

to progress very rapidly or very satisfactorily in the discharge of the public business in the next two or three days. I think the trial of the last half hour ought to prove conclusively to every Senator that it will really promote the public business if the Senate adjourn temporarily. I therefore rise to renew the motion that when the Senate adjourn to-day, it be to meet on Thursday next, with the understanding that that will be a mere formal meeting and an adjournment will then take place until Friday when we shall meet as a court of impeachment. I therefore move that when the Senate adjourn to-day it be to meet on Thursday next.

Mr. MORRILL, of Vermont. I voted against this proposition when it was up before, but I am quite satisfied that we shall make no progress. I shall now vote for it.

Mr. COCKRELL. I voted against the motion before and shall vote the same way now. I am opposed to the adjournment, and think we can stay here and transact the business which is before us; but it seems impossible to keep a quorum in the Senate Chamber. Although there are thirty-nine to forty-one Senators present in the Capitol building, we cannot keep them in the Senate Chamber. I shall not call for the yeas and nays, but simply desire to express my disapprobation of the motion.

The PRESIDING OFFICER. The Senator from Maryland moves that when the Senate adjourn it be to meet on Thursday next.

The motion was agreed to.

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

Mr. SHERMAN. Is it understood among us that on Thursday there will be only a formal meeting?

The PRESIDING OFFICER. The Chair was going to state what the Chair understood to be the proposition of the Senator from Maryland, that the meeting on Thursday should be merely formal for the purpose of adjourning till Friday, when it is necessary for the Senate to meet as a court of impeachment.

Mr. COCKRELL. There will be then no business at all transacted on Thursday, so that the presence of any of the Senators will not be required. The President will have to be here, of course, and some one Senator to make a motion to adjourn.

The PRESIDING OFFICER. The suggestion requires unanimous consent. The Chair hears no objection.

Mr. EDMUNDS. I do not think it ought to be entered in the Journal. I do not think it ever has been.

The PRESIDING OFFICER. In the RECORD.

Mr. EDMUNDS. In the CONGRESSIONAL RECORD. But an understanding of this kind does not go into the Journal as an order of the Senate agreed to by the Senate.

The PRESIDING OFFICER. The Senator is correct. The Chair should have said that it would so appear in the RECORD and he meant to say "the RECORD."

Mr. WHYTE. I have moved that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate adjourn.

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

## HOUSE OF REPRESENTATIVES.

MONDAY, June 12, 1876.

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

The Journal of Saturday last was read and approved.

### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at half past twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

### BOARD OF NAVAL COMMISSIONERS.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 3692) for the establishment of a board of commissioners for the Navy of the United States; which was read a first and second time.

Mr. FOSTER. I call for the reading of that bill.

The bill, after being read at length, was referred to the Committee on Naval Affairs, and ordered to be printed.

### CHANGE OF NAME OF NATIONAL BANK.

Mr. THOMPSON introduced a bill (H. R. No. 3693) changing the name of the First National Bank of Amesbury to the First National Bank of Merrimac; which was read a first and second time.

Mr. KASSON called for the reading of the bill; and it was read in full.

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

### UNPAID CLAIMS OF REVOLUTIONARY OFFICERS.

Mr. THOMPSON also introduced a bill (H. R. No. 3694) for the settlement of the unpaid claims of those officers of the line of the revolutionary army who served to the close of the war of Independence and so returned on the books of the Treasury; which was read a first and second time.

Mr. FOSTER called for the reading of the bill in full; and it was read.

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

### AMENDMENT OF THE CONSTITUTION.

Mr. LORD introduced a joint resolution (H. R. No. 121) to amend the Constitution of the United States; which was read a first and second time.

Mr. WILLIS. For the purpose of information and not for delay, I call for the reading of this resolution.

The joint resolution was read, as follows:

Whereas under the Constitution all the officers of the United States, numbering with dependents about one hundred thousand, penetrating into every part of the country and having charge of its transmitted intelligence, are commissioned by the President, and are, through the power of appointment and removal, subject to the coercion of any administration in power, and required to act, vote, and contribute money in accordance with the central will, whereby both the caucuses and the elections are controlled; and whereas such relations between the administration and the officers of the Government tend not only to defeat the will of the majority and to degrade the independence and fidelity of such officers, but to relax the rules of official accountability, which it is of supreme importance not only to maintain, but to extend; and whereas, securing the independence of such officers from such central control is the only method by which the evil can be remedied: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of each House concurring therein,)* That the following amendments to the Constitution be, and are hereby, proposed to the Legislatures of the several States:

#### ARTICLE —

SECTION 1. All postmasters, marshals, assessors, and collectors, except collectors of custom duties, shall be chosen for a term of four years at a general election by the electors of the district, city, town, or village in which the duties of their offices are to be performed.

SEC. 2. The Congress shall enact suitable laws to execute the foregoing article, and to insure the faithful discharge of the duties of such officers, and for their removal by the President for official misconduct; and, in case of a removal, for an appointment until the next general election, and for filling vacancies in such offices.

#### ARTICLE —

SECTION 1. The Congress shall enact suitable laws for the prevention and punishment of official misconduct and to insure official accountability.

SEC. 2. No person indicted for bribery or for converting the public money, or called as a witness in relation thereto, shall be excused from testifying on the ground that his testimony will tend to criminate himself; and any person convicted of such bribery or conversion shall not be pardoned, and shall be disqualified from holding any office of honor, trust, or profit under the United States.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

JAMES McDONALD.

Mr. BEEBE introduced a bill (H. R. No. 3695) granting a pension to James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JEREMIAH PHELAN.

Mr. WHITEHOUSE (for Mr. Bliss) introduced a bill (H. R. No. 3696) authorizing the President to appoint Dr. Jeremiah Phelan an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### AMENDMENT OF RESUMPTION ACT.

Mr. WHITEHOUSE also introduced a joint resolution (H. R. No. 122) to amend the resumption act of January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

### CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. HARDENBERGH introduced a bill (H. R. No. 3697) authorizing the Secretary of War to deliver to the commissioners of Forest Park, Saint Louis, Missouri, eight condemned cannon to be used in constructing the base of the statue of Ex-Attorney General Edward Bates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. WILMER.

Mr. HENKLE introduced a bill (H. R. No. 3698) for the relief of William R. Wilmer, late collector of internal revenue for the fifth district of Maryland; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. ELIZA KEARNEY.

Mr. HUNTON introduced a bill (H. R. No. 3699) to increase the pension of Mrs. Eliza Kearney, widow of Lieutenant-Colonel James Kearney, corps of topographical engineers, United States Army; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ANNE E. HARPER.

Mr. HUNTON also introduced a bill (H. R. No. 3700) for the relief of Anne E. Harper, of Alexandria County, Virginia; which was read

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

#### HOSPITAL STEWARDS.

Mr. FOSTER introduced a bill (H. R. No. 3701) to provide for a better compensation and to raise the standard of hospital stewards United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### COLLECTION DISTRICT OF THE MIAMI.

Mr. HURD introduced a bill (H. R. No. 3702) to change the name of the collection district of the Miami; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### SUPREME COURT REPORTS.

Mr. HURD also introduced a joint resolution (H. R. No. 123) directing the Attorney-General to furnish a set of Supreme Court reports to the clerk of the United States district court at Toledo, Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### SECTION 1588 OF REVISED STATUTES.

Mr. DURHAM introduced a bill (H. R. No. 3703) to correct an error in section 1588 of the Revised Statutes; which was read a first and second time.

The Clerk proceeded to read the bill in full.

Mr. DURHAM. I did not call for the reading of the bill.

Mr. TOWNSEND, of New York. I call for the reading.

Mr. HOLMAN. The gentleman from Kentucky can withdraw the bill if he thinks proper.

Mr. DURHAM. I cannot do that. The bill is a very short one.

The bill, having been read in full, was referred to the Committee on the Revision of the Laws, and ordered to be printed.

#### J. D. BOND & BROTHER.

Mr. RIDDLE introduced a bill (H. R. No. 3704) for the relief of J. D. Bond & Brother, of Wilson County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### ASA FAULKNER.

Mr. DIBRELL introduced a bill (H. R. No. 3705) for the relief of Asa Faulkner, of Warren County, Tennessee; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The bill, having been read in full, was referred to the Committee on War Claims, and ordered to be printed.

#### WILLIAM BULLARD.

Mr. DIBRELL also introduced a bill (H. R. No. 3706) granting relief to William Bullard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### RESUMPTION OF SPECIE PAYMENTS.

Mr. HAYMOND introduced a bill (H. R. No. 3707) providing for the gradual resumption of specie payments, and to repeal the portion of section 3 of the act of January 14, 1875, which fixed the date for the resumption of specie payments on the 1st day of January, 1879; which was read a first and second time.

Mr. FOSTER. We want to hear that.

The bill, having been read in full, was referred to the Committee on Banking and Currency, and ordered to be printed.

