

HOUSE OF REPRESENTATIVES.

FRIDAY, June 30, 1876.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted upon its amendments to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House, and appointed Mr. EDMUNDS, Mr. ROBERTSON, and Mr. EATON the managers of said conference on its part.

It further announced the passage of the following bills, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers;

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

An act (H. R. No. 2300) granting a pension to Margaret C. Bell; and

An act (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of \$1.25 per acre.

It further announced the passage of bills of the House of the following titles, without amendment:

A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

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

A bill (H. R. No. 1204) granting a pension to Henry H. Wharf, of Company C, Eighteenth Regiment of Ohio Volunteers;

An act (H. R. No. 1337) for the relief of Nelson Tiffany;

An act (H. R. No. 1598) granting a pension to William R. Duncan;

An act (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

An act (H. R. No. 1849) for the relief of Abigail S. Dawney;

An act (H. R. No. 1939) granting a pension to Sarah E. Emmons;

An act (H. R. No. 1944) granting a pension to Niram W. Pratt;

An act (H. R. No. 2081) granting a pension to William McLay, late private in Company G, Twelfth Illinois Infantry Volunteers;

An act (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private in Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 2289) granting a pension to Jane Bertholf;

An act (H. R. No. 2301) granting a pension to Mary B. Hook;

An act (H. R. No. 2303) granting a pension to Mary S. Greenlee;

An act (H. R. No. 2310) granting a pension to Emanuel B. Herr;

An act (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired;

An act (H. R. No. 2586) granting a pension to John L. Bartley; and

An act (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry.

It further announced the passage of the following bills; in which the concurrence of the House was requested:

An act (S. No. 297) fixing and limiting expenditure for the erection of the public building at Little Rock, Arkansas;

An act (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota;

An act (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin;

An act (S. No. 736) granting a pension to Mary M. J. Frank;

An act (S. No. 739) to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting coin;

An act (S. No. 783) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad;

An act (S. No. 813) granting an increase of pension to Laurence P. N. Landrum;

An act (S. No. 830) for the relief of Joseph W. Parish;

An act (S. No. 845) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

An act (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods;

An act (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia;

An act (S. No. 883) granting a pension to William H. Oliver, of Sweetwater, Tennessee;

An act (S. No. 923) for the relief of Albert W. Preston; and

An act (S. No. 934) to provide for furnishing certified transcripts of territorial records.

APPROVAL OF JOURNAL.

The Journal of yesterday was read and approved.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report a bill to provide temporarily for the expenditures of the Government, and to ask that it be passed.

The bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government was read a first and second time.

The bill provides that for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations for such Departments shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful for any of the Departments of the Government for which appropriations for the said fiscal year are delayed to use for the necessary service of such Departments any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Mr. RANDALL. It will be remembered that the President's message recommended, without limit as to time in case of the appropriation bills failing at the end of the fiscal year to have been adopted by both Houses, that the balances should be expended. It will be recollected also that yesterday the Senate originated a joint resolution providing for somewhat similar action for a period of thirty days. The Committee on Appropriations are of opinion that such legislation in the first place should originate here and, secondly, that ten days will be adequate to bring about an agreement between the two Houses on the various appropriation bills unpassed.

There are four appropriation bills that have passed both Houses, there are six in committees of conference, and two remain unacted upon by the Senate. The sundry civil bill was reported to the Senate on yesterday. The river and harbor bill has not been reported at all to the Senate from the Senate committee.

Last night the committee of conference on the legislative, executive, and judicial appropriation bill failed to agree, and will report the fact this morning first to the Senate, and in all probability will report the proposition from the House conferees made to the Senate conferees, and obtain the opinion of the Senate as to that proposition. In due time, if it should come from the Senate, I will take occasion to speak as to that proposition.

I yield to the gentleman from Indiana [Mr. HOLMAN] for a moment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate further insisted upon its amendments to 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, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEST, Mr. HAMLIN, and Mr. MAXEY as managers of the conference on the part of the Senate.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. HOLMAN. I wish to say in regard to the bill which is the subject of the message just received from the Senate that the balance to the credit of the Post-Office Department is understood to exceed a million of dollars, and that, if the bill just reported by the chairman of the Committee on Appropriations shall pass both branches of Congress, so far as that Department is concerned, it will not be in the slightest degree embarrassed by the failure to pass the post-office appropriation bill prior to the expiration of the present fiscal year.

Mr. FOSTER. Let me ask the gentleman is he certain there is a million of dollars of unexpended balance to the credit of the Post-Office Department?

Mr. HOLMAN. I think I can say with entire certainty that the balance to the credit of the Post-Office Department considerably exceeds a million of dollars.

Mr. WILSON, of Iowa. Will the gentleman from Pennsylvania [Mr. RANDALL] tell us whether there are unexpended balances to the credit of all the Departments?

Mr. RANDALL. The committee considered that question, and understand that the President, before he sent the message to Congress, had consulted the Attorney-General and had made other investigations so far as to know that his recommendation in regard to making temporary provision for the expenditures of the Government would relieve the Government from any embarrassment.

Mr. HOLMAN. The gentleman from Pennsylvania [Mr. RANDALL] could add that the joint resolution which came to the House yesterday from the Senate was a joint resolution simply re-appropriating the amounts remaining to the credit of the various Departments of the Government under the appropriations for the present fiscal year, so that in fact the bill now before the House contains substantially the same provisions that are contained in the joint resolution that came from the Senate.

Mr. WILSON, of Iowa. Was not the recommendation of the President to continue the present appropriations, instead of giving leave to use the unexpended balances?

Mr. RANDALL. That is about the same thing.

Mr. HOLMAN. It was not for new appropriations.

Mr. RANDALL. As I understood the message of the President, it was for permission to use the unexpended balances.

Mr. WILSON, of Iowa. My recollection is that it was a recommendation to continue the present appropriations.

Mr. RANDALL. I believe the gentleman is correct in that.

Mr. WILSON, of Iowa. Then the question comes up, are there unexpended balances to the credit of each Department, to which the bill now before the House will apply?

Mr. RANDALL. We understand that this legislation will remove any embarrassment.

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

Mr. RANDALL. Certainly.

Mr. BUCKNER. I desire to ask the gentleman if, in recommending this proposed legislation this morning, it is the intention of the Committee on Appropriations to back down from its position?

Mr. RANDALL. Far from it; to my mind it is in just the opposite direction. While we do not wish to embarrass the Government, for one, so far as I am concerned, I propose in my official position here as a member of the House to resist to the every utmost unnecessary appropriation or extravagant expenditure.

Mr. LUTTRELL. You mean to stand by reduction.

Mr. RANDALL. I do.

Mr. LUTTRELL. That is right; retrenchment and reform.

Mr. RANDALL. I now call the previous question.

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

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

The latter motion was agreed to.

ADDITIONAL LAND DISTRICT IN IDAHO.

Mr. FENN, by unanimous consent, introduced a bill (H. R. No. 3810) to create an additional land district in the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REDUCTION OF INDIAN RESERVATIONS IN IDAHO.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3811) to provide for the reduction of the area of the Nez Percés and Fort Hall Indian reservations, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MISSIONARY STATIONS ON INDIAN RESERVATIONS.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3812) to provide for the occupancy of missionary stations upon Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS UPON UNSURVEYED LANDS.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3813) to protect *bona fide* settlers upon unsurveyed public lands in the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RUSK. I ask unanimous consent to make at this time sundry reports from the Committee on Invalid Pensions, for reference to the Committee of the Whole on the Private Calendar.

There was no objection, and leave was accordingly granted.

REPORTS FROM PENSION COMMITTEE.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3130) granting a pension to Margaret R. Coloney, widow of Josiah D. Coloney, First Maryland Infantry Volunteers;

A bill (H. R. No. 3306) granting a pension to Sarah W. Bacon; and

A bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873.

Mr. RUSK also, from the same committee, reported the following; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill, (H. R. No. 3814,) as a substitute for House bill No. 1920, granting a pension to Martha A. Williamson;

A bill, (H. R. No. 3815,) as a substitute for House bill No. 3191, granting a pension to Mary J. Lebow;

A bill, (H. R. No. 3816,) as a substitute for House bill No. 2070, granting a pension to Jonathan R. Tilman; and

A bill, (H. R. No. 3817,) as a substitute for House bill No. 124, granting a pension to T. C. Watson.

JOHN A. SUTTER.

Mr. KETCHAM, by unanimous consent, from the Committee on Private Land Claims, reported a bill (H. R. No. 3818) for the relief of John A. Sutter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUTENANT CHARLES B. SMITH.

Mr. KETCHAM also, by unanimous consent, introduced a bill (H. R. No. 3819) to settle the accounts of Lieutenant Charles B. Smith, late of the Fifth Regiment Iowa Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA J. COSTON.

Mr. ROBBINS, of Pennsylvania. I ask unanimous consent to report from the Committee on Naval Affairs, for consideration at this time, Senate bill No. 728, for the relief of Martha J. Coston.

The bill appropriates \$13,000 to Martha J. Coston, in full of all claims and demands upon the Government of the United States for the use of the Coston signal-light.

Mr. HOLMAN. Before raising any question as to the propriety of considering this bill at this time and reserving all objections, I would be glad if the gentleman from Pennsylvania [Mr. ROBBINS] will have the report of the committee read.

Mr. ROBBINS, of Pennsylvania. I have here the report of the Senate committee on this bill, and I send it to the Clerk's desk to be read.

The Clerk read the following report of the Committee on Naval Affairs of the Senate:

This claim was considered by the House Committee on Naval Affairs the last Congress, and a bill reported for relief of petitioner, accompanied by report No. 334, which is referred to as embracing a statement of the facts in the case before us.

Mrs. Coston is the widow of Benjamin F. Coston, the inventor of the telegraphic night-signals, which bear his name, an invention and system perfected by her since her husband's death, and which was adopted and has been used by our naval and life-saving service for many years.

In 1859 these signals were tested, and at the commencement of the war the Department made a proposition to the petitioner to sell to the Government the right to manufacture these signals for the use of the Navy, and an appropriation for the purpose was passed, which she accepted. The officers of the Government found it difficult (if not impossible) to manufacture them to advantage, and the Secretary of the Navy requested Mrs. Coston to undertake their manufacture for the Navy; and the price per set of twelve pieces was agreed upon at \$4.50. This was in the spring of 1861; the signals were delivered, and the price named was paid. The petitioner urged at that time, and now claims, that by reason of the increased cost of labor and materials she was entitled to, and should have received, an advance over and above the price stipulated. To this complaint, however, the Department would not listen, as the price had been fixed by agreement; and it is believed by the committee that she continued in the business of supplying these signals to the Government almost, if not quite, without profit.

By law it was provided that on contracts made previous to its passage the taxes and duties subsequently imposed should be paid by the purchaser, and when the petitioner endeavored to obtain the amount of taxes from the Navy Department she was met with the suggestion that no written agreement could be found contracting with her at the price named, therefore the law was not applicable to her case. Near the close of the war the Department increased the price of her signals to \$6 per set, thus acknowledging the justice of her demand, but there were very few delivered after this period, and the increase did not cover those already furnished. Subsequent to the time of entering into the agreement referred to taxes on manufacturer's sales were imposed and had to be paid by the petitioner; additional duties were also levied on some of the articles entering into these signals, the prices for labor almost doubled, and the chemicals used increased in cost from 50 to 75 per cent., and the certificates given her in payment were sold at a discount.

The following letter from Rear-Admiral Smith is made a part of this report:

WASHINGTON, July 1, 1865.

SIR: In regard to the reference from you to me of Mrs. M. J. Coston's letter to you of June 28 last, touching compensation to her for the Coston signals, I beg leave to say that the arrangement for employing those signals was made in the Bureau of Detail in the spring of 1861, then in charge of Commodore Paulding; the price was agreed upon, as well as I remember, at \$4.50 per set of twelve pieces. The signals were furnished as required, and paid for at that price.

The war greatly increased the cost of the materials, and consequently Mrs. Coston petitioned for an increase of price on that before the war agreed upon. This was not granted, on the plea that the price had been fixed. The delivery, receipt, and payment for the signals is ample evidence of that fact.

