRMAN. Debate is exhausted on the amendment.

The question being taken on the amendment of Mr. WHITE, it was declared not agreed to.

Mr. WHITE called for a division.

The vote was again taken; and there were—ayes none, noes none. [Laughter.]

Before the result was announced,

Mr. HOLMAN. I think the gentleman from Kentucky is certainly satisfied to withdraw his proposition and let us proceed with the bill.

Mr. WHITE. No quorum has voted, and I call for tellers.

Mr. HOLMAN. Inasmuch as the House evidently does not favor the amendment of the gentleman from Kentucky, I believe he does not wish to consume further time. I hope he will withdraw it.

Mr. WHITE. I will not. It is a matter of justice. I call for tellers.

The CHAIRMAN put the question on ordering tellers; and less than one-fifth of a quorum rose.

The CHAIRMAN. Tellers are not ordered; and the amendment is not agreed to. The Clerk will read the next paragraph.

Mr. GARFIELD. I cannot consent to see the rights of any member of the House disregarded. The gentleman from Kentucky had the right to demand tellers, as there was no quorum voting.

The CHAIRMAN. The gentleman from Kentucky did not make the demand.

Mr. WHITE. Of course I demand them, if I am entitled to them.

Mr. GARFIELD. The gentleman from Kentucky did state that there was no quorum voting and called for tellers.

Mr. WHITE. I supposed the Chairman understood his business.

The CHAIRMAN. The rule is that any gentleman who makes a point in this House should rise. Nobody makes a point more frequently in his seat than the gentleman from Ohio, [Mr. GARFIELD.] The Chair cannot recognize members unless they rise and address the Chair.

Mr. GARFIELD. I desire to say to the Chair that I made my point standing where I am.

The CHAIRMAN. The Chair has the present say on this subject.

Mr. RANDALL. We have had a good laugh. Now let us go to business.

The CHAIRMAN. The Chair has already requested the Clerk to read the next paragraph.

The Clerk proceeded to read.

Mr. GARFIELD. I respectfully appeal from the decision of the Chair, upon the ground that it is the duty of the Chair to order tellers on the demand of any gentleman when a quorum has not voted.

The CHAIRMAN. The Chair heard no such demand from the gentleman from Kentucky.

Mr. GARFIELD. I heard it.

Mr. WHITE. With all courtesy to the Chair, I must say that I made the demand twice.

The CHAIRMAN. The Chair will take the statement of the gentleman from Kentucky, although confirmed by the gentleman from Ohio.

Mr. GARFIELD. I desire to say respectfully that I do not conceive it to be the right of the Chair to insult a gentleman in this House. [Applause in the galleries.]

The CHAIRMAN. The gentleman from Ohio undertook to say to the Chair that he had not recognized the right of the gentleman from Kentucky. He recognized his right until the proceeding became so frivolous that the House became a laughing-stock, which the Chair is not disposed to permit. [Applause.]

Mr. GARFIELD. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. MacDOUGALL. I move to amend by striking out the last word.

Mr. GARFIELD. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio has no right to the floor at this time.

Mr. GARFIELD. I move that the committee do now rise, that the words of the Chair may be taken down and reported to the House, so that we may see whose rights are invaded.

Mr. RANDALL. The gentleman can have that done hereafter. Let us go on with this paragraph.

Mr. GARFIELD. No; now is the time to exercise that right.

The question being taken on the motion that the committee rise, it was declared not agreed to.

Mr. GARFIELD. I call for a division on that question.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky and the gentleman from Ohio that, if they say to the Chair that they demanded a count on the failure of a quorum to vote, the Chair will again put the question to the committee. He was trying to make a count on tellers when this matter arose.

Mr. GARFIELD. Will the Chair allow me to state again the point which I make in the presence of every gentleman in this Committee of the Whole? This point, which is personal to myself, is that when the Chair remarks in his place officially that he accepts the word of the gentleman from Kentucky, notwithstanding its indorsement by the gentleman from Ohio—

A MEMBER. O, no.

Mr. GARFIELD. "Although confirmed by the gentleman from Ohio."

The CHAIRMAN. "Confirmed by the gentleman from Ohio," the Chair said.

Mr. GARFIELD. "Although confirmed by the gentleman from Ohio," I desire to ask this Committee of the Whole—

The CHAIRMAN. The Chair withdraws the remark.

Mr. GARFIELD. Whether that is to be allowed to go on record?

Mr. HOLMAN. The remark was understood to be a mere pleasantry by every person except the gentleman from Ohio.