#### ENOCH L. FOLSOM.

Mr. HAYMOND also introduced a bill (H. R. No. 3708) granting a pension to Enoch L. Folsom, of Lake County, Indiana; which was read a first and second time.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

#### SOLOMON YEWELL.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 3709) granting a pension to Solomon Yewell, late private in Company H, Thirtieth Indiana Volunteers; which was read a first and second time.

Mr. HURLBUT. Let the bill be read.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MARTIN V. DAY.

Mr. HARTZELL introduced a bill (H. R. No. 3710) granting a pension to Martin V. Day; which was read a first and second time.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

#### A. J. SMITH.

Mr. STONE introduced a bill (H. R. No. 3711) to authorize the President of the United States to place the name of A. J. Smith, late colonel of the Seventh Cavalry, on the retired list; which was read a first and second time.

Mr. HURLBUT. I desire to have that bill read.

The bill was read in full, and was referred to the Committee on Military Affairs, and ordered to be printed.

#### STAMPED LETTER AND NOTE SHEET.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 3712) to authorize the issue of a stamped letter and note sheet; which was read a first and second time.

Mr. HURLBUT. Let the bill be read.

The bill, having been read in full, was referred to the Committee on the Post-Office and Post-Roads.

#### MONEYS ERRONEOUSLY CREDITED TO POST-OFFICE DEPARTMENT.

Mr. CLARK, of Missouri, also introduced a bill (H. R. No. 3713) to enable the Postmaster-General to place to the credit of the proper account any moneys erroneously deposited to the credit of the Post-Office Department; which was read a first and second time.

Mr. HURLBUT. I call for the reading of that bill.

The bill, having been read in full, was referred to the Committee on the Post-Office and Post-Roads.

#### JOHN HOSTAT.

Mr. GLOVER introduced a bill (H. R. No. 3714) for the relief of John Hostat, a soldier of the war of 1812; which was read a first and second time.

The bill was read in full, referred to the Committee on Military Affairs, and ordered to be printed.

#### DISTRICT COURT FOR WESTERN ARKANSAS.

Mr. GAUSE introduced a bill (H. R. No. 3715) to confer jurisdiction in certain cases on the district court of the United States for the western district of Arkansas; which was read a first and second time.

Mr. FOSTER. I call for the reading of that bill.

The bill, having been read in full, was referred to the Committee on the Judiciary, and ordered to be printed.

#### SUSPENDED EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. WILLARD introduced a bill (H. R. No. 3716) for the relief of suspended employés of the Bureau of Engraving and Printing, United States Treasury Department; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

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

#### CHEAP TRANSPORTATION OF FREIGHT.

Mr. POTTER introduced a bill to provide for the cheap transportation of freight between tidewater on or near the Atlantic Ocean and the Ohio and Mississippi Valleys; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The Clerk proceeded to read the bill.

Before he had concluded,

Mr. LORD said: I understand that the morning hour has expired.

The SPEAKER *pro tempore*. The morning hour has just expired.

Mr. FOSTER. Then I call up the unfinished business.

Mr. FOSTER. I ask unanimous consent that the call of the States be completed for bills for reference only, the bills not to be read.

Mr. HOLMAN. I hope that will be done.

Mr. POPPLETON. I object.

Mr. PIPER. Before calling up my motion to suspend the rules, I will yield for gentlemen who desire to report and introduce bills.

#### ARMY APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes; which was read a first and second time.

Mr. GARFIELD. I desire to reserve all points of order on that bill.

The SPEAKER *pro tempore*. The same will be noted.

Mr. ATKINS. To-morrow morning I will move to suspend the rules and that the House shall go into Committee of the Whole on the state of the Union on this bill, and shall spend to-morrow in general debate upon it and the next morning that we shall take up the bill under the five-minute rule.

Mr. WALLING. I object.

Mr. RANDALL. The gentleman from Tennessee only gives notice that he will make that motion.

Mr. GARFIELD. Let him move to suspend the rules and make the order now.

Mr. HOLMAN. That is not necessary.

Mr. ATKINS. Upon suggestion I will move to suspend the rules so as to make that order.

Mr. HOLMAN. Although there is no impropriety in that course it is certainly not necessary, as the gentleman from Tennessee can make a motion to suspend the rules to go into Committee of the Whole on the state of the Union, on the bill to-morrow as well as to-day, and then it will require merely a majority vote, whereas to-day it requires a two-thirds vote.

The SPEAKER *pro tempore*. Unanimous consent not having been given to the course proposed by the gentleman from Tennessee, he now moves to suspend the rules and make the proposed arrangement. The question was taken, and (two-thirds voting in favor thereof) the motion was agreed to.

Mr. WILSON, of Iowa. It does not require a two-thirds vote to suspend the rules to go into Committee of the Whole; a majority can do that.

The SPEAKER *pro tempore*. A majority can do it on an appropriation bill, and the Chair will correct it in that regard.

MRS. MARIA B. CRAIG.

Mr. BANKS, by unanimous consent, introduced a bill (H. R. No. 3718) for the relief of Mrs. Maria B. Craig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. CHEEVER.

Mr. BANKS also, by unanimous consent, introduced a bill (H. R. No. 3719) granting a pension to Henry A. Cheever, late first lieutenant and adjutant Seventeenth Massachusetts Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF MOSES COX.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 3720) for the relief of the heirs of Moses Cox, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF UNITED STATES STATUTES.

Mr. LYNDE, by unanimous consent, introduced a bill (H. R. No. 3721) to amend chapter 304 of the statutes of Congress of 1874; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JULES BLANCHEZ.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 3722) for the relief of Jules Blanchez, late of Brownsville, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. SAVAGE. I desire to know whether it requires unanimous consent for the introduction of these bills now?

The SPEAKER *pro tempore*. It does require unanimous consent, and the gentleman from California yields for that purpose.

Mr. SAVAGE. I object to any more bills being introduced in this way.

IMMIGRATION FROM AND EMIGRATION TO CHINA.

The SPEAKER *pro tempore*. The gentleman from California [Mr. PIPER] calls up the unfinished business, which is a motion made on Monday before last to suspend the rules and pass a joint resolution reported by the Committee on Commerce.

The joint resolution will be read.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives.* That the President of the United States be, and he is hereby, requested to submit to the government of the Ta Tsing Empire (China) an additional article to the treaty of July 28, 1868, between the United States of America and the Ta Tsing Empire (China) to the following effect: The United States of America do hereby reserve the right to regulate, restrict, or prevent the immigration of Chinese subjects into the United States except for commercial pursuits, and reciprocally, the Emperor of China does reserve the right to regulate, restrict, or prevent the immigration of citizens of the United States into the Ta Tsing Empire (China) except for commercial pursuits.

Mr. PIPER. I have moved that the rules be suspended and the joint resolution be passed.

The question was put on the motion to suspend the rules; and the Speaker *pro tempore* announced that the ayes had it.

Mr. WALLING. I call for a division.

The House divided; and there were—ayes 78, noes 7; no quorum voting.

Mr. HOLMAN. If no further count is called for, I suppose the joint resolution may be considered as passed by a two-thirds vote.

Mr. HURLBUT. No quorum has voted.

The SPEAKER *pro tempore*. If the gentleman insists upon a further count it will be taken; otherwise the Chair will declare the joint resolution passed.

Mr. TOWNSEND, of New York. I raise the point that no quorum has voted.

The SPEAKER *pro tempore*. The Chair has put the question to the House very distinctly. If the gentleman says he made the point of order that no quorum voted the Chair will submit the question to the House again.

Mr. TOWNSEND, of New York. I certainly did make the point.

The question was again taken; and upon a division there were—ayes 118, noes 6.

Mr. TOWNSEND, of New York. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. PIPER, and Mr. TOWNSEND of New York, were appointed.

The House again divided; and the tellers reported that there were—ayes 126, noes 14.

Mr. TOWNSEND. I do not call for any further count.

No further count being called for, the rules were suspended (two-thirds voting in favor thereof) and the joint resolution (H. R. No. 124) was passed.

JOHN A. BRIDGELAND.

Mr. CALDWELL, of Tennessee. I move that the rules be suspended and the resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved.* That the evidence taken by the Committee on the Judiciary in an investigation in relation to Horace Boughton be referred, so far as it relates to John

A. Bridgeland, at present consul to Havre, France, to the Committee on Expenditures in the State Department; and that said committee be authorized to send for persons and papers, to investigate said charges against said Bridgeland, and report thereon to the House.

Mr. HURLBUT. There is a mistake in the wording of the resolution; the testimony was not taken before the Committee on the Judiciary, but before the Committee on Military Affairs.

Mr. CALDWELL, of Tennessee. I will modify the resolution by substituting the "Committee on Military Affairs" for the "Committee on the Judiciary."

Mr. KASSON. What are the charges? I hope consent will be given to the gentleman from Tennessee [Mr. CALDWELL] to state what are the charges. For one, I am ignorant, and I presume we are all ignorant, of what is involved in these charges.