By the act of June 30, 1864, section 97, persons who shall have made any contract prior to the passage of said act are authorized to add to the prices thereof so much money as will be equivalent to the duty so subsequently imposed. Now, Mrs. Coston claims that the price of the signals was fixed before the passage of the act referred to, and that she has a just claim upon the Government for the amount of the tax.

The claim of Mrs. Coston for an increase of price on the signals, after the contingencies of the war had greatly increased the cost of the materials, was just and fair, in my opinion; as that request was denied by the Ordnance Department, she is certainly entitled to the tax on the bills rendered.

I have the honor to be, respectfully, your obedient servant,

JOS. SMITH.

Hon. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

The petitioner paid taxes, as per statement, \$13,000, and if allowed interest, would make her claim amount to some over \$21,000.

The committee, after careful examination of the papers before them, have arrived at the same conclusion as the House committee of the Forty-third Congress, and recommend that Mrs. Coston be paid the sum of \$15,000, in full satisfaction of her claim against the Government, and report the accompanying bill and ask its passage.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

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

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. STIMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 960) to continue the public printing; in which the concurrence of the House was requested.

PENSION BILLS REPORTED.

Mr. JENKS, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, Senate bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar:

A bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly;

A bill (S. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;

A bill (S. No. 737) granting a pension to Harrison H. Dodds; and
 A bill (S. No. 35) equalizing pensions of certain officers in the Navy.
 Mr. JENKS also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3820) granting a pension to Clara L. Attleton;
 A bill (H. R. No. 3821) granting a pension to William Quintin;
 A bill (H. R. No. 3822) granting a pension to Samuel Mercer and Mary F. Mercer;
 A bill (H. R. No. 3823) granting a pension to Matilda and Mary Heymes;
 A bill (H. R. No. 3824) granting a pension to Reese Lammey;
 A bill (H. R. No. 3825) for the relief of Angelina Powers, of the County of Bradford, in the State of Pennsylvania; and
 A bill (H. R. No. 3826) granting a pension to Samuel A. Wilborne.

DANIEL KAY.

Mr. JENKS also, from the same committee, reported back adversely the application of Daniel Kay for a pension; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD BOOKER.

Mr. JENKS also, from the same committee, reported back the bill (H. R. No. 1131) restoring to the pension-rolls the name of Edward Booker, of the county of Henry, State of Virginia, a soldier of the war of 1812, whose name was dropped from the rolls under the act of February 4, 1862; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

DRURY DUNAWAY.

Mr. JENKS also, from the same committee, reported back the petition of Drury Dunaway for a pension, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

ISABELLA J. BROWN.

Mr. JENKS also, from the same committee, reported back the petition of Isabella J. Brown, widow of Branson Brown, late a private in Company B, Ninth Illinois Infantry, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ONE HUNDREDTH ANNIVERSARY OF AMERICAN INDEPENDENCE.

Mr. BANKS. The Committee on the Centennial Celebration, to whom was referred an invitation to the Speaker and members of the House to attend a celebration in this city of the one hundredth anniversary of American Independence, have directed me to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on the Centennial Celebration, to whom was referred a communication from John B. Blake, esq., president of the Society of the Oldest Inhabitants of the District of Columbia, inviting the Speaker and members of the House of Representatives to attend their celebration of the centennial anniversary of American Independence in the city of Washington, respectfully report the following resolution:

Resolved, That the Speaker be, and hereby is, authorized to appoint a committee of thirteen members to attend on the part of the House the celebration of the centennial anniversary of American Independence in the city of Washington by the Society of the Oldest Inhabitants of the District of Columbia.

Mr. BANKS. Mr. Speaker, this society has for many years held celebrations of the anniversary of American Independence. It is a most respectable society, and I am confident that any committee which we may send will be properly received.

The resolution reported by the committee was adopted.

Mr. BANKS. A memorial of employés of the Public Printing Office, asking a furlough, without loss of wages, to attend the centennial exposition, was referred to the Committee on the Centennial Celebration, who have directed me to move that they be discharged from its further consideration and that it be referred to the Committee on Printing.

Mr. O'NEILL. The resolution I send up to the desk will embrace and cover that. I ask that it may be read to the House.

Mr. BANKS. This is not connected with any other subject. I move it be referred to the Committee on Printing.

The memorial was referred to the Committee on Printing.

GOVERNMENT EMPLOYÉS.

Mr. O'NEILL. I ask unanimous consent to submit for adoption at this time the following joint resolution:

The Clerk read as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the 3d day of July, 1876, be observed as a national holiday, and the offices and Departments of the Government be closed on that day as on the 4th day of July.

Mr. HURLBUT. I object.

Mr. O'NEILL. The object of this joint resolution is to make the 3d day of July of this centennial year, 1876, a national holiday, so that those in positions in the Departments at Washington and in Government offices elsewhere through the country may without loss of pay for that day go to Philadelphia, if they so desire, to join in the

centennial celebration, which commences the evening of the 3d. The 4th day of July is a national holiday by existing law.

The SPEAKER *pro tempore*. Is objection insisted upon?

Mr. HURLBUT. It is; we are going to stay here ourselves.

Mr. O'NEILL. I think not.

PICKRELL & BROOKS.

Mr. CABELL, from the Committee on War Claims, reported a bill (H. R. No. 3827) for the relief of Pickrell and Brooks, of Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BUSHBY.

Mr. CABELL also, from the same committee, reported back a bill (H. R. No. 740) for the relief of William Bushby; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EASTERN BAND CHEROKEE INDIANS.

Mr. SCALES, from the Committee on Indian Affairs, reported back a bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians with the recommendation that it do pass.

The bill, which was read, provides that the Commissioner of Indian Affairs be, and is hereby, authorized and empowered to collect and receive in payment of the amount due on certain judgments in favor of William Johnston and against William H. Thomas, now held by him in trust for the eastern band of Cherokee Indians of North Carolina, the lands mentioned and described in the award of Rufus Barringer, John H. Dillard, and Thomas Ruffin, as a board of arbitrators, under date of October 23, 1874, upon which such judgments were a lien; such lands to be taken at their cash value, to be determined by an appraisal to be approved by the Secretary of the Interior, and conveyed to the eastern band of Cherokee Indians in fee-simple; provided that if the lands above mentioned shall not be sufficient in value to pay off and discharge said judgment, the Commissioner is authorized to receive such other lands as the said eastern band of Indians may select, by and with the assent of the said Commissioner, to an amount sufficient to discharge the said judgment.

Mr. SCALES. I do not think there can be any objection to the passage of that bill.

Mr. RAINEY. I have a word to say on that bill.

Mr. SCALES. It provides for the payment of certain judgments heretofore recovered on behalf of the North Carolina Cherokees against one William H. Thomas. He is almost insolvent except as to lands. The Indian council have agreed they will take the lands at a valuation to be appraised by persons appointed by themselves. It is already agreed upon between them, and the Commissioner of Indian Affairs approves of it, and drew up a bill and sent it here to accomplish the purpose. I hope the bill will pass.

Mr. RANDALL. No bill of that kind should pass the House without a fuller explanation than we have had.

The SPEAKER *pro tempore*. The gentleman did not object to the bill and it is now too late.

Mr. HOLMAN. It is still subject to the point of order.

The SPEAKER *pro tempore*. Does the bill appropriate any money?

Mr. SCALES. It does not appropriate a cent out of the Treasury of the United States.

Mr. HOLMAN. It does indirectly.

Mr. RAINEY. It is to get rid of some worthless lands, giving them in satisfaction of judgments held by these Indians.

The SPEAKER *pro tempore*. The Chair is not exactly apprised as to the facts. The gentleman from North Carolina says the bill does not appropriate the public lands of the United States or money out of the Treasury.

Mr. HOLMAN. I do not insist on the point of order.

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

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

The latter motion was agreed to.

CONTUMACIOUS WITNESS.

Mr. BOONE. I rise to a privileged question. I ask that the subpoena and return to it, as well as a telegram which I send up, be read for the information of the House.

The Clerk read as follows:

By authority of the House of Representatives of the Congress of the United States of America.

To JOHN G. THOMPSON, Esq., *Sergeant-at-Arms*, or his special messenger:

You are hereby commanded to summon Colonel W. F. Shaffer to be and appear before the Expenditures in Interior Department Committee of the House of Representatives of the United States, of which Hon. WILLIAM MUTCHLER is chairman, in their chamber in the city of Washington, forthwith, then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States at the City of Washington, this 1st day of June, 1876.

(SEAL.)

Attest:

GEO. M. ADAMS, Clerk.

M. C. KERR, Speaker.

RETURN.

Subpoena for William F. Shaffer before the Committee on Expenditures in the Interior Department. Served June 12, 9.30 p. m., personally, by reading and by leaving copy.

JNO. G. THOMPSON,
Sergeant-at-Arms, House of Representatives.
DONAVIN.

CINCINNATI, OHIO, June 1.

To JOHN G. THOMPSON, Sergeant-at-Arms, Washington City:

Subpoenaed Colonel William F. Shaffer at nine and a half o'clock p. m. He says he will proceed immediately to Washington when the convention is over.

S. K. DONAVIN.

Mr. BOONE. I desire to state that Colonel Shaffer is in default, not having made his appearance before the committee. I therefore send to the Clerk's desk a resolution for the adoption of the House.

The Clerk read as follows:

Whereas William F. Shaffer was, on the 10th day of June, instant, duly summoned to appear and testify before a standing committee of this House on the expenditures in the Interior Department, and has without sufficient cause neglected to appear before said committee pursuant to said summons: Therefore,

Resolved, That the Speaker issue his warrant directed to the Sergeant-at-Arms, commanding him to take into custody the body of the said William F. Shaffer wherever to be found, and to have the same forthwith brought before the bar of the House, to answer for contempt of the authority of the House in thus failing to appear before said committee.

Mr. BOONE. I desire to state that there is a matter before the Committee on Expenditures in the Interior Department which is a matter of importance, and the evidence of Mr. Shaffer in relation thereto we deem material and important. The committee are of opinion that he does not desire to appear. I demand the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

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

The latter motion was agreed to.

NEW MADRID LOCATIONS IN MISSOURI.

Mr. BUCKNER. I ask unanimous consent to have put upon its passage at this time the bill (H. R. No. 100) granting legal titles to all New Madrid locations in the State of Missouri for which patents have not heretofore been issued.

Mr. HOLMAN. Let the bill be reported.

The bill was read.

Mr. HOLMAN. I reserve the question of consideration on this bill until the gentleman from Missouri has made his statement in explanation of it.

Mr. BUCKNER. I hold in my hand a favorable report on this bill by the Committee on Private Land Claims.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill is now in Committee of the Whole on the state of the Union.

Mr. BUCKNER. I shall ask to have the Committee of the Whole discharged from its further consideration.

The object of this bill is merely to convey the legal title to these lands to the parties who have an equitable title to them. This is necessary in consequence of the decision of the Supreme Court of the United States that the statute of limitations in any State does not begin to run in favor of a party claiming under a title unless he has a patented title. That is the object of the bill. It does not convey a foot of land. The Government has conveyed the title long ago, and the object of the bill is to give the legal title to these New Madrid holders. As the law now is, under the decision of the Supreme Court a party may be in possession fifty years under one of these New Madrid location titles and yet cannot avail himself of the statute of limitations.

Mr. HOLMAN. Will the gentleman state why the patent does not issue?

Mr. BUCKNER. That may be explained in this way: The certificates issued under the act of Congress are regarded as good, legal titles, and hence these parties make no effort to get patents. Relying upon the decisions of our courts, they regard them as legal titles; and patents are never issued except on the application of the parties interested. The whole object of this bill is merely in the interest of peace, to stop litigation. There is nothing else in it, and I hope gentlemen will make no objection to it.

Mr. CONGER. I ask that the bill may be reported again.

Mr. HOLMAN. What extent of land is affected by this bill?

Objection was made to the present consideration of the bill.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

GEORGE GROVE.

Mr. RAINEY, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3461) granting a pension to George Grove; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SALE OF DESERT LANDS IN CALIFORNIA.