Mr. GARFIELD. Very well; then I do not press my point further.

The CHAIRMAN. The gentleman from New York [Mr. MACDOUGALL] rose to propose an amendment.

Mr. MACDOUGALL. I sought the floor to say that I rose to call for tellers myself, when the gentleman from Kentucky rose and his motion was distinctly heard in this quarter of the Hall.

Mr. FOSTER. I move in line 400 to strike out "\$1,800" and insert "\$2,200," so it will read, "stenographer to the Secretary, \$2,200." This place of stenographer to the Secretary is a very important one, requiring the service of a very able man. We pay in this House \$5,000 for less service than is rendered by this stenographer to the Secretary.

Do you intend, let me ask the gentleman from Pennsylvania, to increase the fourth-class clerks to \$2,100?

Mr. RANDALL. I strike out four principal clerks and make it six.

Mr. FOSTER. At what salaries do you intend to leave them?

Mr. RANDALL. Eighteen hundred dollars.

Mr. DUNNELL. I move the committee rise.

Mr. RANDALL. We wish to go on and read the next paragraph before rising. I hope the gentleman will withdraw his motion until the next paragraph is read.

Mr. DUNNELL. I withdraw my motion.

Mr. SPRINGER. I hope the pending amendment moved by the gentleman from Ohio will not be agreed to. The duties performed by the stenographer to the Secretary are very simple in their character in comparison with the duties performed by the Official Reporters of this House. I am surprised the gentleman from Ohio should have made the statement he has.

Mr. FOSTER. The duties of the stenographer to the Secretary are much greater.

Mr. SPRINGER. The duties of the Official Reporters of this House could not be performed by the stenographer to the Secretary. They are more arduous, of greater importance and difficulty, requiring unusual skill and ability, and of course are worthy of larger compensation.

Mr. FOSTER's amendment was rejected.

Mr. RANDALL. I move that the committee rise, with the understanding that when the committee again meets the pending paragraph will be that relating to the Supervising Architect.

Mr. WHITE. I do not agree to that, as I have an amendment to offer to the paragraph we are now on.

Mr. RANDALL. Then I withdraw the motion that the committee rise.

Mr. WHITE. I move in line 402 to strike out "\$900" and insert "\$1,000," so it will read "twenty-five female clerks, at \$1,000 each."

Now, Mr. Chairman, I desire to state that if this amendment be agreed to I will then propose in line 398 to strike out "twenty clerks of class four" and in line 400 to amend by striking out "twenty" and inserting "forty," so it will read "forty clerks of class three."

As will be perceived it will not take any more money from the Treasury, but provides only for giving a part of the money appropriated to class four in this bill to these female clerks, and it will still leave \$500 for the contingent fund.

Mr. HOAR. I desire to ask the chairman of the Committee on Appropriations whether there is any doubt about the correctness of the statement made a little while ago that the Secretary of the Treasury is at liberty under existing law to appoint a lady he finds to be competent to a clerkship of any grade whatever?

Mr. RANDALL. I so understand it. I do not think I am mistaken

about it. Such at least is the general understanding. So far as I know, there is no provision of existing law which will prevent the Secretary of the Treasury from appointing a female clerk competent to discharge the duties of the higher class. In fact I believe some do now get \$1,200.

Mr. RUSK. One or two get \$1,400 a year each.

Mr. HOAR. I understand it as the gentleman from Pennsylvania does.

Mr. RANDALL. It ought to be so if it is not.

Mr. HOAR. Let me say a word. This amendment of the gentleman from Kentucky, which was received with some merriment by the House, of course relates to a very serious matter, a matter of livelihood as well as of right as citizens to a large portion of the citizens of the Republic. I understand the law to be as the gentleman from Pennsylvania does, but I think it proper in this connection to have it explicitly understood in this bill.

Mr. RANDALL. I have not seen the law, but it is my understanding that the Secretary of the Treasury has the power to appoint any female to any one of the classes he may desire. In my judgment, lady clerks who are competent in every way to discharge the duties of the higher classes should be promoted. Certainly when they discharge the duties of the higher class of clerkships they ought to receive compensation accordingly.

Mr. WHITE. I do not wish to be misunderstood in regard to this matter. I may say, there are one or two, or half a dozen female clerks of class four in the Department. What I undertake to say is this, that the standard—and it is upon the very face of this bill—that the standard of pay for female clerks in the Department is \$900, while for male clerks it is from \$1,200 to \$1,800, all doing similar work. This is not justice. There are men who have been there for ten years as first and second class clerks. I heard of one the other day who was called up by the Assistant Secretary and asked whether he did not think he had been there long enough to be made a third-class clerk. He replied, if they would let him alone he would let them alone. [Laughter.]