Mr. HURLBUT. If the gentleman will modify the resolution so as to embrace in it and have printed all the testimony taken in that case, I will not object to it.

Mr. BANNING. That is right.

Mr. CALDWELL, of Tennessee. I modify the resolution accordingly.

The question was then taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution, as modified, was adopted.

JAMES F. BUCKNER.

Mr. TUCKER. I move that the rules be suspended so as to discharge the Committee of the Whole on the Private Calendar from the further consideration of the bill (H. R. No. 3486) for the relief of James F. Buckner, and that it be now passed by the House.

The bill was read, as follows:

*Be it enacted, etc.* That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed, in the settlement of the accounts of James F. Buckner, collector of internal revenue for the fifth district of Kentucky, to credit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector and cashier, George N. Jackson, it being first proved to the satisfaction of the Secretary of the Treasury that such embezzlement or larceny did not occur through any fault or negligence of said Buckner: *Provided.* That the said Buckner shall assign and transfer to the United States, and for their benefit, any bond or other security, lien by judgment, or otherwise, against the said Jackson or others, and the right to prosecute all suits or suits thereon or for the enforcement thereof, and the exclusive benefit of all such shall inure to the United States.

Mr. HOLMAN. Will the gentleman from Virginia allow me to ask him a question?

Mr. TUCKER. Certainly.

Mr. HOLMAN. I understand that this officer gave an official bond to the Government, and his deputy gave a proper bond to him; and it is now proposed to relieve the collector and throw upon the United States Government the duty of collecting the penalty of the bond given by the person who committed the embezzlement. Now, I submit that if such is the state of facts we are asked to go further in this bill than we have ever gone before in my experience. It is proposing that the United States shall collect this money instead of its being collected by the officer to whom the bond was given.

Mr. TUCKER. My friend is mistaken.

The SPEAKER *pro tempore*. Debate is proceeding by unanimous consent only.

Mr. FOSTER. I suggest that the report in this case be read.

Mr. TUCKER. I have no objection to the report being read, but I think I can make a statement in a few minutes that will answer every purpose. I ask consent for that purpose.

There was no objection, and leave was granted accordingly.

Mr. TUCKER. As a member of the Committee of Ways and Means and as chairman of the subcommittee I have examined this case with very great care. I think my colleague upon that committee will agree that I am not apt to report in favor of the release of any party from his legal liabilities, unless the circumstances are very strongly in favor of such a proposition. After a very careful and full examination of the case I am satisfied that this relief ought to be given to this party.

He is a collector in a district, the fifth district of the State of Kentucky, in which about \$2,000,000 are usually collected every year. By law he is required to appoint his deputies, one of whom acts as cashier. He appointed as his cashier and deputy a young man from the city of Louisville, of the very highest character for integrity and honesty, according to the evidence in the case. When this young man entered upon the office, the collector required him to deposit in bank to the credit of the collector all the moneys received during each day, so that no money was left on hand. The collector took a bond from this deputy in the penalty of \$25,000, which was more than the penalty required of any party in the same office at any previous time, Collector Buckner increasing the penalty from \$15,000 to \$25,000, in order to obtain the better security. The young man by a series of frauds, very well concealed, perpetrated these peculations upon the Government in reference to the stamps which were in his possession; so that the defalcation amounted to something like \$60,000. Six detectives were sent out at different times to examine the office of Mr. Buckner; and upon each examination they reported everything right in the office of this young man. These reports are filed with the evidence before the committee.

As soon as the frauds were detected the young man committed suicide, destroying—as was supposed—the papers and books by which it would have been ascertained how the fraud was committed. The

effect is that this man, Mr. Buckner, with his securities, is held liable for the defalcation.

The committee in examining this case took the ground that there should be no relaxation of the liability of the party unless these four points were made out:

1. The whole burden of proof rests with the officer.
2. He must exclude all hypothesis of fraud on his part or privity or knowledge of the misconduct of his subordinate.
3. He must show due, that is, watchful, care and diligence in the appointment and over the action of his subordinate.
4. He must show that he used all reasonable care in providing for responsibility of the subordinate for any malfeasance or negligence in office.

Now the committee, upon an examination of all the evidence, held that those four points were conclusively made out; that in all respects there was an entire exclusion of all privity or knowledge on the part of the collector of any fraudulent act of his subordinate; that the frauds of the latter were so well concealed from him and from these six detectives that it was well-nigh impossible for Mr. Buckner ever to have found them out.

Mr. BROWN, of Kentucky. Let me state one other fact. Within two weeks of the discovery of the defalcation did not an officer of the Government, a trained expert, whose special business it was to investigate the business of such offices, go thoroughly through this one and report its accounts all accurate and all its affairs in every respect faultless?

Mr. TUCKER. Yes, sir; Mr. Wheeler, on the 25th of June, 1875, made such a report to the Government. Thus Mr. Buckner was lulled into entire security as to the whole matter, because, when the detectives at various times examined and reported to the Government and to Mr. Buckner that upon a thorough examination the matter was all right, Mr. Buckner was justified in assuming that he was not required to make any further examination.

Mr. EDEN. How long were these frauds going on?

Mr. TUCKER. For two or three years, I think, and during the whole time there were six examinations by officers of the Government: in November, 1872; in April, 1873; in February, 1874; in November, 1874; in March, 1875; and in June, 1875.

Mr. EDEN. Is it known how the frauds occurred?

Mr. TUCKER. It is impossible, as the detectives say, to ascertain exactly how the frauds occurred; but it is supposed that the fraud was in the miscount of stamps; that the amount of stamps on hand was concealed or in some other way deception was practiced. The evidence does not show the manner in which the fraud occurred.

I am opposed to releasing public officers except where the case is a clear one; but the House will permit me to read a single passage from the report which states what seems to me to be the ground upon which there ought to be a release in such cases:

Your committee would not relax the responsibility of a collector for his own or the defaults of his subordinates as fixed by law, except where it is clearly established by affirmative proof that the collector has not only had no complicity with the wrongful act, but where he has used due diligence in the selection of his agent, in supervising his conduct, and in guarding the Government and public against the consequences of his malfeasance. Where this is fully shown, and all guilty knowledge and improper negligence in respect to the acts of the subordinates are excluded by clear proof, your committee are of opinion that justice, sustained by numerous precedents, requires that the legal liability of the collector may be properly released by the Government.

The collector is the agent of the Government, an agent whose duties are such as to authorize him to employ subagents; in fact, the law expressly authorizes it. To hold the collector to responsibility for a lack of infallibility in the selection and in the supervision and guarding of these subagents, so that the Government shall be absolutely secured against loss, would be to make the collector not a mere bailee but an insurer for the Government. Such a measure of liability would be fraught with public detriment, because it would deter upright men from undertaking official duty which involved such hazard, and leave the offices to be filled by irresponsible men. It is the interest of the Government to induce honest men to take office, and not frighten them from it by the exaction of a liability too great to be willingly incurred.

Mr. HOLMAN. I would like to ask the gentleman a question. Under the law the collector, I believe, determines what shall be the character of the security given to him by his subordinates.

Mr. TUCKER. Yes, sir.

Mr. HOLMAN. He determines what shall be the form of the bond, who the sureties shall be, and what shall be the penalty. This whole matter is by the law placed exclusively under the control of the collector. In this case he fixed the penalty of the bond of his subordinate at \$25,000. Now, what steps have been taken by the collector to enforce the penalty of that bond?

Mr. TUCKER. I am coming to that in a moment. The only doubt I had about this case was on just that point, whether the collector had used due diligence in fixing the proper penalty for the bond. The proof is that previously the penalty in the bond of this officer was \$10,000, which was afterward increased to \$15,000; but when Buckner came in, he required a bond to be given in the penalty of \$25,000, one-fourth the penalty of his own bond. It seemed to me, therefore, that he had used due diligence in fixing a proper penalty, because it cannot be said that if a proper penalty had been fixed there would have been no loss. Why, sir, \$2,000,000 were collected every year by this collector; and in order to cover all possible liability the bond must have been in the penalty of \$2,000,000. Who could have given such a bond? The clerk who gets \$1,500 salary? So that, as I say, and as the report states, we must be careful not to put such lim-

itations and restrictions upon the officers as that no honest man would take the office. Now I admit that you must hold a fiduciary to strict liability, but you must take care not to deter honest men from becoming fiduciaries, and you must not hold them to such strict liability as that a man would say, "Why, if this man whom I have appointed to office steals a sum of money to-night without my knowing anything about it, and I am to be held liable, I would not accept the office."

Mr. LANDERS, of Indiana. I understand the gentleman to say that the object of the Government should be to get honest men to take office. Should it not be the part of the Government to get competent men to take office?

Mr. TUCKER. Unquestionably.

Mr. LANDERS, of Indiana. Do you consider a man competent who allows such a fraud to pass without his notice?

Mr. TUCKER. The question is whether you shall require or can have a competency which involves infallibility. That is the question. And as my friend from Indiana in common with all human beings is fallible, I suppose that he ought not to be excluded from office on account of that fallibility which is common to our race.