Mr. LANE. I am instructed by the Committee on Public Lands to report, with amendments, the bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, in California,

and to ask unanimous consent that the bill, as amended, may be put upon its passage.

Mr. PIPER. I object to the present consideration of the bill.

Mr. LANE. I withdraw it.

CHANGES OF REFERENCE.

On motion of Mr. HUNTON, by unanimous consent, the Committee on Revolutionary Pensions were discharged from the further consideration of the following bill and petitions; and the same were referred to the Committee on Invalid Pensions:

The bill (H. R. No. 3699) to increase the pension of Mrs. Louisa Kearney, widow of Lieutenant-Colonel James Kearney, corps of Topographical Engineers, United States Army;

The petition of Martha Somerville, of Davidson County, Tennessee; and

The petition of Anna Brasil, widow of David Brasil, sergeant in the revolutionary war.

JAMES O. ROBERTSON.

Mr. SEELYE, by unanimous consent, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 3210) for the relief of James O. Robertson, esq.; and the same was referred to the Committee of the Whole on the Private Calendar.

F. PROSH AND T. F. McELROY.

Mr. GUNTER, by unanimous consent, from the Committee on Private Land Claims, reported back House bill No. 3617, for the relief of F. Prosh and T. F. McElroy, of Washington Territory; and moved that the committee be discharged from its further consideration and that it be referred to the Committee of Claims.

The motion was agreed to.

MARION WILLISAPS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 3828) for the relief of Marion Willisaps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN POWERS.

Mr. MCCRARY, by unanimous consent, from the Committee on the Judiciary, reported back, with a favorable recommendation, House bill No. 3332, for the relief of Stephen Powers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

UNITED STATES PRISONERS.

Mr. MCCRARY. I am directed by the Committee on the Judiciary to report back, with an amendment, Senate bill No. 435, to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners, and to ask that the bill be now considered and passed.

The bill provides that section 5546 of the Revised Statutes of the United States shall be amended to read as follows:

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, whose punishment is imprisonment in a district or Territory where, at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the district or Territory where the conviction has occurred; and, if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only to be paid by the Attorney-General out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia, during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And such change may be ordered in any case when, in the opinion of the Attorney-General it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prison, or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf.

The amendment reported from the Committee on the Judiciary was to strike out the words "such change" before the words "may be ordered in any case," and to insert in lieu the words "the place of imprisonment;" also in the same line to strike out the word "ordered" and to insert the word "changed;" so that it will read: "and the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General," &c.

Mr. LORD. Is it in order to pass bills now against the unfinished business of yesterday, which has precedence this morning?

The SPEAKER *pro tempore*. Only by unanimous consent.

Mr. MCCRARY. This bill has been read, and it will take but a moment more to pass it.

Mr. LORD. I desire to give notice that I shall object to any other bill or any other business except bills for reference.

The amendment reported from the Committee on the Judiciary was agreed to.

The bill, as amended, was then read a third time, and passed.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GOODIN. I desire to make a parliamentary inquiry of the Chair.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. GOODIN. What is the regular order for this hour?

The SPEAKER *pro tempore*. The regular order is the unfinished business at the adjournment of yesterday's session: the Geneva award bill.

Mr. GOODIN. To-day being Friday, does not the consideration of the Private Calendar take precedence?

The SPEAKER *pro tempore*. In the order made for the consideration of the Geneva award bill no exception was made in regard to private-bill day; it is a continuing order, for Friday as well as for any other day.

Mr. LORD. I desire to state that after the gentleman from Maine [Mr. FRYE] shall have concluded his remarks (he being compelled to leave the Hall this morning) I will not antagonize a motion to go into Committee of the Whole on the Private Calendar.

CLERK OF REAL-ESTATE-POOL COMMITTEE.

Mr. POWELL, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Select Committee on Investigation of the Real-Estate Pool and Jay Cooke & Co.'s Indebtedness be, and they are hereby, allowed to retain the services of a clerk from the day of last appointment to the 15th day of July, 1876.

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

The latter motion was agreed to.

CLERK OF POST-OFFICE COMMITTEE.

Mr. POWELL, from the Committee of Accounts, also reported the following resolution; which was read, considered, and adopted:

Resolved, That the clerk of the Committee on the Post-Office and Post-Roads be, and he is hereby, allowed \$5 per day from the 1st day of April, 1876, instead of \$4 per day, as heretofore allowed.

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

The latter motion was agreed to.

GENEVA AWARD.

Mr. LORD. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill (H. R. No. 2685) reported by the Committee on the Judiciary for the distribution of the unappropriated moneys of the Geneva award, on which the gentleman from Maine [Mr. FRYE] is entitled to the floor.

Mr. MILLS. I rise to a parliamentary inquiry. Is there any limit fixed to the discussion of this Geneva award bill? It seems to be engrossing the whole time of the House to the exclusion of all other business.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. MILLS. I ask whether debate on this bill is unlimited?

The SPEAKER *pro tempore*. There is no limitation except such as may be fixed by the action of the House.

Mr. MILLS. Then I move that all debate on this subject be closed after to-day, if that is a proper motion.

Mr. LORD. I have not yielded the floor for any such purpose.

Mr. MILLS. I desire to have some limit fixed to the debate. I would like to have the question put on my motion.

Mr. FRYE. I believe I have the floor.

The SPEAKER *pro tempore*. Does the gentleman from Maine [Mr. FRYE] yield for the motion of the gentleman from Texas?

Mr. FRYE. No, sir; there are several other gentlemen who want to speak.

Mr. MILLS. I do not propose to stop debate now, but after to-day.

Mr. FRYE. I understand that the gentleman from New York, [Mr. LORD,] who has charge of this bill, proposes as soon as I get through to yield, that the House may go into Committee of the Whole on the Private Calendar. My reason for going on now is that I am obliged to leave, owing to the condition of my health.

Mr. MILLS. I do not wish to interfere with the gentleman's speech, or any other speech that may be made to-day; but I desire that we may have some time to attend to other business.

Mr. FRYE. Mr. Speaker, the conclusions at which your committee have arrived can be sustained no more forcibly than by a brief recital of the causes of complaint of our Government against Great Britain, the attendant circumstances, the negotiations, the treaties proposed, the proceedings before the tribunal agreed upon, the award, and the action of Congress relating to its distribution.

Our country was in the midst of a terrible civil war, section arrayed against section, the Republic struggling for life, and that life in imminent danger; then, when the confederacy had no navy, not a single ship of war, no harbor of refuge, no ports open, no ship-yards, no docks, no prize courts, nothing appertaining to a naval power what-

soever, came the terrible news that Great Britain had recognized their belligerent rights—a recognition unexpected, unauthorized, unjust, and wicked, made for the purpose of humiliating if not destroying us. Says Reverly Johnson in his dispatch to Mr. Seward:

The history of the world furnishes no instance of so speedy a recognition in the case of revolutionary efforts to subvert an existing government. At the time it was made the insurgents had no port within which to build a ship of war large or small, or the power to get her out if she was built. Nor had they any port to which they could carry any ship that they might capture as prize of war for condemnation in a court of admiralty.

The proclamation granting these rights was issued just before our minister, Mr. Adams, had been received by the British government. At his first interview he said:

I must be permitted to express the great regret I had felt on learning the decision to issue the Queen's proclamation, which at once raised the insurgents to the level of a belligerent state. * * * It pronounced the insurgents to be a belligerent state before they had ever shown their capacity to maintain any kind of warfare whatever. * * * It considered them a maritime power before they had ever exhibited a single privateer on the ocean.—*Correspondence concerning claims against Great Britain*, volume 1, pages 183, 184.

Soon after it was known in Washington, our Government wrote to Mr. Adams: "The whole American people, so far as they are American, are shocked, offended, and disgusted with declarations of neutrality by the British government."—*Ibid.*, page 202.

What was the result? In June, 1861, the Sumter escaped from the Mississippi, and destroyed the ship Golden Rocket the 3d of July. She was insured. The underwriters refused to pay, and the courts sustained the refusal. In October following the Nashville escaped. At this time our ships were in every sea, in all the ports of the world, freighted with the productions of every country, bearing the fortunes of thousands of our citizens. The intense alarm of our merchants and ship-owners can at this late day hardly be realized. The hawk hovers over the chickens, and the hen gathers them under her wing. Whither could our scattered ships flee for protection? The wing of the Government was powerless to cover them. But how fared these cruisers? They were at once welcomed in every British port; their officers fêted, their sailors made heroes of, their achievements glorified. Such encouragement bore its legitimate fruit. A few more vessels escaped from confederate ports—the Boston, Jeff. Davis, Sallie, and Retribution—doing, however, but little damage. English ship-yards became busy, and the Florida, the Alabama, the Georgia, the Tallahassee, the Chickamauga, and the Shenandoah, built in those yards, equipped, provisioned, and manned in English ports, were soon preying upon American commerce. Several of these cruisers were never in a confederate port during the war. The destruction of our shipping was immediate and the effect upon our commerce terrible. For years we had been increasing our ocean tonnage immensely—from 1830 to 1840, 60 per cent.; from 1840 to 1850, 75 per cent.; from 1850 to 1860, 60 per cent., and in 1861 had reached our highest point, having afloat 2,700,000 tons, and occupying the second place among the nations of the earth in the extent of ocean tonnage. A few years more of such advance would have given us the proud position of mistress of the seas. Perhaps England saw this, feared it, and those cruisers were only doing her will. From 1861 to 1866 more than a million tons of this shipping was lost to us; more than one hundred thousand were burned by English cruisers, sailing under the confederate flag, and more than nine hundred thousand sought protection under foreign flags, principally under that of England. The value of that remaining was crippled by the perils from cruisers, the risk of sailing under our flag being so great as to drive a large proportion of the carrying trade into foreign bottoms. Our prestige was gone, our commercial power broken, and England was without a rival. Who can estimate the gain to her, acquired by her wrong to us?

As might well be supposed, all the loyal people of our country were deeply, profoundly indignant, incensed at England's course. They saw their commercial power broken; their citizens, entitled to protection, deprived of it; their war prolonged; thousands of precious lives lost on both sides; an immense debt incurred, to be an enduring burden to them and to their children, all largely the result of this reckless, unfriendly, and wicked recognition of belligerent rights. There was a deep-seated and universal determination that Great Britain should be compelled to answer for what we charged upon her as her crime; and when the war was over, with our immense Navy, our Army composed of hundreds of thousands of veteran soldiers, our whole people inspired with this intense feeling of unrequited wrong, war with England was indeed imminent. But our leading military officers and our statesmen counseled peace. A war between two such nations would be a fearful calamity, destructive not only to them, but to the interests of the civilized world. Negotiations were commenced, the Clarendon-Johnson treaty was proposed, and so earnestly and ably opposed by Hon. Mr. Sumner that the United States Senate rejected it. What was the opposition to it? That it failed to provide for reparation to our citizens? By no means. In this it was ample, certain, and complete. Reverly Johnson said of it:

This question (the alleged unauthorized recognition of belligerent rights,) as well as the question whether this (the English) government had observed their neutral obligations in suffering the Alabama and other vessels to be built and escape from their ports, will be both before the commission and the umpire. That their decision will be in favor of the United States I do not doubt. The reasons for this conviction I will briefly state: First, the recognition of belligerent rights.

Upon this ground, then, independent of the question of proper diligence, the obligation of Great Britain to meet the losses seems to me to be most apparent. * * * I am satisfied that if the convention goes into operation every dollar due on what are known as the Alabama claims will be recovered.—*Johnson to Seward, Message and Documents, Department of State*, part 1, 1866 and 1869, page 411.

We could trace all our commercial disasters, all the losses and damages to our citizens on the seas, directly to this precipitate recognition of belligerency. Our Government maintained this view, and said, October 5, 1863:

"The successive preparations of hostile naval expeditions in Great Britain are regarded here as fruits of that injudicious proclamation." (Page 270.) And January 6, 1864: "On our part we trace all the evils to an unnecessary and, as we think, an anomalous recognition by Her Majesty's government." * * * (Page 273.)