Both males and females should be promoted when they deserve it; and all should be paid alike, according to the class of work and the talent and skill required to perform it.

The amendment was rejected.

Mr. FOSTER. I move in line 409 to strike out "forty" and insert "sixty." This relates to watchmen of the Treasury Department. Sixty is the number of the present force. They have the care of the Treasury building, a portion of the Post-Office Department, a portion of Windler's building, occupied by the Second Auditor's Office, as well as of several other buildings about the city. The force is simply in good working order at present. They guard hundreds of millions of dollars daily, and they guard valuable papers. I think if the committee had fairly considered this matter they would have allowed the number to stand at sixty. I do not propose to take the time of the committee at this late hour, but will ask for a vote on the amendment.

The amendment was rejected.

Mr. CONGER. I do not wish to retard the business, but gentlemen said if we would meet and go on with the business the committee would rise at ten o'clock.

Mr. RANDALL. I will move that the committee rise as soon as the next paragraph is read.

The Clerk read as follows:

Supervising Architect:

In the construction branch of the Treasury: For Supervising Architect, \$4,050; chief clerk, \$2,250; photographer, \$2,250; one principal clerk, at \$2,000; two clerks, at \$1,800 each; one clerk of class four; two clerks of class three; one clerk of class one; one at \$900; and one messenger; in all, \$21,590.

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN 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. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and ten 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. J. H. BAGLEY: The petition of Van Deusen Brothers and others, that cork and manufactures of cork be placed upon the free list, to the Committee of Ways and Means.

By Mr. BAKER, of Indiana: The petition of William H. Replogle, for a pension from the time of his discharge from the Army, to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of Elizabeth T. DuBois, for a pension, to the same committee.

By Mr. BRIGHT: The petition of C. D. Pennebacker, attorney, relating to the claim of Thomas J. Harding, administrator of the estate of John Waters, deceased, late of Nashville, Tennessee, for rent of post-headquarters in Nashville, Tennessee, to the Committee of Claims.

By Mr. GARFIELD: The petition of citizens of Ashtabula, Ohio, against any change in the present tariff laws, to the Committee of Ways and Means.

Also, the petition of citizens of Ravenna, Ohio, in relation to the protection of millers in regard to patent-rights covering machinery, &c., to the Committee on Patents.

By Mr. HOUSE: The petition of J. C. Garrett and others, of Stewart County, Tennessee, that the tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. HUNTON: Papers relating to the claim of the Washington and Ohio Railroad Company, for compensation for railroad supplies purchased for military purposes in 1861, to the Committee on War Claims.

By Mr. KELLEY: The petitions of importers of quinia bark and wholesale dealers in quinine and druggists in Philadelphia, Pennsylvania; Milwaukee, Wisconsin; La Crosse, Wisconsin; Saint Paul, Minnesota; Dubuque, Iowa; Burlington, Iowa; Zanesville, Ohio; Mansfield, Ohio; Columbus, Ohio; Portsmouth, Ohio; Maysville, Kentucky; Louisville, Kentucky; Cincinnati, Ohio; New Albany, Indiana; Indianapolis, Indiana; Terre Haute, Indiana; La Fayette, Indiana; Wabash, Indiana; Fort Wayne, Indiana; Toledo, Ohio; Detroit, Michigan; Grand Rapids, Michigan; La Porte, Indiana; Peoria, Illinois; Chicago, Illinois; Pittsburgh, Pennsylvania; Allegheny, Pennsylvania; Youngstown, Ohio; Erie, Pennsylvania; Cleveland, Ohio; Wheeling, West Virginia, against placing sulphate and other salts of quinine upon the free list, to the Committee of Ways and Means.

Also, the petition of 335 workmen of the county of Philadelphia, Pennsylvania, against making any change in existing tariff laws, to the same committee.

Also, the petition of 208 business men of Philadelphia and 22 business men of Pittsburgh, of similar import, to the same committee.

Also, the petition of 189 workmen employed in one establishment in Philadelphia, of similar import, to the same committee.

Also, the petition of business men of Philadelphia, that the further consideration of the tariff be suspended for the present year, to the same committee.

By Mr. LYNDE: The petition of Richard B. Conlan and others, for the establishment of a post-route from Durham Hill, in the town of Muskego, to Howard Prairie, town of Franklin, Milwaukee County, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. McFARLAND: The petition of T. A. Middleton, for additional compensation as a United States officer, to the Committee on Military Affairs.