Mr. EDEN. May I ask the gentleman a question?

Mr. TUCKER. Certainly.

Mr. EDEN. Does the committee consider it would be a safe precedent to say that any public officer who appoints his own subordinates should not be responsible for the acts of those subordinates?

Mr. TUCKER. Yes; under the circumstances of this case and under the limitations stated by the committee.

But I will state to the House, Mr. Speaker, that I was careful, and I think my friends on the committee will agree with me that I was careful, so to limit the cases in which a party will be exempted from liability as that this cannot be drawn into an evil precedent for any future action.

Mr. FOSTER. Is this a unanimous report by the committee?

Mr. TUCKER. It is not a unanimous report.

Mr. LORD. I find that this matter is going into a general debate, and I feel constrained to call for the regular order.

The SPEAKER *pro tempore*. This debate is going on by unanimous consent.

Mr. TUCKER. If my friend from New York [Mr. LORD] will allow me two minutes, I desire to answer the question of my friend from Indiana, [Mr. HOLMAN.]

Mr. MORRISON. Will the gentleman allow me a moment?

Mr. TUCKER. Certainly.

Mr. MORRISON. The gentleman from Ohio [Mr. FOSTER] inquired if this is a unanimous report. I think I ought in justice to myself to say that I did not concur in it. This man is entitled to my sympathies, but he assumed the responsibilities of this office and he ought, in my judgment, to incur the loss.

Mr. TUCKER. I stated that it was not a unanimous report.

Mr. FOSTER. I wish to say that I have given, myself, considerable attention to this case, and I regard it as one coming within the conditions heretofore required and for which there are numerous precedents.

Mr. TUCKER. I will answer the question of my friend from Indiana, [Mr. HOLMAN.]

The gentleman asks me what steps have been taken by this party to recover on the penal bond given by the deputy. Steps were immediately taken; suit was immediately brought. The sureties on the bond were worth eight times the amount of the penalty at the time the bond was given, and up to the time of the death of the party and the time the suit was brought. That question was very earnestly inquired into by me as a member of the committee. The suit was brought, and is now pending; and my friend from Indiana [Mr. HOLMAN] is mistaken in supposing that it is proposed to hand over to the Government the duty of bringing this suit. The only thing we propose is that the collector be exempted from liability, but shall assign to the Government all the benefit of this bond which he has taken and all the benefits of any lien which he may obtain by judgment or otherwise.

Mr. HOLMAN. But would it not be safer at any rate for the collector to pay over the amount which is so amply secured according to the statement of my friend from Virginia? Let him pay over that amount, at least, rather than devolve upon the Government the prosecution of the suit.

And there is one other question which I am very anxious to have presented, and to which I desire an answer from the Committee of Ways and Means, as being of importance in this case. I understand the law to be this: In such a case, on the recommendation of the judge trying the case and the district attorney, after the facts have been all judicially investigated, the Treasury Department is authorized to remit the liability of the officer, to remit the penalty of the bond, and relieve the collector from the responsibility. Is not that the law?

Mr. TUCKER. I think not. I hope that is not the law.

Mr. HOLMAN. Then, if it is not the law, how does it happen that the Treasury Department is authorized to compromise the case after judgment is rendered, on the recommendation of the district attorney and the judge before whom the case is tried?

Mr. TUCKER. I do not know of any such law. That is not proposed here at all. Buckner has no funds to pay over to the Govern-

ment. He would be very glad if he had. He has brought suit against the deputy collector's sureties, and the bill proposes that he shall assign over to the Government the benefit of any judgment that may accrue under that suit.

Mr. HOLMAN. I think it would be safer to let this case rest until after the case has been tried, and then we shall know by a judicial examination of the case exactly how far this collector was responsible for the defalcation.

Mr. TUCKER. The difficulty is that if this measure is not adopted the property of Buckner will be exposed for sale for this defalcation, and that will ruin the party, and this bill is proposed by the committee in order to save this man from utter ruin. We think that he should be exempted from all liability in this case, and he assigns over to the Government the benefit of all the securities he has, and the Government is not authorized to relieve him from liability until these securities are assigned.

Mr. HOLMAN. Will not the release of this principal necessarily result in releasing the sureties of the deputy?

Mr. TUCKER. O, no; not at all.

Mr. HOLMAN. Why, certainly it will; certainly my friend is mistaken about that.

Mr. TUCKER. Why, my friend from Indiana is certainly too learned a lawyer not to know that the release of Buckner by the United States on the official bond of Buckner to the United States cannot affect the liability of the sureties on a private bond to Buckner. The bill saves the interest of the Government in that bond, and I hope it will be the pleasure of the House to pass it.

Mr. HAMILTON, of New Jersey. If Buckner be relieved, how can you enforce any penalty against his deputy?

Mr. TUCKER. Well, sir, a suit against Buckner would be a suit by the United States against Buckner, while his suit is a suit against the sureties of his deputy.

Mr. HAMILTON, of New Jersey. Buckner, unless he is damnified, cannot in that suit recover damages, and the sureties of his deputy will be relieved.

Mr. TUCKER. O, no; not at all. If the Government allows him to assign this case, it does not release the deputy or his sureties at all.

Mr. HANCOCK. The assignment is one of the conditions of release.

Mr. GARFIELD. Allow me to say that few measures have been before the Committee of Ways and Means which have been so carefully examined as this case, and I am satisfied that every statement made by the gentleman from Virginia will bear the fullest scrutiny. I am equally satisfied that the equity of the case requires the passage of the bill, and its passage now.

Mr. TUCKER. If gentlemen have no further questions to ask me I will call the previous question.

Mr. HOLMAN. I believe the motion is not subject to the previous question.

The SPEAKER *pro tempore*. This debate is proceeding by unanimous consent.

Mr. HOLMAN. I ask leave to submit a single remark as to the policy to be pursued in this particular case, for I am satisfied that this bill is carrying the relief which Congress has occasionally granted to persons connected with a defalcation to a degree that no relief has ever been granted for until 1864.

I do not believe that a bill beginning to approach this in its character and furnishing such relief ever passed this House; I am not aware at least of any such measure giving relief to this extent having passed the House prior to that time. Since that time I admit that we have grown very loose in this kind of legislation, in furnishing this relief to the extent, it seems to me, of encouraging rather than preventing defalcation.

But in this particular case, if the gentleman from Virginia will allow me, there will be a judicial investigation in a short time. We are told that a suit is to be brought at once on the bonds given by this deputy, and that the penalty of that bond is amply secured to the amount of \$25,000. It will be tried at an early day and the trial will inevitably involve the whole question of defalcation. There will be a recovery of judgment there if the facts are as my friend understands them to be, and the amount of that penalty will be the recovery. The House can then move with a reasonable certainty. There will have been a judicial investigation. There will have been collected \$25,000 of this money, and we can then proceed with a reasonable certainty on two points; first, it can be assured that the judicial tribunal will determine with a reasonable certainty whether the defalcation could have come to the knowledge of the principal or not; and secondly, whether the money should go into the Treasury of the United States. While both these matters remain an uncertainty and until the suit is determined, delay can do no harm, for the Treasury Department, in the case put, will not be in haste to determine the suit against his sureties.

Mr. BROWN, of Kentucky. Upon that point I would ask the gentleman from Indiana [Mr. HOLMAN] if the report of the committee of this House specially charged with the investigation of the merits of the case should not be accepted as more satisfactory than any opinion of the judge who may hereafter try the case?

Mr. HOLMAN. O, not at all.

Mr. BROWN, of Kentucky. As I understand, this case has had a most exhaustive and thorough investigation by the committee on all

points presented by the claimant and that the proof is overwhelming in his favor.

Let me add, Mr. Speaker, that the claimant here is not of my political faith—but a consistent, determined republican, of great influence, but unspotted character. James F. Buckner is honest and incorruptible. Since this great misfortune he has been continued in office, retaining fully the confidence of the officers of the Government and of his fellow-citizens at home. He renewed his bond, at once and without difficulty, in the same community where the defalcation occurred; and there, with those who know him best, there exists no shadow of suspicion of any misconduct on his part.

There is a memorial here recommending his relief, signed by hundreds of the leading citizens of Kentucky—lawyers, bankers, editors, doctors, and merchants—most of them living in his city, and, indeed, most of them not of his political party. The bill should pass. A case of more merit could not be made out.

Mr. HOLMAN. I have had some experience, as my friend from Kentucky has, in congressional investigations. They are from the necessities of the case partial, for from the necessities of the case the testimony is *ex parte*.

Mr. TUCKER. No, sir.

Mr. HOLMAN. From the necessity of the case the testimony is *ex parte*; it is impossible that there should be a judicial investigation of any question before a committee of Congress. Now in the mean time there will be a judicial investigation; the real facts will come out under the severe tests which a court of justice applies, and we can then act with absolute safety; until then we cannot.