In a formal note to the British government dated May 20, 1865, our Government maintained:

First. That the act of recognition * * * was precipitate and unprecedented. Second. That it had the effect of creating these parties belligerents after the recognition, instead of merely acknowledging an existing fact.

Fourth. That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports. * * *

Seventh. That the failure to check this flagrant abuse of neutrality, * * * with the aid of the recognition of their belligerent character, has resulted in the burning and destroying on the ocean a large number of merchant vessels and a very large amount of property belonging to the people of the United States.

Ninth. That the injuries thus received are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification.

Again, January 23 and February 5, 1862: "We are embarrassed by the attitude of the British government in regard to the entertainment it gives in its ports to pirates engaged * * * in destroying our national commerce. * * * It is easy to see that this is the effect of a premature recognition of the insurrection as entitled to belligerent rights."—(Page 223.) And February 27: "For our own part, we must remain in the belief that the cause and the only cause of all the misapprehensions and embarrassments which have occurred, affecting the two countries, was an unnecessary and premature concession of belligerent rights to the insurgents."—(Page 226.)

Johnson, Seward, Adams, Sumner, in fact all of our eminent public men, held to this doctrine, and all agreed in the assertion that the Clarendon-Johnson treaty admitted this premature recognition of belligerency as the basis of our claims, and that under it our citizens suffering damage from inculpated and exculpated cruisers, by destruction of their vessels, their cargoes, payment of war premiums or otherwise, would be fully indemnified. Then to right the wrongs of citizens nothing more was required. But Mr. Sumner insisted that while it did amply secure the citizen it failed entirely in repairing the national wrongs. It opened no door for any claim for prolonging the war, for money expended in the pursuit of cruisers, for driving our commerce from the seas, for damages to the nation of infinitely greater importance than the destruction of private property by confederate cruisers. For such reasons the Senate refused to ratify this treaty, and the ample remedies it afforded for our citizens were lost, but the reasons for the rejection impressed our people and they acquiesced. We gave no release; our purpose continued firm and unalterable to demand and to receive from Great Britain redress. The President, in December, 1870, calls the attention of Congress to the matter, in his message, as follows:

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain, growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amount and ownership of these several claims on notice to the representatives of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain.

It cannot be necessary to add that, whenever Her Majesty's government shall entertain a desire for a full and friendly adjustment of these claims, the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

This aroused Great Britain and negotiations were commenced in 1871, which resulted in the treaty of Washington. Arbitrators were mutually agreed upon. The United States appeared as plaintiff, England as defendant. What did the counsel for the plaintiff claim before this august tribunal?

1. Claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.
2. The national expenditures in pursuit of those cruisers.
3. The loss in the transfer of the American commercial marine to the British flag.
4. The enhanced payment of insurance.
5. The prolongation of the war and the addition of a large sum to its cost, &c.

Were the whole of these claims seriously maintained? Undoubtedly, and had been from the beginning. The proofs of this are conclusive. When this case became known in England the whole nation seemed to have been suddenly stricken by madness. The statesmen, the press, and the people clamored, raved, denounced, and denied. Time wore away. The final hearing was approaching, and once more an earnest effort was made to reconcile the differences. An additional stipulation was proposed to the Senate, as follows:

Whereas both governments adopt for the future the principle that claims for remote or indirect losses should not be admitted as the result of failure to observe neutral obligations, so far as to declare that it will hereafter guide the conduct of both governments in their relations with each other: Now, therefore, in consideration thereof, the President of the United States, by and with the advice and consent of the Senate thereof, consents that he will make no claim, on the part of the United States, in respect of indirect losses, as aforesaid, before the tribunal of arbitration at Geneva.

Congress adjourned before any conclusion was arrived at. In the mean time these rules had been agreed upon, adopted by both nations for the government of the arbitrators:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly, not to permit either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

The 15th of June was fast approaching, when our Government must present final argument or lose their hold on the treaty. An adjournment was proposed, was had, from the 15th to the 19th of June; consultations were held, dispatches sent and received, until the tribunal announced that, after careful consideration, in their opinion the claims of the United States for, first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payment of insurance; and, third, the prolongation of the war, &c., must be excluded. Then the case proceeded at once to final hearing. I wish to call your attention to certain dispatches and communications calculated to throw light upon this finding.

April 2, 1872, the Secretary of State wrote to General Schenck:

Neither the Government of the United States, nor, so far as I can hear, any considerable number of the American people, have ever attached much importance to the indirect claims, or have ever expected or desired any award of damages on their account. * * * In the correspondence I have gone as far as prudence would allow in intimating that we neither desired nor expected any pecuniary award, and that we should be content with an award that a state is not liable in pecuniary damages for the indirect results of a failure to observe its neutral obligations. It is not the interest of a country situated as are the United States, with their large extent of sea-coast, a small Navy, and a small internal police, to have it established that a nation is liable in damages for the indirect, remote, or consequential results of a failure to observe its neutral duties.—*The correspondence respecting the Geneva Arbitration*, page 63.

It is not for their interest to exaggerate the responsibilities of neutrals, but only in the sense of their action in this respect throughout their whole national life-time to restrain the field of arms and enlarge that of peace.—*Argument of Counsel at Geneva. Papers, &c.*, volume 3, page 223.

* * * It is not the interest of a country situated as are the United States, with their large extent of sea-coast, a small Navy, and a smaller internal police, to have it established that a nation is liable in damages, &c. * * * This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent.

HAMILTON FISH.

—*Papers, &c.*, volume 2, page 476.

The United States have had occasion to look practically on both sides of the question, and therefore sometimes to assert neutral duties, while more generally asserting neutral rights and the policy of peace, to such extent and under such circumstances as to have rendered the United States the champion of neutral rights.

HAMILTON FISH.

—*Papers, &c.*, volume 4, pages 548, 549.

Again Mr. Schenck says:

I think the principle declared in this article for future observance between the two nations is one which, if settled and maintained, must be of inestimable advantage to the United States. With our chances of being generally neutral, when Great Britain and the other European states are belligerent, the benefits of the rule are to be principally and oftenest ours. Our continental position, our extended sea-coast, our numerous ports, the enterprising character of our citizens, and the difficulty of restraining their spirit of adventure, surely make the rule that would thus be established more valuable and more favorable to the United States than to perhaps any other country.

Immediately the opinion of the tribunal was assented to—

[Telegram No. 114, Mr. Fish to General Schenck and Mr. Davis.]

* * * The President directs me to say that he accepts the declaration of the tribunal, as its judgment upon a question of public law, which he felt that the interests of both governments required should be decided. * * * This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of that character.

FISH.

—*Papers, &c.*, volume 2, page 578.

Letter of Hon. E. R. Hoar, one of the commissioners.

America's statesmen, in charge of her case, were neither narrow-minded nor short-sighted. They realized that this was the golden opportunity to gain advantage not only for our nation, but for all nations, advantage compared with which any amount of mere money indemnity would be insignificant. Our policy, so wisely inaugurated by Washington, had always been to avoid complications with foreign powers, and to be strictly neutral in foreign wars. Hence we had been the champion of the rights of neutrals, which England had habitually infringed upon or disregarded. As expressed by our counsel at Geneva, both the sentiments and the interests of the United States, their history and their future, have made and will make them the principal advocates and defenders of the rights of neutrals, before all the world. * * * The world needed, and it was especially the interest of the United States, to have not only the privileges but the obligations of neutrals well-defined and established. They therefore wisely insisted that the tribunal should give its judgment on these claims.

They placed the facts and the claims before the tribunal, hoping that they would be regarded "as a reason why a gross sum should be awarded which should be an ample and liberal compensation for our losses by captures and burnings, without going into petty details." * * * They were aware, too, that the injuries which England had inflicted on the United States were such as money could not pay for, and though "regretted" by England in the treaty, would never be forgotten by Americans. * * * They knew that what Richard Cobden had said during the debate in the English Parliament in regard to the Georgia was true, that we "have a sea-coast on the Atlantic and another on the Pacific; that however vigilant, loyal,

and true to its principles the American Government might be when England should be at war, if American nature be human nature, that out of their numerous and almost inaccessible creeks and corners there will be persons to send forth fleet steamers to prey upon her commerce; that many Americans will think it an act of actual patriotism to do so." * * * They therefore offered to accept a new rule: "That both governments adopt for the future the principle that claims for remote or indirect losses should not be admitted as the result of failure to observe neutral obligations, * * * as the consideration for, and as a final settlement of, the three classes of the indirect claims put forth in the case of the United States."—*Short History of Long Negotiations*.

From these citations from the history of the transaction the conclusion is inevitable that both countries assented in advance to this finding of the arbitrators, thus saving the treaty and solemnly settling certain great principles of international law.

It is further evident that our country was pre-eminently satisfied with what had been accomplished up to this time. The premature recognition of belligerent rights had been waived by us, and thus we had been saved from being placed under guardianship for all the future. The three rules had been established, and we should have the benefit of them forever.

Indirect claims had been solemnly adjudicated against, and in all ways to come between other nations, we, being neutral, should reap the advantage. The gain to us in all this was immense, hardly to be calculated in money. What we had lost, or what we had paid for these advantages, I will come to by and by. Thus the obstacles having been removed, the great trial was proceeded with, proofs were presented, arguments heard, and finally this judgment entered up:

The tribunal, by a majority of four votes to one, awards to the United States the sum of \$15,500,000 in gold, as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the decision of the tribunal.

Precedent to this finding, the nation for its own benefit gave up the claim for premature recognition of belligerent rights, insisted upon and finally compelled the adoption of the three rules, under which the tribunal held that proof of negligence was actual notice to the offending government, not knowledge of the people, not notoriety, not constructive notice, and enabled England to escape from damages caused by all the other cruisers except the Alabama, the Florida, and the Shenandoah after Melbourne. Our Government for its own benefit consented to the preliminary finding of the arbitrators, thus excluding from their further consideration the national claims and the increased premiums of insurance as indirect. Clearly she had a right to barter her own claims for benefits to herself, and the exchange was peculiarly satisfactory, for she received more than a *quid pro quo*. But did she deliberately sacrifice the claims of her suffering citizens to the same end without any purpose of compensation to them? Had she a moral right to do so? Allow me to quote from the able report of the Judiciary Committee of the Forty-third Congress:

Having for its own interest withdrawn from the arbitrators the "cause and only cause of the evil," thus leaving the tribunal without evidence of that liability of England which the United States had over and over again in every diplomatic form insisted upon, is not the United States estopped from denying reparation to its citizens, based upon the finding of a tribunal to which, for its own purposes, it would not submit the evidence? Indeed, by so doing, did not our Government assume this class of losses of its citizens?—*Report House Representatives Judiciary Committee*, page 7.

I submit, sir, that it appears conclusively our country had no such unjust purpose. On the contrary, it deliberately and carefully provided for such contingency.

This letter of instructions shows it:

DEPARTMENT OF STATE,
Washington, December 8, 1871.

GENTLEMEN: The President having appointed you the counsel of the United States in the matter submitted to the tribunal of arbitration, to meet in Geneva, * * * it becomes necessary to give you briefly the President's instructions on the subject of your duties. * * *

The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. * * * It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers, upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government, without commitment as to the mode of distribution. It is expected that all such commitment will be avoided in the argument of counsel.

I have the honor to be, gentlemen, your obedient servant,

HAMILTON FISH.

HON. CALKB CUSHING, WILLIAM M. EVARTS, and M. R. WAITE.

Again and again our Government insisted that the award should, if possible, be for a gross sum. Why these instructions, why this anxiety? Clearly assessors would have relieved the Government and the Congress from all care and responsibility in the premises; why then seek to avoid an assessment as provided for in the treaty? There can be but one answer. Our Government, having for its own good sacrificed certain claims of its citizens, held itself morally responsible to those citizens, and, that it might distribute this award equitably to real sufferers, insisted upon a sum in gross and upon its right to dispose of it without any limitation.

Is there anything in the amount of the award, in the manner of arriving at it, antagonistic to this view? Can any man tell upon what figures it was based?