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

By Mr. SHEAKLEY: Remonstrance of citizens of Mercer County, Pennsylvania, against a reduction of tariff duties, to the same committee.

By Mr. TURNEY: The petition of R. L. Martin and 43 other citizens of Fayette County, Pennsylvania, against any change being made in the present tariff laws, to the same committee.

By Mr. WALDRON: The petition of W. F. King and others, of Adrian, Michigan, against the sale and delivery of envelopes at less than cost by the Post-Office Department, to the Committee on the Post-Office and Post-Roads.

By Mr. WALSH: The petition of G. W. Utermahle, for compensation on account of damages sustained by acts of the late board of public works for the District of Columbia, to the Committee for the District of Columbia.

Also, the petition of A. Shoop's heirs and other citizens of Washington County, Maryland, for compensation for property destroyed by the United States Army on the 17th of September, 1862, to prevent the confederate army crossing the Potomac River, to the Committee on War Claims.

Also, the petition of J. B. Oder & Brother and others, citizens of Frostburgh, Maryland, that the Post-Office Department be prohibited from printing and delivering envelopes and postal cards at a loss to the United States Government, to the Committee on the Post-Office and Post-Roads.

By Mr. A. S. WILLIAMS: The petition of 17 citizens of Michigan, soldiers of the late war, for the passage of the bill equalizing bounties, to the Committee on Military Affairs.

IN SENATE.

THURSDAY, April 6, 1876.

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

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes; and

A bill (H. R. No. 2822) repealing section 363 of the Revised Statutes, and the substitution of another section in lieu thereof.

CHANGE OF REFERENCE.

Mr. HAMLIN. Day before yesterday House bill No. 186, to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington, of July 9, 1842, was inappropriately referred to the Committee on Foreign Relations. The bill originated in the Committee on Claims in the House last year, passed the House, came here, and went to the Committee on Claims, as it should have gone this year. I therefore move that the Committee on Foreign Relations be discharged from its further consideration, and that it be referred to the Committee on Claims.

Mr. WRIGHT. I inquire if that is what is known as the Drew case?

Mr. HAMLIN. Yes, sir.

Mr. WRIGHT. I think that is a proper reference.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine, that the Committee on Foreign Relations be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a memorial of citizens of Philadelphia, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. HARVEY presented a concurrent resolution of the Legislature of Kansas, in favor of the passage of an act ceding and donating the Fort Harker military reservation to the State of Kansas for educational purposes; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of Kansas, opposing any reduction of the Army, and urging that troops be stationed on the frontier to protect the settlers from the incursions and depredations of warlike tribes of Indians; which was referred to the Committee on Military Affairs.

Mr. MERRIMON presented the petition of John A. Rowland and Henry Turner, property-owners on Sixth street northwest, in the city of Washington, praying that there be refunded to them certain amounts which were erroneously collected of them for special improvements on that street; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John A. Rowland and others, of Washington, District of Columbia, remonstrating against the payment of a special assessment made by the authorities against them for the improvement of Sixth street in front of their property; which was referred to the Committee on the District of Columbia.

Mr. KEY presented the petition of Margaret Knight, of Meigs County, Tennessee, praying additional compensation for property taken and used by United States troops during the late war; which was referred to the Committee on Claims.

Mr. WRIGHT presented the petition of A. M. Garoutte, late captain and acting quartermaster United States Army, praying to be reimbursed for the amount of money refunded by him to certain parties for property taken and sold by him by order of the military authorities, also for money paid for expenses of clerks and for balance of pay and travel pay, and also amount of a fine adjudged against him by a court-martial; which was referred to the Committee on Claims.

Mr. COCKRELL presented the memorial of the Board of Trade of Kansas City, Missouri, praying the passage of a law providing for holding the terms of the district and circuit courts of the United States at Kansas City, Missouri; which was referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the petition of Eugene O'Sullivan, late sergeant of Company K, Eighteenth Missouri Volunteer Mounted Infantry, praying to be allowed an increase of pension, 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. 2313) granting a pension to Mary Ann Cornell, widow of Stephen Cornell, late a private in Company I, One hundred and twenty-fifth New York Volunteer Infantry, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 11) granting a pension to Eliza Jane Blumer, 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 joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, in response to the order of the Senate adopted yesterday, directing that committee to inquire into the expediency of making further provision respecting the administration of oaths in the Senate, to report that we have considered the subject, and beg leave to submit a bill.

The bill (S. No. 701) further to provide for the administering of oaths in the Senate was read and passed to a second reading.