Mr. BROWN, of Kentucky. For the information of the gentleman from Indiana [Mr. HOLMAN] I will ask the gentleman from Virginia [Mr. TUCKER] if during the progress of this investigation, wherever a doubt suggested itself to the mind of the committee, they did not require additional proof on that point?

Mr. TUCKER. All the way through.

Mr. BROWN, of Kentucky. And was not the proof on all those doubtful points most abundant and satisfactory?

Mr. TUCKER. There is no question about that. The proof of Mr. Buckner's honesty and honor and non-privity in this matter is absolutely positive. And furthermore, in answer to the gentleman from Kentucky, [Mr. BROWN,] I will say that whenever any doubt suggested itself to my mind I required additional proof, and I obtained it from such sources as left no doubt upon my mind. When the gentlemen from Indiana [Mr. HOLMAN] says that the evidence in this case must have been *ex parte*, I will say to him that the committee heard that there were persons in this city who had evidence against Buckner, and we suspended the examination and examined those persons fully before the committee, and there was nothing proved by all of the parties brought here that threw the slightest shade upon the conduct or character of Mr. Buckner.

Mr. HOLMAN. I ask the gentleman from Ohio [Mr. FOSTER] if this case was before his committee in the last Congress; and, if so, why that committee did not then report in favor of it?

Mr. FOSTER. It was not before our committee in the last Congress.

Mr. TUCKER. I now call for a vote.

The question was taken; and upon a division there were—ayes 118, noes 32.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

#### ELECTIONS IN THE TERRITORIES.

Mr. WIGGINTON, from the Committee on the Territories, reported as a substitute for House bill No. 3101 a bill (H. R. No. 3723) to regulate elections and the election franchise in the Territories of the United States; which was read a first and second time, ordered to be printed, and recommitted.

#### PAYMENT OF 5.20 BONDS IN COIN.

Mr. POPPLETON. I move that the rules be suspended so that the House may now adopt the preamble and resolutions which I send to the Clerk's desk to be read.

The Clerk read as follows:

Whereas it has been publicly charged that the act passed March 18, 1869, promising to pay the principal of the 5.20 bonds of the Government in coin was procured through fraud, by the use of large sums of money used to elect and corrupt public officials and influence the public press, said money having been obtained through the combined efforts of certain banks, bankers, and moneyed corporations in this country and the moneyed centers of London and Frankfurt in Europe, by the purchase on account, and for that purpose, of \$50,000,000 of said bonds, on which 10 per cent. advance was paid to procure said legislation, the total amount of which was at least \$5,000,000, that being the sum alleged as having been paid to secure the passage of said act; and whereas it is held and alleged—

First. That the effect of said legislation has been to compel the payment of twice the amount in coin for all of said bonds already redeemed as was received in coin or its equivalent by the Government for said bonds when issued, owing to the statute under which they were created promising their payment in lawful money.

Second. To continue the payment of usurious interest on said bonds for more than seven years after the Government had the right to redeem them in lawful money, whereby over \$500,000,000 have been unjustly wrung from the people.

Third. To force a large majority of said bonds out of the country and into the hands of foreigners to whom said interest is paid, which, had just and honest legislation prevailed, would have been reduced to a reasonable rate and paid to our own people in lawful money, and retained within the country to develop its resources.

Fourth. To create a demand for gold in excess of the production of our mines, to pay the interest on said bonds held in foreign countries, thereby depleting this country of that commodity.

Fifth. To bring the corrupting influence of foreign capital to bear upon our elec-

tions, public officials, and the press, the result of all of which, it is charged, has been to enrich the few at the expense of the many, to paralyze business, exhaust the resources and impair the confidence of the people, and to bring public officials into general distrust: Therefore,

*Resolved*, That the Committee on the Judiciary be directed to inquire into the truth or falsity of said charges and allegations, and, if found true, whether said corrupt action does not invalidate said law, and also whether said law was not in violation of the contract under which said bonds were originally issued, and for that reason unconstitutional and void.

*Resolved*, That said committee have power to send for and examine persons and papers, either of the Government or any firm or corporation having business connected with the purchase or sale of Government bonds when said act was passed, to administer oaths, punish witnesses, and to do all things necessary to obtain correct and truthful information relating to all matters referred to in this preamble and these resolutions, and to report the result of its investigations and conclusions to this House at its earliest convenience.

Before the reading had been concluded,

Mr. KASSON said: I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. KASSON. I raise this point of order as against the motion which is now made to the House to suspend the rules and pass the preamble and resolutions being read by the Clerk; it is that House bill No. 2685, for the distribution of the unappropriated moneys of the Geneva award, was made a special order for Monday to the exclusion of all other orders, and to the exclusion of all motions to suspend the rules from and after two o'clock p. m. That bill is now in order.

Mr. HOLMAN. The pending proposition is one to suspend the rules.

The SPEAKER *pro tempore*. The order of the House relating to that bill, or that portion of the order in regard to a suspension of the rules, exhausted itself on Monday last.

Mr. KASSON. On the contrary, it was made a special order from day to day.

The SPEAKER *pro tempore*. The consideration of the bill proceeds from day to day.

Mr. KASSON. And on Mondays excluding all motions to suspend the rules.

The SPEAKER *pro tempore*. Not "on Mondays." The Chair has had his attention called to the matter; and the gentleman from New York [Mr. LORD] will be recognized directly to make a motion to suspend the rules for the purpose of proceeding with the consideration of that bill.

Mr. KASSON. The Calendar sets it down as an order for to-day, whatever that may be worth.

The SPEAKER *pro tempore*. The Chair is not responsible for the Calendar, only for the enforcement of the rules.

Mr. SPRINGER. I can refer the gentleman in the RECORD to the proceedings of last Saturday week, when that order was made.

The Clerk resumed and concluded the reading of the preamble and resolution.

Mr. KASSON. Does the gentleman who offers this resolution expect us to indorse all those recitals without the examination of a committee?

Mr. POPPLETON. I do ask the House to indorse those recitals as having been alleged against the legislation of 1869; alleged in the public press and by responsible parties.

Mr. HOLMAN. Every fact asserted there has been alleged here on the floor of the House.

Mr. POPPLETON. I call for the yeas and nays on the motion to suspend the rules and adopt the preamble and resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 21, not voting 166; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Culberson, Cutler, Davis, De Wolf, Dibrell, Eden, Felton, Finley, Forney, Franklin, Fuller, Gause, Goode, Gunter, Robert Hamilton, Hardenbergh, Hartridge, Hartzell, Hatcher, Henkle, Goldsmith W. Hewitt, Holman, Hooker, House, Hunton, Jenks, Thomas L. Jones, Franklin Landers, Levy, Lord, Luttrell, Lynde, Maish, McMahon, Metcalfe, Milliken, Mills, Morrison, Neal, Parsons, Phelps, John F. Phillips, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Saylor, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Terry, Throckmorton, Turney, Robert B. Vance, Walling, Erastus Wells, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Yeates, and Young—102.

NAYS—Messrs. Bagby, Banks, Bell, Bradley, Candler, Caswell, Chapin, Hancock, Hendee, Hurd, Frank Jones, Kehr, George M. Landers, Lewis, O'Brien, Schleicher, Thompson, Ward, James Williams, Willis, and Fernando Wood—21.

NOT VOTING—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Bass, Beebe, Blaine, Blair, Bliss, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burling, Cabell, Cannon, Caulfield, Chittenden, Coar, Cowan, Cox, Crapo, Crouse, Danford, Darrah, Davy, Denison, Dobbins, Douglas, Dunnell, Durand, Durham, Eames, Egbert, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frost, Frye, Garfield, Gibson, Glover, Goodin, Hale, Andrew H. Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hathorn, Haymond, Hays, Henderson, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Knott, Lamar, Lane, Lapham, Lawrence, Leavenworth, Le Moynes, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, McDill, McFarland, Meade, Miller, Money, Monroe, Morgan, Mutchler, Nash, New, Norton, Odell, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Plaisted, Platt, Powell, Pratt, Purman, Rainey, James B. Reilly, Robinson, Sobieski Ross, Rusk, Sampson, Schumaker, Seelye, Sinnickson, Slemmons, Smalls, A. Herr Smith, Spencer, Strait, Stevenson, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Waddell,

Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—166.

No quorum voted.

During the roll-call the following announcements were made:

Mr. TUCKER. I am paired with the gentleman from Illinois, Mr. BURCHARD, who, if present would vote in the negative, while I should vote in the affirmative.

Mr. DOUGLAS. I am paired with the gentleman from New York, Mr. MACDOUGALL. I do not know how he would vote if he were present; I presume he would not vote at all. I would vote "ay."

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent by order of the House.

Mr. MORGAN. I am paired with the gentleman from New York, Mr. PLATT. If he were present I should vote "ay."

Mr. AINSWORTH. I am paired with the gentleman from New York, Mr. MILLER. If he were present he would vote "no," and I should vote "ay."

The result of the vote was announced as above stated—no quorum voting.

Mr. O'BRIEN. I make the point that no quorum has voted.