Again allow me to cite authorities:

It does not appear in the protocols how the arbitrators arrived at this amount. I am informed that it was reached by mutual concessions. The neutral arbitrators

and Mr. Adams from the beginning of the proceedings were convinced of the policy of awarding a sum in gross. * * * We therefore devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the sum.—*Mr. Davis's Report*, volume 4, page 8.

How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed is not known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. (Opinion of the Court of Alabama Claims, *Williams vs. The United States*.)

Again, by the terms of the award, the sum to be paid was to be a settlement in full, now and forever, of all the claims referred. Under the treaty all the claims I have heretofore alluded to were so referred. It makes no difference that some were decided against for the reasons given; they were none the less referred and forever settled by the judgment given:

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration * * * as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim * * * shall be considered and treated as finally settled, barred, and henceforth inadmissible.—*Treaty of Washington*, article 11. And in accordance with the terms of article 11 of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled."—*Decision and Award Papers*, &c., volume 4, page 53.

Now, sir, the conclusion seems to me inevitable that this money paid over by Great Britain is to be disposed to sufferers on the seas, in the discretion of Congress. That the Forty-third Congress adopted this view is clearly apparent from the provisions made for insurance companies. The bill allows them to receive their net losses caused by all confederate cruisers. There is no limitation to the three named by the tribunal, the Alabama, the Florida, and the Shenandoah after Melbourne. If the strict constructionist is right, then Congress has already violated the terms of the award as much as it would have done if it had actually made the distribution our act, under consideration, provides for. So, too, the court created by that bill has shown its entire independence of the tribunal; for it has already given judgment in cases where the names of the claimants, the claims, the names of the ships destroyed were never suggested to or heard of by the arbitrators. If we are to be bound strictly by the tribunal, if the Government was the agent of claimants, their attorney, by what right does it provide for any claimant whatsoever who did not plead *eo nomine* in that august court? Sir, the conclusions are inevitable. England recklessly and wickedly did us a grievous wrong. Our citizens, outraged, damaged, thousands of them ruined, without legal redress, without power to compel England to right their wrongs, appealed to their Government. The nation as such appeared before a tribunal agreed upon as plaintiff against Great Britain as defendant, urged national and individual claims; for their own advantage yielded the greater portion of their claim, prosecuted the balance to final judgment, recovered \$15,500,000, has already paid out about eight millions to sufferers, and now holds the balance to be distributed, in the discretion of Congress, to other sufferers.

And here allow me to place in the scales the admirable opinion of the court in *Williams vs. The United States*:

Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been, he had not the power to obtain compensation from Great Britain by his own act. Her army and navy would have proved uncomfortable obstacles in his way to her treasury. Just here the Government of the United States took up his case, and by the exercise of its powers as a sovereign, after years of patient labor, by the highest skill in diplomacy, without the loss of blood or treasure, obtained the whole amount due for the depredations complained of, thus achieving a triumph which may, in the progress of civilization, take a higher rank than the profoundest achievements in arms. How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed is not known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear that the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal rights to it, except that which this Government, by its own acts, chose to accord. They must, therefore, take their respective shares of it, subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

Now, what shall be done with this balance of twelve millions? The gentleman from Ohio says, cover it into the Treasury of the United States. What an act of piracy! The wrongs inflicted by England would pale in the presence of so much greater wrongs inflicted by the Republic upon its own citizens who suffered largely because they loved the flag of their country. Why so cover it into the Treasury? Because the war was prolonged, the cost increased, large sums expended in destroying cruisers for the purpose of protecting our commerce. To be sure. But the Government deliberately bargained all this and received for it an immense price—ample, complete satisfaction. Who questions its right to do as it pleases with its own? But, having thus disposed of it, shall it wickedly steal it back from its citizens who as such helped pay it, and thus not only refuse them protection and redress, but take from them the pittance the mercy of Great Britain awarded them? The proposition is too monstrous to argue, too outrageous to consider, too absurd to discuss.

Now, sir, the gentleman from Massachusetts [Mr. PAYNE] who has just closed expresses a very tender regard for Great Britain—intimates that she should be consulted as to the disposition of this fund. Sir, she has no lot in it, no right to express an opinion in relation to

it. It is a judgment the United States recovered against her for wrong done. Let her be forever silent. The history I have given shows that the only act of hers toward us for the last fifteen years for which she should not blush with shame was that one of apology for her wrong, of submission to the tribunal at Geneva, and of payment of the award.

Mr. Speaker, time will not permit me to argue the question of the power of the Government over the \$15,500,000. If the able and exhaustive arguments of the gentleman from Pennsylvania, [Mr. JENKS,] from New York, [Mr. LORD,] and from Iowa [Mr. McCRARY] do not convince this House that the Congress of the United States may distribute the fund in its discretion, governed only by justice and equity, then no words of mine could. Your committee who made the report now under consideration, after careful and patient examination, agreed, without hesitation, without doubt, upon this proposition as the basis of their bill. They only departed from it when they admitted the insurance companies to a participation in the distribution. The gentleman from Pennsylvania [Mr. JENKS] has entered a motion to strike out that clause. I sincerely hope the House will strike it out.

The bill under consideration provides, first, for those who were damaged by cruisers other than the so-called inculcated—the Alabama, the Florida, the Shenandoah after Melbourne.

EXCULPATED CRUISERS.

Whence comes this distinction between "inculcated" and "exculpated" cruisers? It is certainly, in fact, a distinction without a difference.

Take the Shenandoah as an illustration. She was built, armed, and equipped in England; her officers and crew shipped there, largely made up of the very men England saved from the sinking Alabama. Her preparations for sea were well known, her purposes well understood. She put to sea; at once commenced her depredations upon our commerce; finally went into Melbourne to coal. The United States consul protested against her rendering assistance; furnished evidence of her character to the British authorities; but his protests were of no avail. Again she sailed, burning ship after ship. The tribunal holds England liable for all damages done by her after leaving Melbourne, harmless for all caused before. Just prior to her arrival at Melbourne she burned a Union ship, took the captain, his wife, the other officers and men, into that port. Are the owners of that ship, is that captain, and are those sailors any less entitled to recompense than those of the ship burned two days after she left that port? Whence cometh the distinction? Before she arrived at Melbourne she burned the ship of Mr. Metcalf, a worthy constituent of the gentleman from Ohio, who, hearing of the destruction, and that the Shenandoah had gone to England, started at once for the purpose of libeling her. At New York he received notice that she had been turned over to the United States, sold, and the proceeds, more than sufficient to pay his entire loss, covered into the United States Treasury. Of course, if there had been any remedy in the proposed libels, this action of the Government had taken it away, and Mr. Metcalf returned home. For three years now he has been in constant attendance at this Capitol, seeking reparation. His whole fortune wrested from him by this British cruiser, her wrong admitted, her piratical cruise stopped, herself sold because of her crime against this American citizen, the purchase-money now in our Treasury, with millions added to it by the judgment of a court, and he still asking for bread and receiving a stone. And yet the gentleman from Ohio declares it to be his deliberate opinion that the United States, which certainly owed to her citizen protection, failed to render it, shall now hold on to every dollar she has so received, and his outraged constituent remain without remedy, because the Shenandoah, when this burning took place, had not coaled at Melbourne, but had, to be sure, in other English ports; in fact, had never turned her prow into a confederate port during the whole of her piratical career!

Again, sir, take the Georgia, another "exculpated" cruiser. She, too, was built, armed, provisioned and equipped, officered and manned, in an English port. All of her crew but two were Englishmen. She never saw a confederate port, nor sailed within the shore-line of those States. All of her preparations for sea, her purposes in sailing, were notorious. Our minister, Mr. Adams, had all the information for a week before she sailed, and yet the tribunal held England harmless in respect to the damages she caused, and gentlemen on this floor can see no reason in law, equity, justice, or good conscience why our Government should seek to repair the wrongs the Georgia committed upon her inoffending citizens—loyal subjects, every day paying heavy requisitions for the protection of that very country, owing it to them and failing utterly to afford it. The log-books of nearly all these cruisers would be only a repetition of the same story. Who questions the liability of Great Britain for all the damages done by all these cruisers under the stipulations of the Clarendon-Johnson treaty? Now when that treaty was rejected only for advantages our Government would receive; when we deliberately, for ample compensation, relieved England from this class of claims, is not it a monstrous doctrine that our nation, who in the hour of her peril exacted from her citizens such terrible sacrifices, shall now, when her life has been purchased with their treasure and their blood, thus coldly, selfishly, and wickedly profit at their further expense?

Again, sir, how did the tribunal draw so sharp a line, holding England liable alone for the acts of the Alabama, the Florida, and the

Shenandoah after Melbourne? I have already cited the three rules relating to negligence—rules urged, insisted upon by the United States—rules the adoption of which would be of inestimable value to us in the future when we should be the neutral nation. We succeeded in obtaining their adoption, and under them we insisted, and the tribunal undoubtedly held the only proof of negligence to be official notice to the offending nation and a refusal to act upon it. Only by such a construction could the liability of England have been limited as it was and this line so sharply defined. Who can estimate the value to us of these rules and this construction? Let war be declared between England and France, the United States being a neutral power, with ship-yards all along our immense seaboard, up and down our mighty rivers, with our thousands and tens of thousands of ports and harbors, with our skilled mechanics and adventurous sailors, our whole people incited by the memories of the past and the hopes of the future, how many cruisers would plow the seas in sixty days of whose existence our Government had received no official notice and for whose acts we could not be held liable?

To gain this immense advantage the claims of our citizens for losses sustained by the depredations of the so-called "exculpated" cruisers were deliberately surrendered, settled in full and forever. Now, sir, can it be said, honestly, fairly, that our nation in justice and equity has no obligation remaining to these sufferers?

The next class provided for is those who paid

WAR PREMIUMS.

Who are the so-called war-premium men, and what are their rights in this award? As I said, over one-third of our ocean tonnage sought the protection of the British flag, and by so doing was insured safety and profit. The remainder continued under our flag, exposed to danger and without profit. There were British cruisers crossing every path, and every day a scuttled ship gave warning. I say without profit. It is claimed by insurance attorneys that their voyages were successful; that this was the inducement which kept them under the flag. The proposition is absurd. It is claimed by the same attorneys that the war premiums paid by them were charged against their freights, and then by the merchants against the consumers of the merchandise. This is equally absurd. They had to contend with that great leveler of prices, competition. If the merchant paid for goods freighted in the American bottom 5 per cent. war risk, his neighbor, shipping his goods in the British ship, was not subjected to this expense, and the merchandise of both sought the same market. How, then, could the first mark up his increased cost of transportation?

The ship-owner affords a more marked illustration of the point. Suppose two ships, lying side by side at the wharf of the foreign port, the one under the American flag, the other under the British. The owners of the American pay, first, a war premium on their ship, but some one must also pay it on the cargo. Who does that? Not the owner of it, because he can just as well send it by the vessel sailing under the British flag, where no such charge would be necessary. So the owners of this ship must also pay the extra premium on the cargo. Then do they offer equal inducements to the shipper? Certainly not, for there is in the first ship the risk of detention, of partial loss, of failure of underwriter, of litigation for money in event of loss. Then, to secure the freight, the poor ship-owner is obliged to offer lower freight charges. Can any reply be made to this? What was the result? The most of these vessels sailing under our flag were run without profit, many of them at great loss. But, says some skeptic, "Why in the name of common sense did they sail at all? Why did not they all take safety and profit under a foreign flag?" My answer is that thousands of those men loved the old flag too well to desert it; hated the English ensign too profoundly to seek safety under it. Does not the history I have given of British wrong toward us in our terrible conflict for national life justify the hatred? Again, our ships were confined to the coarsest, cheapest, and heaviest freights. No American ship lying at Canton or Peking could take silk or tea. The war premium would be three times the freight money. So at Calcutta and many other ports.