Mr. POPPLETON. I move a call of the House.

Mr. O'BRIEN. Has the Chair announced the decision of the question on the call of the yeas and nays?

The SPEAKER *pro tempore*. No quorum having voted, there is no decision.

Mr. O'NEILL. I move that the House adjourn; and on that motion I call for the yeas and nays.

Mr. CLYMER. I ask unanimous consent to make a report at this time from the Committee on Expenditures in the War Department.

Mr. O'NEILL. I yield to my colleague for that purpose.

The SPEAKER *pro tempore*. Pending the motion to adjourn, the gentleman from Pennsylvania [Mr. CLYMER] asks unanimous consent to make a report from the Committee on Expenditures in the War Department.

Mr. POPPLETON. I have no objection, provided the motion made by myself does not lose its proper standing.

The SPEAKER *pro tempore*. The gentleman's motion for a call of the House is still pending and will be taken up when the motion to adjourn is disposed of. The Chair hears no objection to allowing the gentleman from Pennsylvania to submit his report.

#### THE CHARGE AGAINST THE SPEAKER.

Mr. CLYMER. I am directed by the Committee on Expenditures in the War Department to submit the report which I send to the desk. The Clerk read as follows:

The Committee on Expenditures in the War Department, after full investigation into the charges made against Hon. M. C. KERR, to the effect that the said KERR, while a member of the Thirty-ninth Congress of the United States, in 1866, had nominated one Augustus P. Greene, of New York, to an appointment in the regular Army of the United States, and in consideration of such appointment had received the sum of \$450, would submit that, upon a thorough inquiry into the facts, after full examination of Lawrence Harney, (the only witness making the charge,) also of Augustus P. Greene and divers other witnesses, it appears that in 1866, while he was a member of the House of Representatives in the Thirty-ninth Congress, Mr. KERR did, in the exercise of his right or privilege as such Representative, nominate the said Augustus P. Greene for an appointment in the regular Army; that such nomination was made upon the application of said Greene, several Representatives from New York, including the member from his own district, being unable to present his name by reason of their engagements in that regard to other persons desirous of securing such appointment; that said Greene was furnished with and showed to Mr. KERR letters of commendation and indorsement from many worthy and prominent citizens of New York, together with letters of indorsement from divers officers of the United States Army; that additional indorsements from parties in New York with whom he was personally acquainted were required by Mr. KERR; that such additional vouchers of Greene's worth and fitness were secured and presented; that Hon. Morgan Jones, at that time a member of Congress from New York, made application in person to Mr. KERR, soliciting at his hands the appointment of Greene; that no application for the place had been or ever was made to Mr. KERR by any citizen or resident of his own district; that the time within which such right of appointment could be exercised was about to expire; that the appointment had been tendered by Mr. KERR to several of his constituency—at least two—and by each of these gentlemen it had been declined. It was under these circumstances that Mr. KERR conferred upon Greene the nomination for an appointment in the regular Army, which, after examination before the proper board, was given him; and your committee most emphatically declare their conviction of the perfect and absolute propriety of the action taken by Mr. KERR in the premises. It does appear from the testimony that the money, \$450, was paid by Greene to Lawrence Harney upon assurance given by Harney that for the sum of \$500 he (Harney) could secure the appointment; that Harney did receive the money from Greene and reported to him that he had paid the same to Mr. KERR.

This statement stands alone and unsupported. From the testimony of Greene it appears that he knows nothing of the transaction beyond the payment of the money by him to Harney. From the whole of the testimony, in the face of other and conflicting statements made by Harney to divers persons in relation to the transaction, coupled with the counter-statements of other witnesses and the circumstances attending the transaction, your committee have found no difficulty in reaching the conclusion that the charge, as made by Harney as to the payment of the amount of money stated or any other sum to Mr. KERR, for the object and purpose named, is unqualifiedly false; that Mr. KERR stands fully exonerated from all implication in anywise affecting his personal honor or official integrity. Your committee find nothing throughout the whole progress of this investigation to impair or detract from the well-established reputation that he enjoys for unquestioned personal integrity and unsullied purity of official record. All of which, together with the testimony taken, is herewith respectfully submitted as the unanimous action of all the members present.

HIESTER CLYMER.  
WM. M. ROBBINS.  
JO. C. S. BLACKBURN.  
L. DANFORD.

Mr. CLYMER. It is my great pleasure to believe that the report just read records not only the unanimous judgment of the members of this House, but that also of the whole people of the country. As such, sir, I leave it without further comment, simply asking that it and the accompanying evidence may be printed. If there are others who desire to be heard on the report, I will be happy to give them an opportunity. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. DANFORD.]

Mr. DANFORD. It affords me real pleasure to be able to subscribe to the report just read at the Clerk's desk, and I desire at the outset to say that I do it not because of the unfortunate illness of Mr. KERR, but I do it because it is an act of simple justice to the man.

I desire to call the attention of the House for a few minutes to what I deem were some of the unfortunate circumstances that surrounded Mr. KERR in connection with the charge of the witness Harney. The committee were met at the very threshold of this investigation with a somewhat singular fact. Mr. KERR, a resident of the State of Indiana, had conferred a valuable appointment, perhaps fully as valuable as any appointment he had the privilege of controlling during that Congress, upon a resident of the State of New York. Mr. KERR, a democratic member of this House, conferred an appointment on a republican, a man with whom—as his testimony shows—he had no previous acquaintance, and a man that had no acquaintance in his district.

These were the unfortunate circumstances that surrounded him at the very outset of this investigation; and I will announce here for myself, and I believe for the entire committee, that had it not been for these unfortunate circumstances the committee would not have deemed it worth while to even enter upon the investigation.

The witness Harney, when he came before the committee, told a connected story, and one that in a cross-examination of four or five hours he in the main sustained, and which the House will see that he had very little difficulty in sustaining. In the main he was telling the truth; and in that constituted the danger to Mr. KERR. It was true, as he stated, that Greene had been appointed on Mr. KERR's recommendation; and it was undoubtedly true, as he testified, as Greene also testified, that Mr. KERR's first acquaintance with Greene was upon the introduction of this man Harney. The appointment was made, and for ten years I presume that Mr. KERR had thought but little of it. The circumstance had almost passed out of his mind, and when, some time in April last, he received through an anonymous letter notice that a report was being quietly circulated about the city of New York that he had been corrupted in the appointment of Greene, he naturally became anxious about the report. The committee met the fact of his anxiety also upon the very threshold of this examination. They found that the personal friends of the Speaker had visited Harney as well as Greene.

These were the circumstances under which we put Harney upon the stand as a witness. I will not speak here of the testimony of Greene, for I believe that the committee are thoroughly satisfied that, to the best of his recollection, he swore entirely to the truth. When this report, however, was being circulated, and when it came to the knowledge of Mr. KERR, he endeavored to find out the author of the anonymous letter. Knowing, as he did, the circumstances of Greene's appointment, and although at the first blush it might seem rather an unnatural circumstance that a man occupying the position of Speaker of this House should go to work through his personal friends and through an attorney to hunt down the author of an anonymous letter, yet when we come to consider the feeble condition of the man, when we come to consider the toils with which by circumstances he was surrounded, his action was natural and was just what any man under the circumstances should have done.

Harney, as I have said, had but one falsehood to tell, and in that I repeat consisted the danger of this story. The falsehood was in saying that he had handed the amount he had undoubtedly received from Greene to Mr. KERR; and this was the only circumstance and the only fact that in any way affected the honor or the integrity of Mr. KERR. Sir, there have been some charges made, and I desire in this connection to refer to the testimony of the witness Mr. Joseph S. Moore, that this charge against Mr. KERR had grown out of some conspiracy hatched in the city of New York, corruptly hatched for the purpose of breaking down the reputation and character of the Speaker of this House. I want to address myself to this matter as contained in the testimony of Mr. Moore. I do not and shall not refer to any newspaper articles upon the subject, but only to the testimony of Moore. After having visited the Speaker, and after having learned the circumstances of the case, he returned to the city of New York, and after an interview with Harney he wrote a letter to the Speaker, in which he characterized this as a conspiracy; and when the Speaker came first before the committee and gave his informal statement and denial, he spoke of the matter as a conspiracy.

Now, Mr. Speaker, upon that point I have but a word or two to say. This story of Harney's was no new invention. He told it ten years ago to Greene; and the evidence of a conspiracy is contained wholly and entirely in the testimony of the witness Harney. Moore based the facts upon which he based this charge of conspiracy upon what Harney had said to him. Moore testifies that when he first went to see Harney, Harney told him that he was pressed to make this statement.

He tells him likewise that his lips were sealed, and that if he de-

sired to know anything more of the charge he must go to see his lawyer, Judge Dittenhoffer. I believe we have the testimony of Moore as to the fact of his strange conduct upon that occasion; but the House will take notice that all this testimony is the testimony of Harney alone. Moore testifies that Harney had said to him on one occasion that Darling and Bliss and Davenport were insisting on his coming before the committee of the House and revealing this secret; but it will be remembered that Harney, on the witness-stand, denied having made any such declaration to Moore or any one else; and whether he did so or not, I am authorized to say here that as far as these gentlemen are concerned it is wholly and entirely untrue as to any corrupt motives or any conspiracy. Then there is no testimony save the testimony of Harney himself, a witness whom we discredit in our report, a witness who has gotten up this falsehood, a witness who has, as we believe and say virtually in the report, perjured himself on the witness-stand in the attempt to fasten this stain on Mr. KERR; he is the only and solitary witness testifying to any fact or circumstance brought to the attention of the committee that looked to any one else having had a hand in this transaction but himself.

I believe that this statement came from Harney in a very natural way. As I remarked a moment ago, it is the story he told ten years ago to Greene. Greene himself testifies that Harney stated that he paid the money to Mr. KERR, and he testified before the committee that during the winter, while the press was, perhaps, to use his own expression, "pitching into his employer" while these investigations were going on which the House and the country have been full of for the last six months, and while he was under some excitement in relation to this transaction, he told the story he had told ten years ago to Greene, told it to Darling, and Darling told it to Bliss, and Bliss told the story, as he testified before a committee of the House, in New York some weeks ago to a member of this committee.

I say, then, that the manner in which this charge came out from Harney was a perfectly natural course. He was only following up the story he had told to Greene ten years ago. When it was told to these gentlemen, with the knowledge they had of the circumstances which surround the case which I have already detailed, they gave it naturally to the committee, and the committee have acted upon it, and acted in good faith.

Now, a word just here in relation to Harney's testimony itself. As I have said, he told a story that in the main was consistent with itself; but fortunately for Mr. KERR we have been able by the testimony of a number of witnesses to contradict him in some matters testified to by him more or less material.

In the first place, he was contradicted in the testimony of the witness Moore, to which I have already referred. He was contradicted in his statement that he had never talked in relation to this matter to any other persons than Mr. Darling; he was contradicted by the testimony of Mr. Shanks, a material and important witness, whose testimony was taken last Saturday, and who testified that he visited Harney and talked with him in relation to this charge, and that Harney said to him in reply to his question that he had never said that there was any money transaction between him and Mr. KERR, but that it was only the social relations that he referred to. Harney in his testimony on the witness-stand denied having ever talked to a newspaper reporter on this subject or in that direction to any one. He denied that he had ever applied to any member of Congress to appoint Mr. Greene because of any benefit that might accrue to him out of it. That was his testimony as given on the stand. One witness, Morgan Jones, testified that while a member of the same Congress Harney approached him in the interest of Greene, asking his appointment, and saying that if it could be made it would be to his advantage, and he would have a nice present for the appointment. We have also the testimony of Meyer Strouse, also a member of the same Congress, who testified, by the way, that he was on intimate and familiar terms with the witness Harney; that Harney had applied to him for the appointment of Greene, saying that he might thereby make three or four hundred dollars. We have these contradictions of Harney on these material matters testified to by him.

There is another matter that Harney had taken care to notice. He was cross-examined in relation to the rooms occupied by Mr. KERR during that session, and he was able in some way to give such a statement to the committee of the location and situation of the rooms occupied by Mr. KERR at that time as that he was not contradicted. I have not been able to satisfy my mind as to whether it is not true as he testified that he had accompanied Greene to the rooms of Mr. KERR, although Greene testified positively that no such thing occurred, and Speaker KERR is very confident and clear in his recollection also in the same direction. Harney was, however, fortified upon that, and on cross-examination his story was not disproved. I am happy, however, to say that in the contradictions of Harney in his manner before the committee the committee were satisfied that he was not testifying to the truth. I have felt it my duty to say this as a member of the committee, having met this witness face to face, and it is a fact well known to every lawyer present at least, that it is half the question as to the value of a witness's testimony whether you can have him confront the jury or not. He was present and testified to the committee, and I am happy to say that notwithstanding all these circumstances which I have detailed I have no idea that so far as the corruption of Mr. KERR is concerned there was one single

scintilla of truth in his testimony. But it was a falsehood, taken advantage of by a bad man for the purpose of blackening, or attempting to blacken, the reputation of a good man. [Applause.]

Just here let me say one word, and the House will pardon me for saying it, in connection with investigations by committees of Congress and the manner in which they are conducted. An investigation by a committee of Congress may be an instrument of great good in remedying evils that have crept into the public service, and likewise may result in great public benefit by unearthing villainies and scoundrelism generally. But when such investigations are made use of by a bad man like Harney for the purpose of blackening the reputation of an honored and esteemed citizen, they become the very worst instruments that can be used in a country like ours. The testimony of Harney, his appearance before one of our committees as a witness, in my judgment was the natural outgrowth of the investigations which have been conducted by some of the committees of this House during the last six months.

We have seen such committees, composed either of entire standing committees or of subcommittees, mousing around and dragging to public view the private correspondence of citizens, publishing the bank accounts of public men, without charges and without specification against them. I have thought at times, during the present session of this Congress, that in some quarters there was an evident feeling of gratification when a public official could be smirched. I remember reading some two months ago the head-lines in a newspaper, in which it was announced that "Grant is caught at last," followed by a dispatch actually rejoicing at the prospect that the President of the United States had been found, as they announced, concerned in some questionable transaction, referring in that case to the expenditure of money in connection with the New York election frauds—the President of the United States, whom we should all honor and respect for the position he occupies, a great soldier who led our armies from Donelson to Appomattox, from victory to final triumph, who is now in the last year of his second term as President of the United States, the successor of Washington, Jefferson, and Lincoln. Sir, it is a sad spectacle when any committee of the House of Representatives, or any citizen of this country, can express gratification at the mere idea of connecting the President of the United States with any questionable transaction.

I remember another committee of this House that brought a certain witness here to testify against the President of the United States in regard to the breaking up of the marital relations of that witness by the President. He came before that committee without one corroborating circumstance, without a single fact to support the testimony he was about to give. Yet, in the hope that the public character and reputation of the President might be blasted or smirched forever, it might be his family relations broken up, a committee of this Congress felt called upon to bring before them this witness and examine him upon the subject, until they found he was a lunatic.

I have in my mind at this time a committee of this House that by the process of an officer of this House has gone to the office of one of the telegraph companies of the country and seized I do not know how many hundred pounds of telegraphic messages, indiscriminate, from citizens of all classes, in relation to private and public affairs alike, to be moused through and searched over by a committee of the House of Representatives.

I ask is it wonderful that such conduct, such operations as these, should beget an occasional Harney in the way perhaps of retaliation? I believe the man was corrupt, that he was bad, and I say from my heart that I believe such men as he are the worst class of men that can be found in our country.

I am happy to say, after going through all this testimony, after hearing the clear statement of Mr. KERR, after he gave to the committee his satisfactory explanation of the appointment of Greene, that he had no applicants from his own district, that he offered it to two personal friends who declined, that the time for the appointment was drawing to a close, that he made the appointment he did upon the application of his colleagues upon the floor of this House—I am happy to say that we all think the testimony is clear and conclusive as to the entire innocence and integrity of Mr. KERR in this matter.

There is another thing, however, that weighs in my mind more than all these circumstances; that is, a good name, a name that he has borne in this Congress without reproach for many sessions. Has it come to this, that a man's good name shall count for nothing in this country? Our strength as a people, the perpetuity of our institutions depend upon the character of the good men that we have produced. I should be loath to believe that any man occupying the high position that Mr. KERR occupies to-day before the country could be found guilty of any transaction like the one charged in this case.

I hope that the vote in favor of this report will be the unanimous vote of this House, without one dissenting voice, that every gentleman upon this floor who knows the Speaker of this House as we all know him will join in wiping out this attempted stain upon his character and reputation. I trust that by our action here to-day we will enter our protest against this wholesale slander of public men, and enable Mr. KERR to present to his countrymen, to this House, that has elevated him to the third highest position in our Government, a character that will enable him to say to every one hereafter, "My fame is as white as it was before the breath of this scandal touched it." It is our duty to him, as a just and upright man, to

adopt this report without a single dissenting voice, so that he may be hereafter, as he has been in the past, an honor to his country, a tower of strength to his colleagues upon this floor, and a comfort and consolation and pride to his wife and children. Mr. Speaker, I now ask the adoption of this report.

Mr. BLACKBURN. I do not desire to say a word on this subject, but only to afford to my colleague on the committee, the gentleman from Ohio, [Mr. DANFORD,] the opportunity to say that which I am satisfied he has only failed to say by inadvertence. In reference to the fact that Greene, of New York, the appointee in question, was a republican—one of the circumstances which tended to give color to the charge against Mr. KERR. I only desire that my colleague on the committee might add, as part of his own utterance, that it appears in testimony that two men—one named Jackson, mentioned by the Speaker in his evidence before the committee, and the other Williams, communicating with us by letter from Princeton, Indiana—both had the appointment tendered to them by Mr. KERR, and both declined. They were both then republicans, and one at least is now.