Again, the relations between ship and owner are frequently full of sentiment. Every gentleman knows what an affection sometimes grows up for the horse, the house, the farm, for the things used until they become a part of the family. This is peculiarly true of the ship. A father and his sons have built her; have put in her the earnings of their lives; have watched her building from the laying of her keel to the day of her marriage to the ocean; have named her for the wife or sister; have sailed the world over in her, in calm and in tempest, in heat and in cold. She is their ship and they love her as one of their own. Would they, loving their country, hating its enemies, lower the good old flag and hoist in its place the emblem of injustice and wrong? Again, it is a very common thing for a whole neighborhood to own a ship. The captain, the carpenter, the blacksmith, the lumberman, the iron merchant, each takes his share in her; she is the parish ship, owned, loved, and the pride of them all. Shall she be sold to the foreigner or sail under any other than the Stars and Stripes? They would let her rot at the wharf first. Again, there were men, ship-owners and merchants, so loyal to the country in her hour of peril, in her day of dire distress, that no loss of mere money could drive them to any seeming desertion of her. These were the men who kept our flag at the peak throughout the whole war. These are the men who saved to the country her commerce. To them you

owe the million and a half of ocean tonnage you held when the war was over, a debt of gratitude you ought to cheerfully acknowledge. Some of these ship-owners were their own insurers, and occasionally the Alabama, the Florida, or the Shenandoah after Melbourne swooped down upon the ships and destroyed them.

After a dozen years of weary waiting, the last Congress provided for the payment of such loss, and to-day the United States Treasurer is issuing to them warrants for that purpose. But the Tallahassee, Georgia, and cruisers called exculpated, equally British ships, manned by British sailors, inspired by British hatred for their rival on the seas, scuttle and burn others, and because these are of the so-called "exculpated cruisers" such losses are still unprovided for, and to-day appeals are made to you in the name of justice for reparation. But others, and by far the larger proportion, were compelled to insure. When the Sumter destroyed the Golden Rocket, and the courts held the insurance companies harmless under the ordinary marine policy, they had ships sailing every sea, anchored in every harbor, lying at every wharf, freighted with valuable cargoes. There was but one door of safety for them, and the insurance company was its keeper. What mercy had they to expect from these soulless corporations? Could they be inspired by patriotism or moved by sentiment? No. They adjusted their own rates for war-risks, having regard only to the profits of the business, and the ship's owner must comply with their exactions. He did so, paid them millions of dollars in excess of their losses, and now looks to you for remuneration. He saved your commerce, he kept your merchant-ships afloat, he honored your flag, gave credit to your country at an expense of millions of dollars to him, and in hundreds of cases the price he paid was ruin.

You have money enough forced from Great Britain by a judgment of the court to re-imburse him for the tax his loyalty compelled him to pay; and is there any reason why you should withhold it?

INSURANCE COMPANIES.

Now, Mr. Speaker, what has stood directly in the way of a fair, just, and equitable distribution of this award? Three years have elapsed since it was paid into our Treasury, more than twelve years since the greater part of the damage was done. In the mean time our citizens have suffered that terrible sickness of hope deferred. The time has surely been ample, the losses clear, the means of reparation abundant. Who has blocked the door of justice? The insurance companies. Corporations of immense wealth and power, easily united in active, aggressive war upon every measure of relief which declined to name them as the first and most meritorious claimants, having agents and attorneys in every considerable town in the country, unlimited command of men and money, able to mass their whole strength at a moment's warning, and hurl it upon Congress, able and willing to employ scores of the leading men of the land, entitled to the privileges of this floor, and keep them on guard during a whole session of Congress, while, opposed to them, are the impoverished ship-owners and sailors, scattered all over the world; the men from whom they exacted all and more than all the profits of the carrying trade during the whole war, equally scattered, without agents, unable to employ attorneys. The battle is terribly unequal, and were it not for a high sense of justice, an independence of thought and action, an incorruptible purpose to do right pervading the members of Congress, there would be but one result, but one prize, and these companies would hold the lucky ticket. Before the last Congress they waged a tremendous battle, contested every step, fought for their millions with increasing vigilance, with great power and unquestioned ability; even when in the last ditch they never lost heart, but resorted to stratagem and cunning devices, looking us square in the face as if honest, asked for leave to go to the courts, prevailed upon the Nestor of the House, the white-haired, renowned, and revered Poland to advocate their cunning proposition, and failed, as they ought, ingloriously. They did however, I admit, succeed in obtaining an advantage of all other claimants in securing payment for all their net losses, regardless of any distinction between "inculpated" and "exculpated" cruisers; and yet they are not happy.

A distinguished judge was once arguing a case before the judiciary committee of the Legislature of Maine, in which he concluded that the petitioner, "Richard Doe," could not be satisfied, that it was fortunate for the world there was but one "Doe," that a few more would absorb all the things of time and eternity crying "not enough!" Said he, if Satan had taken Richard into a high mountain and offered him all the possessions of the earth, he would have cried "not enough!" "not enough!" I am inclined to think that if Satan should take these insurance companies (and I guess he will) [laughter] into a high mountain and make them the same offer their response would be "not enough." [Laughter.]

Again they are here in full force, repeating vigorously their demands. Now, Mr. Speaker, why are they entitled to another day in court? What reasons do they give?

First. They claim that this Government was their attorney to collect these very damages, and having succeeded, but one other duty remains, to pay over to the clients. What an idea! Our great nation the agent of insurance companies, as such spending years of negotiations, levying contributions on the first intellects of the land, making requisitions upon the honorable Senate of the United States, drafting into service the President, threatening war with England, all to collect the bills of insurance companies! And what bills? Why, damages inflicted by English cruisers. Suppose for a moment that our

Government held these claims alone, appeared before the tribunal, and presented their case. England answers, what are the losses of your clients for which you enter complaint? O, there are no losses! When you recognized belligerent rights so hastily, created such widespread consternation, these companies at once took advantage of the fears of our citizens, adjusted the rates of insurance so as to make the operation a perfectly safe one, made millions of dollars, and heaped up wealth at the rate of 25, 30, and 40 per cent. annually. The reply of England would surely be: We have done these companies no harm by your own showing; on the contrary, we have poured wealth into their coffers, and you have no suit which in justice can be maintained against us. The tribunal would have certainly adjudged the answer satisfactory. Does any one doubt this? The counsel for Great Britain, in the proceedings before the tribunal, did at once raise this question. I quote from him:

With respect to the insurance companies it must be remembered that, as against the losses which they paid, they received the benefit of the enormous war premiums which ruled at that time, and that these were the risks against which they indemnified themselves—and, it cannot be doubted, so as to make their business profitable upon the whole—by those extraordinary premiums.

If these companies had been the only claimants would our Government have taken a step toward an adjustment?

Again, Mr. Evarts, attorney-in-chief of these corporations, while earnestly arguing the matter of agency, on being asked what should be done with those companies who put in no appearance whatever, replied: They should be paid out of the money collected. And yet there was no privity between them and the great attorney. Curious agency that!

Secondly. They rest their claim on the doctrine of subrogation; certainly a very taking one with lawyers. No one questions the soundness of the legal position. That the underwriter is subrogated to all the rights of the insured in event of partial loss and abandonment is beyond dispute, and if there is any legal claim against a wrongdoer for the damages done the company may prosecute it in their own behalf. But has the doctrine any application in this case? Clearly not.

Before any of the depredations complained of had taken place Great Britain had recognized the belligerent rights of the confederacy. Then, as a logical sequence, no man injured in his person or property had any legal claim against the injurer, nor can it be pretended that any individual sufferer had any claim recognized in law against England. The recognition of belligerent rights had been deliberately waived by our Government as the basis of claim. But suppose it had not been, could the underwriter bring any suit against the English government and maintain it? Her reply would have been, "If I have offended, my offense is against your Government, not against you. I am answerable only to her." Was it in the power of these insurance companies to enforce their claims. There is infinite pretense in all this talk of subrogation. The companies knew perfectly well, when they adjusted their rates, that in ninety-nine cases out of the hundred the ship insured, if injured at all, would be entirely destroyed; that there would be no practical remedy against anybody for the destruction; therefore they did not take into consideration or make any allowance whatever for benefits to be derived from their favorite legal position. In the ordinary risks these legal rights with which they are clothed are credited in adjusting the premium. The war rates are conclusive evidence that no such allowance was made to the insured against war risks. The immense, unprecedented profits of the business ought to be a satisfactory reply to the claim. An "unknown poet" seems to have fully understood the case when he wrote—

From him who hath not should be taken away
Even that which he hath, and be given
Unto him who hath all, the insurance men say;
And, gods! for this rule how they've striven!
Late and early they've labored with might and with main
To dishonor the faith of the nation,
While their lawyers, a host without number, maintain
That sheer theft is but plain "subrogation."

Thirdly. They insist that they were before the tribunal and their claims were allowed. There is not a scintilla of evidence in the whole case in support of this theory. They were before the arbitrators, but they were there as witnesses, nothing more. Their claims were only proofs of the amount of losses. The quotations so abundantly made by the insurance attorneys in support of this position are from the dissenting opinion of one of the judges, Cockburn, entitled to no weight whatever.

Fourthly. They come with a special and specious plea: We are mutual companies, merchants and ship-owners making up a pool. If a vessel is lost, the pool pays the insurance, and at the close of each year a balance is struck, and so much of the pool as remains is paid out to the contributors. Now pay over to us, and we will distribute to the very men who paid the war premiums. But the war-premium claimants reply, there are leeches in your companies, presidents, directors, actuaries, attorneys, fine buildings, extravagant rents; there, too, are all of the immense expenditures for agents, lobbyists, attorneys, employed for the last five years against our interests. When you have charged off against us all these expenses, how much of a dividend will be declared? Heaven save us from any such guardianship. We remember vividly the distribution of the Columbian Mutual. A brief statement of its character and career will be useful in throwing light upon this fourth proposition.

Columbian Mutual Insurance Company, organized August, 1857. From the annual report made January 1, 1861, before war risks were known, I find total assets \$1,228,684.77; excess of losses and expenses over earned premiums for the year 1860, \$36,271.19. But the war risks soon changed the fortune of this company. For January, 1864, they report total assets, \$3,140,930.80; profit for the year 1863, \$1,137,163.33, after reserving for estimated claims unadjusted and other contingencies \$441,206.49, profit to be divided, \$695,974.52. Of this residue 30 per cent. will be paid in cash to the stockholders on and after March 10, 1864; on old stock 12 per cent., on new stock 10. There will also be a scrip dividend on and after June 1, 1864, on the cash capital; on old stock 7 per cent., on new 5; making the total dividend for the year paid to stockholders 26 per cent.

This company is partly stock, partly mutual, having no resemblance whatever to that Utopian pool company so earnestly urged before the Judiciary Committee. Shortly after this report the company failed, distributed their assets, but in the distribution only gave the creditors 5 per cent. What became of all the rest its creditors are anxious to know. It was not lost in its war business, for the whole claim of this company is a little more than \$700,000. Would not this company be an excellent guardian for these war-premium men, understanding so thoroughly as it seems the art of distributing the smallest possible sum to its creditors?

This statement shows further how little of truth there is in the character claimed for these mutual companies. The fact is they are nearly all mongrel, half stock and half mutual.

Take the Atlantic Mutual of New York, paraded by all these insurance attorneys as the paragon, the model mutual company, a claimant too against this fund for \$1,760,613. I said the Columbian claimed \$705,608; so these two companies claim nearly one-half of the whole amount sought to be received by all the companies, forty in number.

ATLANTIC MUTUAL INSURANCE COMPANY OF NEW YORK.

In 1824 the Atlantic Insurance Company, a stock concern, was chartered and organized, did business for eighteen years, paid a net profit of 350 per cent. on its original capital—a remarkable success—and yet in 1842 it adopted the mutual plan. What was its motive? Certainly not charity. An examination of its charter and the insurance laws of New York will show. Twenty-one of the original stockholders obtained the charter. In examining this, I take an abstract made by Mr. Moore, of San Francisco, whose direct and indirect losses ruined him, and who died seeking his rights of Congress:

Section 10 provides that policy-holders, on risks not marked off, upon which the premium is not less than \$100, shall be entitled to one vote for each \$100 of such premium until the outstanding scrip of the company shall amount to \$500,000.

Section 11. Scrip-holders to the amount of \$100, issued in the name of such holders, shall be entitled to one vote for each \$100 of such scrip.

Section 13 provides that "annual dividend statements shall be made, which shall contain a fair estimate of the net profits of the company not before divided, up to and including the last day of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company." After ascertaining in this mode the net profits of each period on risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain percentage on the premiums received for such marked-off risks, to the persons in whose names the policies of insurance were originally made or to their representatives.

Section 19 provides that the trustees of the Atlantic Mutual Insurance Company may take from themselves, as stockholders in the Atlantic Insurance Company, one-half of the stock and assets of the latter company, on such terms and for such periods as they can agree with themselves, and pay legal interest thereon, and authorizes them to appropriate and pay profits thereon *pro rata* upon the amounts received, with the premiums subsequently earned.

Section 13 declares the amounts named in the scrip certificates to be conclusive, whether accepted or not. Persons entitled to such scrip can, therefore, have no claims upon surplus earnings. It also declares that such scrip shall be a percentage on the premiums received, thereby excluding policy-holders from participating in the interest derived from the large amount of invested capital.

Section 1 permits any mutual marine insurance company then existing, or that might thereafter be chartered by the Legislature or be incorporated under any general law of the State of New York, to create or unite with its existing funds a cash capital of not less than \$300,000, to be divided into shares of \$1.00 each.

Section 2 provides for payment of 7 per cent. interest on such capital, and permits the payment to the holders of stock capital, in cash, one-third of all the net profits of the business; the other two-thirds of net profits to be paid in scrip to persons entitled by the charter or articles of association to participate in its profits.

Section 4 provides that holders of cash capital or stock shall be entitled to one vote, at all elections, for each share of stock; that no person shall be entitled to vote at any election by reason of holding either policies of insurance or certificates of scrip, thereby annulling sections 10 and 11 of the charter of the Atlantic Mutual Insurance Company and depriving policy and scrip holders of all mutual marine insurance companies of membership, making scrip-holders simply creditors of the companies and their claims subject to be canceled at the discretion of a board of trustees, in whose election they have no voice.

CHARTER AND BY-LAWS.

This is that model company of merchants contributing to a pool. See, now, how successfully it operated.

I quote from the New York Insurance Reports, 1861, volume 1, page 527. The Atlantic Mutual was organized 1872. Total assets January 1, 1861, \$6,646,292.10; profits for 1860, \$1,594,000. Six per cent. interest on the outstanding certificates of profit will be paid to the holders thereof on and after the 5th of February, 1861.

After reserving two and one-half millions of dollars profits, the outstanding certificates of 1859 will be paid to the holders thereof. * * * A dividend of 35 per cent. cash is declared on the net earned premiums for the year ending December 31, 1860.

For the year 1862, 40 per cent., free from Government tax, is declared.

Again, from reports of 1864. Total amount of assets January 1, 1864, \$9,265,546.32; net earnings remaining with the company, \$5,268,670; profits for 1863, \$2,630,000, after reserving three and one-half million dollars of profit. Certificates of the issue of the year 1862 will be paid. A dividend of 40 per cent. is declared.

Now, whose was the \$6,600,000 assets and the two and one half millions of reserved profits January, 1867, on the increased assets, and the three and one half millions reserved profits January, 1864? Certainly it did not belong to the temporary policy-holders. They, in receiving their 20, 30, 35, and 40 per cent. dividends, had settled and canceled all their interests in and claims upon the company. Of course it belonged to the company. The losses were paid from a general fund, and the profits went into a general fund. Only a part was ever returned, the balance accumulating for somebody's benefit. Whose? Now, these are fair samples of the New York mutual insurance companies; their profits through the war a fair average. I annex a table showing the operations of these companies.

Is not the impudence of these companies without parallel in the history of Congress? They not only ask but they demand about the whole of this fund, and they insist that the nation will be dishonored if they do not receive it. I trust this House will accept the dishonor meekly, rather than do the injustice they claim.

Synopsis of the business of the several insurance companies in the city of New York hereinafter named for the several years as stated, made from their own returns.

ATLANTIC MUTUAL.

| For what years. | Premiums, &c. | Losses, expenses, &c. | Interest paid, cash. | Scrip dividends. |
|-----------------|----------------|-----------------------|----------------------|------------------|
| | | | P. ct. | P. ct. |
| 1861..... | \$4,155,165 78 | \$3,040,126 64 | 6 | 30 |
| 1862..... | 4,485,253 68 | 2,710,705 31 | 6 | 40 |
| 1863..... | 7,597,666 56 | 4,888,618 52 | 6 | 40 |
| 1864..... | 7,964,369 14 | 4,629,925 30 | 6 | 40 |
| 1865..... | 6,764,146 38 | 4,651,519 89 | 6 | 35 |
| Total | 30,966,601 54 | 19,920,895 66 | | |

SUN MUTUAL.

| | | | | |
|--|---------------|--------------|----|----|
| 1861, to October..... | 1,483,263 64 | 1,316,300 70 | 6 | 10 |
| 1862, to October..... | 1,629,009 61 | 1,362,970 22 | 6 | 16 |
| 1863, to October..... | 2,265,576 31 | 2,003,788 70 | 6 | 10 |
| 1864, to October..... | 2,192,087 12 | 1,620,407 11 | 6 | 30 |
| 1865, fifteen months, to December 31 | 2,691,751 07 | 2,464,241 63 | 7½ | 12 |
| Total | 10,261,767 75 | 8,767,708 36 | | |

MERCANTILE MUTUAL.

(Paid dividend on capital besides.)

| | | | | |
|-------------|--------------|--------------|---|----|
| 1861..... | 847,972 68 | 753,322 01 | 6 | 12 |
| 1862..... | 1,044,005 09 | 885,187 48 | 6 | 17 |
| 1863..... | 1,163,741 64 | 1,031,436 85 | 6 | 12 |
| 1864..... | 1,281,790 41 | 1,146,374 95 | 6 | 20 |
| 1865..... | 915,013 63 | 842,531 89 | 6 | * |
| Total | 5,252,523 45 | 4,658,853 18 | | |

COMMERCIAL MUTUAL.

| | | | | |
|--|--------------|--------------|---|-----|
| 1861, to July..... | 581,827 94 | 462,439 34 | 6 | 10 |
| 1862, to July..... | 397,580 39 | 293,777 98 | 6 | 25 |
| 1863, to July..... | 477,092 38 | 378,056 30 | 6 | 20 |
| 1864, to July..... | 476,084 51 | 281,814 81 | 6 | 33½ |
| 1865, to July..... | 381,191 26 | 243,178 11 | 6 | 35 |
| 1865, six months, to December 31 | 316,849 14 | 130,702 05 | | 25 |
| Total | 2,630,625 62 | 1,789,568 59 | | |

COLUMBIAN.

| | | | | |
|--|--------------|--------------|---|---|
| 1861, fourteen months, to January 2, | | | † | † |
| 1862..... | 982,695 67 | 711,382 09 | † | † |
| 1863..... | 725,386 39 | 496,617 25 | † | † |
| 1864..... | 2,332,842 02 | 1,225,778 69 | † | † |
| 1864..... | 4,932,516 67 | 2,867,762 05 | † | † |
| Total | 9,003,440 75 | 5,301,540 08 | | |

NEW YORK MUTUAL.

| | | | | |
|--------------------|--------------|--------------|---|-----|
| 1861, to July..... | 738,374 52 | 642,851 81 | 6 | 10 |
| 1862, to July..... | 562,729 37 | 456,798 50 | 6 | 15 |
| 1863, to July..... | 638,471 18 | 445,228 97 | 6 | 10 |
| 1864, to July..... | 514,337 24 | 296,509 56 | 6 | 80 |
| 1865, to July..... | 410,485 20 | 291,926 80 | 6 | 12½ |
| Total | 2,864,397 51 | 2,133,315 64 | | |

* Scrip converted into stock.

† Various to stock and dealers.

Synopsis of the business of the several insurance companies, &c.—Cont'd.

| ORIENT MUTUAL. | | | | |
|--|---------------|-----------------------|----------------------|-------------------|
| For what years. | Premiums, &c. | Losses, expenses, &c. | Interest paid, cash. | Script dividends. |
| 1861, to March | \$517,342 21 | \$383,386 87 | P. ct. 6 | P. ct. 18½ |
| 1862, to March | 444,461 68 | 337,089 60 | 6 | 25 |
| 1863, to March | 370,648 78 | 265,335 36 | 6 | 25 |
| 1864, to March | 253,998 00 | 194,674 49 | 6 | 20 |
| 1865, ten months, to December 31 | 360,134 68 | 271,424 22 | 6 | 10 |
| Total | 1,976,585 35 | 1,451,910 54 | | |
| GREAT WESTERN. | | | | |
| 1861 | 1,660,011 94 | 1,446,252 83 | 6 | 10 |
| 1862 | 1,591,075 77 | 1,204,536 79 | 6 | 10 |
| 1863 | 2,476,201 57 | 1,507,125 58 | 6 | 25 |
| 1864 | 2,585,967 80 | 1,613,381 71 | 6 | 40 |
| 1865 | 2,780,031 80 | 2,308,959 12 | 6 | 30 |
| Total | 11,093,288 88 | 8,080,256 03 | | |
| UNION MUTUAL. | | | | |
| 1861 | 518,082 84 | 392,025 25 | 6 | 31 |
| 1862 | 449,975 50 | 249,645 11 | 6 | 41 |
| 1863 | 533,970 03 | 323,976 77 | 6 | 28 |
| 1864 | 516,064 71 | 231,549 54 | 6 | 40 |
| 1865 | 507,173 15 | 407,944 60 | 6 | 20 |
| Total | 2,525,266 23 | 1,604,141 27 | | |
| WASHINGTON MARINE. | | | | |
| 1861 | 205,689 37 | 187,684 62 | 7 | 10 |
| 1862 | 230,005 71 | 185,564 00 | 7 | 10 |
| 1863 | 335,818 59 | 254,931 33 | 7 | 20 |
| 1864 | 466,522 59 | 398,582 41 | 7 | 20 |
| 1865 | 528,805 74 | 465,840 94 | 7 | 10 |
| Total | 1,766,842 00 | 1,492,603 30 | | |
| PACIFIC MUTUAL. | | | | |
| 1861 | 589,093 48 | 487,238 07 | 6 | 10 |
| 1862 | 523,789 22 | 296,006 28 | 6 | 35 |
| 1863 | 701,967 16 | 478,331 61 | 6 | 30 |
| 1864 | 836,772 88 | 462,387 14 | 6 | 37½ |
| 1865 | 760,321 95 | 498,665 36 | 6 | 20 |
| Total | 3,411,944 69 | 2,222,628 46 | | |

ORDER OF BUSINESS.

Mr. LORD. I am willing, on account of this being private-bill day, to yield the Geneva award bill in favor of private bills on condition that I can regain the floor in the morning, when after a short debate I propose to move the previous question and take a vote to-morrow.

The SPEAKER *pro tempore*. The interposition of other business does not deprive the gentleman from New York of his right in respect to that bill.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SCHLEICHER] has addressed the Chair. For what purpose does the gentleman rise?

Mr. SCHLEICHER. I merely wish to state that immediately after the special order which has now been under consideration, the Geneva award bill, there stands upon the Calendar the report of the Committee on Texas Border Troubles.

I desire to state to the House that while the Geneva award bill has been before the House for two or three weeks, the report of the Committee on Texas Border Troubles has been elbowed back and elbowed back; and I wish in a few words to state the history of that report.

One of the very earliest acts of this House when it assembled was to appoint a committee to examine into the state of the Texas border. That committee, after considerable labor, submitted to the House a report on the 4th of April. That report was made the special order for the 20th of April, and from day to day thereafter until disposed of. Ever since that time it has been postponed from one day to another for the sake of one measure or another. One day it was a bill for the relief of some defaulting tax-collector. Next day it was a bill on which some speculators had an interest how millions in the Treasury were to be divided. In one way or another this measure for the protection of our people on the border has been elbowed back. I expect it will be elbowed back again; and I wish our people to understand it.

The Legislature of Texas is at this time and has been in session for some time, and they have again and again asked the question whether they themselves must make provision for the protection of the national frontier if Congress does not.