Mr. DANFORD. Certainly, that is true; and while Greene was a republican, several members from New York—Mr. JONES and one or two others—who applied to Mr. KERR for the appointment of Greene were democrats. The testimony likewise shows that Greene brought to him recommendations from prominent citizens of the city and State of New York without regard to party.

Mr. CLYMER. I yield to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, the reputation of our public men is among the best riches of the country, and the man or men who would unjustly and untruly detract from the reputation of any public man not only directs a stab at the character of the person attacked, but is doing the utmost mischief to the fair fame and success of the nation.

I did not wait for this report. With me the long record of an honorable life outweighs and has outweighed all these loose defamers that this baser time encourages upon the track of detraction and scandal. I only rise on this occasion to express by my voice, and by my vote which is to come, the idea that for one, as an American Representative, having before my eyes the honor of the people and the honor of this House which is the honor of the people, I am glad here to be able from the heart to say that, whatever shadow this momentary imputation may have cast upon the days of the distinguished Speaker of this House, days which some of us fear are numbered already, yet let it go forth by the unanimous voice of the people through their Representatives that the ægis of a long and honorable life has protected him from the envenomed shaft of malice; that the cloud is removed; and that if his sun goes down, it shall go down in full honor and esteem from all honorable men of whatever party. [General applause.]

Mr. CLYMER. I ask the previous question on the adoption of this report.

The previous question was seconded and the main question ordered. Mr. GARFIELD. I ask that the question on the adoption of the report be taken by a rising vote.

Mr. CLYMER. I hope that will be done.

Mr. BLACKBURN. I trust the suggestion of the gentleman from Ohio [Mr. GARFIELD] will be adopted.

The affirmative vote being called for, all the members present rose.

Mr. BANKS. Let there be a count; it makes a record.

Mr. GARFIELD. I ask unanimous consent that it be entered on the record that the report was unanimously adopted.

Mr. MILLIKEN. By a rising vote.

Mr. CAULFIELD. I move that the count be dispensed with.

The SPEAKER *pro tempore*. Unless there be objection that will be done, and the record suggested by the gentleman from Ohio will be entered.

Mr. BANKS. There should be a count of the votes; it makes a record.

The negative vote having been called for and no member rising, the result was announced—ayes 210, noes none.

The SPEAKER *pro tempore*. The report is adopted by a unanimous vote.

Mr. GARFIELD. I renew my request that it be recorded that the report was adopted unanimously by a rising vote.

The SPEAKER *pro tempore*. It will be so recorded.

Mr. CLYMER. I ask that the report and the accompanying testimony be printed.

There being no objection, it was ordered accordingly.

Mr. LEAVENWORTH. It seems to me, Mr. Speaker, that it would be highly proper that this House should furnish to Mr. KERR in the most formal manner a certified copy of our proceedings on this occasion. I move that such copy be furnished to him by the Clerk of this House.

The SPEAKER *pro tempore*. The gentleman from New York moves that the Clerk of this House furnish the Speaker of the House in the most formal way a certification of the proceedings on the report of the Committee on Expenditures in the War Department. The Chair hears no objection, and that order is made.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. O'NEILL] that the House adjourn. Does he withdraw it?



Mr. O'NEILL. I agreed to yield to the gentleman from New York, [Mr. WILLIS,] who desires to finish his speech on the Geneva award.

Mr. LORD. I move that the House now resume the consideration of the bill for the distribution of the unappropriated moneys of the Geneva award.

Mr. HURLBUT. In view of the peculiar circumstances attending the adoption of the report just agreed to there ought to be no further business to-day.

Mr. LORD. I think so, too.

Mr. O'NEILL. I insist on my motion to adjourn. I do not think the House desires to transact further business to-day.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 525) to amend section 994 of the Revised Statutes relating to justices of the peace in the District of Columbia; in which the concurrence of the House was requested.

J. A. YECKLEY.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 3724) for the relief of First Lieutenant J. A. Yeckley, Twentieth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### AMENDMENT OF THE REVISED STATUTES.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. 3725) to amend sections 5185 and 5186 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

#### FORT SILL.

Mr. BANNING, by unanimous consent, reported back from the Committee on Military Affairs a letter from Colonel Mackenzie, relative to matters at Fort Sill; which was recommitted to the Committee on Military Affairs, and ordered to be printed.

#### SALE OF MILITIA ARMS.

Mr. BANNING also, by unanimous consent, presented the petition of B. Kittredge & Co., of Cincinnati; John L. Moore's Sons, of New York, and other wholesale dealers in military and sporting arms in Saint Louis, New Orleans, and Philadelphia, setting forth that new and good arms issued by the General Government to the States for the armament of the militia, bearing the inspection-mark of the Government, have been thrown upon the market in the city of New York and other places, and asking for legislation preventing executives in States from selling arms issued for the armament of the militia; which was referred to the Committee on the Militia.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

- To Mr. BRADLEY for ten days;
- To Mr. BURCHARD, of Illinois, for one week;
- To Mr. BLAIR for five days;
- To Mr. SCALES for ten days; and
- To Mr. ASHE for two weeks.

#### GENERAL LAFAYETTE'S GRANDSON.

The SPEAKER *pro tempore*. The Chair desires to lay before the House the following letter from Thurlow Weed.

The Clerk read as follows:

NEW YORK, June 9, 1876.

MY DEAR SIR: Half a century ago General Lafayette revisited America, and as the guest of the nation made a triumphal tour of the States. As you know by reading and tradition, the affection and enthusiasm and gratitude awakened by that visit have no parallel in the world's history. Would it not be equally appropriate and wise half a century after the visit of his grandfather to invite Oscar Lafayette as the guest of the nation to attend the centennial anniversary of our Independence?

Our committee has decided to invite M. Lafayette, but it has occurred to me that Congress might think proper to give broader and deeper effect to a patriotic idea.

Very truly yours,

THURLOW WEED.

Hon. S. S. Cox.

The letter was referred to the Committee on the Centennial Exposition.

The question was then taken on Mr. O'NEILL's motion that the House adjourn, and it was agreed to—ayes 94, noes 42.

The House accordingly (at three o'clock and forty-five minutes p. m.) 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. BANNING: The petition of Alvah W. Hicks, for compensation for extraordinary, perilous, and valuable services in running the blockade at Fort Pillow in June, 1862, to the Committee on Military Affairs.

Also, the petition of Louis Sonntag, of Company I, Third New Jersey Cavalry, that the records of the War Department be so changed as to show that he was honorably discharged from the Army, to the same committee.

By Mr. BRADLEY: The petition of John H. Russell, that Congress confirm to him the location of certain lands at the Hot Springs, Ar-

kansas, and vest the title to the same in him, to the Committee on Public Lands.

By Mr. JENKS: A paper relating to a post-route from Brockwayville, via Dubois, to Luthersburgh, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. MCCRARY: The petition of Thaddeus S. Stewart, for action upon his petition for a pension, to the Committee on Invalid Pensions.

By Mr. PLAISTED: The petition of Samuel Kealiber, for a pension, to the Committee on Revolutionary Pensions.

By Mr. SAVAGE: Papers relating to the claim of T. Worthington, late colonel Forty-sixth Regiment Ohio Volunteers, to the Committee on Military Affairs.

By Mr. WALLACE, of Pennsylvania: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 1,083 persons residing in the States of Kansas, Nebraska, California, Oregon, and Colorado and Washington Territories, to the Committee on the Judiciary.

Also, petitions of similar import, signed by 3,645 persons residing in the States of Wisconsin, Iowa, and Missouri, to the same committee.

## HOUSE OF REPRESENTATIVES.

TUESDAY, June 13, 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.

#### GO-SI UTES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation for the removal of the Go-si Utes to the Uintah reservation; which was referred to the Committee on Appropriations.

#### TAX ON DOMESTIC BEERS.

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

*Resolved*, That the Committee of Ways and Means be, and hereby are, directed to inquire into the propriety of relieving from taxation all domestic, fermented, or brewed beers.

#### LAND CLAIMS IN FLORIDA, LOUISIANA, AND MISSOURI.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 3726) to extend the provisions of an act entitled "An act for the final adjustment of land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;" which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

#### JAMES M. SEEDS.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 1578) for the relief of James M. Seeds, and moved that the bill, as amended, and the accompanying report, be printed, and referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

#### H. NELSON.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 1395) for the relief of H. Nelson, of the county of Warren, State of Pennsylvania; and the same was laid on the table, and the accompanying report ordered to be printed.

#### PATRICK O'CONNELL.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back, with an adverse recommendation, the petition of Patrick O'Connell, late captain Company F, First Ohio Volunteer Infantry; and the same was laid on the table, and the accompanying report ordered to be printed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported back the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, with Senate amendments, with the recommendation that the amendments of the Senate be non-concurred in. The amendments of the Senate were non-concurred in.

Mr. HOLMAN moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MARY E. SHELTON.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 1661) for the relief of Mary E. Shelton, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.