The SPEAKER *pro tempore*. The gentleman from Texas is proceeding by unanimous consent, and objection is made to further discussion. The Chair will state the precise position on the Calendar of the bill referred to by the gentleman. It is among the special orders under the head of reports of committees and bills undisposed of. The order now before the House in charge of the gentleman from New York [Mr. LORD] is succeeded by an order of the Committee on Foreign Affairs. The next order is that of the gentleman from Texas, and the question of consideration will be raised as soon as it is reached.

Mr. SCHLEICHER. I merely wish to understand the matter. The Geneva award bill may be hanging over this House for two or three months longer, so far as I can see.

The SPEAKER *pro tempore*. The Chair cannot determine that matter.

CENTENNIAL CELEBRATION.

The SPEAKER *pro tempore* laid before the House the following invitation from the president of the United States Centennial Commission; which was read, and referred to the Select Committee on the Centennial Celebration:

INTERNATIONAL EXHIBITION 1876,
UNITED STATES CENTENNIAL COMMISSION,
Philadelphia, June 29, 1876.

SIR: The United States Centennial Commission respectfully invite the House of Representatives to attend the national commemoration of the one-hundredth anniversary of the Declaration of Independence, in Independence Square, Philadelphia, July 4, at ten a. m. The necessary cards have been sent to the members individually. The programme is inclosed.

Very respectfully, your obedient servant,

JOSEPH R. HAWLEY,
President United States Centennial Commission.

The Hon. SPEAKER
of the House of Representatives of the United States of America.

PAWNEE AND OTTOE INDIAN RESERVATION.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations for survey of the Pawnee and Ottoe Indian reservations in Kansas and Nebraska; which was referred to the Committee on Appropriations.

ALBERT W. PRESTON.

Mr. TERRY. I ask unanimous consent that Senate bill No. 928, for the relief of Albert W. Preston, be taken from the Speaker's table and referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the table, read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. BRIGHT. I now insist upon my motion that the House resolve itself into Committee of the Whole on the Private Calendar. Before that motion is put, I ask unanimous consent that this may be considered as objection day, it being the fifth Friday since the House was in Committee of the Whole on the Private Calendar on objection day.

The SPEAKER *pro tempore*. That order can be made by unanimous consent only.

No objection was made, and it was so ordered.

Mr. LORD. Will the gentleman yield to me to obtain an order of the House to print some testimony?

Mr. BRIGHT. I cannot yield further at this time; I have been compelled to refuse several gentlemen who have asked me to yield.

The motion of Mr. BRIGHT was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. SPRINGER in the chair.)

Mr. JOYCE. I believe when the House was last in Committee of the Whole on the Private Calendar the pending bill was House bill No. 344 to confirm certain private land claims in the Territory of New Mexico.

The CHAIRMAN. That was when the House was in Committee of the Whole on the Private Calendar on some other than objection day. By order of the House business to-day will be as on objection day. The Clerk will now report the bill next in order on objection day.

RICHARD HALE.

The first business on the Private Calendar was the bill (H. R. No. 3366) for the relief of the legal representatives of Richard Hale, deceased.

Mr. JOYCE objected to the consideration of the bill.

WILLIAM GEMMILL.

The next business on the Private Calendar was the bill (H. R. No. 3114) for the relief of William Gemmill, reported from the Committee on Military Affairs with an amendment.

The bill appropriates the sum of \$75 to William Gemmill, of Yankton, in the Territory of Dakota, in full payment for quartering and boarding United States soldiers during a terrific snow storm in April, 1873.

The amendment was to strike out "\$75" and insert "\$36."

The amendment was agreed to.

No objection being made, the bill, as amended, was laid aside, to be reported favorably to the House.

ALFRED ROULAND.

The next business on the Private Calendar was the bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland.

The bill directs the Secretary of War to remove the charge of desertion now standing upon the records of the War Department against the name of Alfred Rouland, late of the Twenty-third and Twenty-eighth Regiments Michigan Volunteer Infantry, and to grant to said Rouland an honorable discharge as of the date of April 16, 1866, with the same pay and bounty he would have been entitled to if he had been honorably discharged the military service on said day.

Mr. BAKER, of Indiana. I ask that the report be read.

The Clerk read the report, as follows:

That from the testimony in this case it appears that the said Alfred Rouland was enrolled and mustered into the Twenty-third Michigan Infantry on the 18th day of January, 1864, "for three years or during the war." He was at the time of his muster a mere youth, of less than seventeen years of age. It is in evidence that he served with marked fidelity during Sherman's campaign from Chattanooga to Atlanta, and in Thomas's campaign in Tennessee, including the battles of Franklin and Nashville, and afterward in the capture of Fort Anderson and Wilmington, North Carolina.

The captain of his company, John Hamilton, (now a minister of the Methodist Episcopal Church,) testifies "that during said Rouland's connection with said company, before his transfer to the Twenty-eighth Michigan Infantry, he was always a brave, faithful, and efficient soldier, and never for a moment flinched in any duty; that he was one of the best soldiers of said company, though being then a mere stripling of seventeen or eighteen years; and that it is his confident belief that said Rouland would have been one of the last men in the Army to have intentionally deserted, and that he is entitled to an honorable discharge on account of his faithful service."

In June, 1865, the Twenty-third Regiment was mustered out of service, and young Rouland was transferred to the Twenty-eighth Michigan Infantry, and made a corporal in Company F of that regiment. The testimony of Lieutenant C. H. De Clute, commanding the company in this regiment, says: "During the time he (Rouland) was with me, which was till after the conclusion of hostilities, he was a brave, faithful, and efficient soldier. When he left the company he was sick, and I am of opinion that he was in great danger of dying. There was, I am convinced, no intention on his part to desert, but his action was a desperate attempt to save his life. Before he could rejoin his regiment it was mustered out." The petitioner left the hospital at Wilmington on the 16th of April, 1866, nearly one year after hostilities had ceased. His regiment returned to Michigan, and was mustered out soon afterward. It is in testimony that he had suffered some time previously from fever and ague and intermittent fevers, and was much emaciated and reduced in strength and spirits, so much so that after reaching the home of his brother in Michigan his life for some time was considered in great danger, and he did not wholly recover for months afterward.

In view of the premises, and especially considering the long and faithful service of this young soldier, extending to a period of nearly a year beyond the fair construction of his contract of service with the Government, and the despondent condition of his mind resulting from the peculiar and severe character of the petitioner's illness, your committee are of the opinion that the stigma of desertion should be removed from his military record, and that he is justly entitled to an honorable discharge.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CALEB L. BRAYTON.

The next business on the Private Calendar was the bill (H. R. No. 1997) to grant titles to certain lands to the heirs of Caleb L. Brayton, reported from the Committee on Private Land Claims with an amendment.

The preamble of the bill, as proposed to be amended, states that by virtue of the provisions of an act of Congress approved August 4, 1842, known as the armed-occupation act, Caleb L. Brayton, now deceased, settled and acquired a right to one hundred and sixty acres of the public lands in Brevard County, in the State of Florida, and became entitled to a patent therefor; and before the issue of patent to said Brayton the land so acquired had been patented to the State of Florida under act of September 28, 1850, and said State of Florida refuses to surrender said patent for cancellation.

The bill provides that the heirs of Caleb L. Brayton, who, under permit No. 236, are entitled to locate and enter the northwest quarter and southeast quarter of fractional section 1, in township 36 south, of range 40 east, may, in lieu thereof, locate and enter other public lands in the same county open for entry to an amount not exceeding one hundred and sixty acres, and the Secretary of the Interior is directed to issue patent for the same.

There being no objection, the amendment was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

NORTHWESTERN IMPROVEMENT COMPANY.

The next business on the Private Calendar was the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries.

The bill was read, as follows:

Be it enacted, etc., That the assent of Congress be, and hereby is, given to the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Oconto River and its branches and tributaries, so as to run logs down said river, its branches and tributaries, across the Menomonee Indian reservation, in accordance with the laws of said State: *Provided*, That any damages which may be caused by such improvement shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid into the Treasury of the United States for the benefit of said Indians; and said Indians and all other persons shall be permitted to use said river for the purpose of running logs, as contemplated in this act; and the charges for said privileges shall be regulated by the Legislature of the State of Wisconsin: *Provided*, That all privileges under this act may be altered or revoked by Congress.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WINNEBAGO INDIANS OF WISCONSIN.

The next business on the Private Calendar was the joint resolution (H. R. No. 112) to aid the Winnebago Indians to obtain subsistence by agricultural pursuits, and to promote their civilization.

The preamble and joint resolution were read, as follows:

Whereas a large number of the Winnebago Indians of Wisconsin have selected and settled in good faith upon homestead claims under section 15 of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal years ending June 30, 1875, and prior years, and for other purposes," approved March 3, 1875; and all said Indians have signified their desire and purpose to abandon their tribal relations, and adopt the habits and customs of civilized people, and avail themselves of the provisions of the act aforesaid, but in many instances are unable to do so on account of their extreme poverty: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and instructed to expend, for the benefit of the Winnebago Indians in Wisconsin, the proportion of the tribal annuities due to and set apart for said Indians under the act of June 25, 1864, of the appropriations for the tribe of Winnebago Indians for the fiscal year 1876, amounting to \$16,173.69, to be expended as hereinafter provided.

Sec. 2. That immediately after the passage of this resolution the Secretary of the Interior shall cause an enrollment to be made of the said Wisconsin Winnebago Indians, enrolling such only as were residing in the State of Wisconsin on the 1st day of January, 1876, and those who are entitled to the benefits of the act of March 3, 1875.

Sec. 3. That said sum shall be paid to the persons whose names appear upon such enrollment, each person receiving the same amount, heads of families being permitted to receive the full amount to which all the members of the family are entitled: *Provided*, That before any person shall be entitled to the benefits accruing under this resolution it shall be made to appear that the person claiming its benefits has taken up a homestead in accordance with the said act of March 3, 1875, or that, being unable to fully comply with the said act by reason of poverty, he or she has made a selection of lands as a homestead with a *bona fide* intention to comply with said act, and that the money applied for will be used to enable such person to fully complete a homestead right under said act: *Provided*, That no person shall receive more than the *pro rata* share of said sum to which he would have been entitled if living upon the reservation.

There being no objection, the joint resolution was laid aside, to be reported favorably to the House.

BENJAMIN L. CORNISH.

The next business on the Private Calendar was the bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

(Objected to by Mr. FORT.)

MAJOR FOSTER A. HIXON.

The next business on the Private Calendar was the bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army.

(Objected to by Mr. TERRY.)

LAURENCE A. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry United States Army, upon the retired list of the Army.

The bill was read. It directs the President to place on the list of retired officers of the Army the name of Laurence A. Williams, late major of the Sixth Regiment United States Cavalry, with the rank of major, but he is to be entitled to pay as major only from the date of the passage of the act.

Mr. WILSON called for the reading of the report; and it was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1847) for the relief of Laurence A. Williams, submit the following report:

Laurence A. Williams graduated from the United States Military Academy, and was appointed brevet second lieutenant 1st of July, 1852; first lieutenant, 20th July, 1856; captain, 1st July, 1861; and major of the Sixth United States Infantry, September 7, 1861. He was aid-de-camp to Brevet Brigadier-General A. S. Johnston from the 1st of June, 1858, to the 1st of August, 1860, and acting assistant adjutant-general of the Department of Utah from February 29 to August 21, 1860; on duty at headquarters Department of Washington and on mustering duty at Columbus, Ohio, to May, 1861; aid-de-camp to General McClellan from May to September 7, 1862, and with his regiment, and in command of it, from 27th day of March to 26th day of June, 1862. The regimental returns of the Sixth Cavalry for June, 1862, reported Major Williams in Washington, "sick, since June 26, 1862." He was subsequently reported absent without leave. This was afterward corrected on the records, Major Williams furnishing the proper surgeon's certificate of his sickness. On the 11th of March, 1863, he was summarily dismissed the service by order of the Secretary of War. There were no papers of record on which this action was based, nor did the Secretary of War communicate his reasons for ordering dismissal. The committee, believing that injustice was done this officer by his summary dismissal, recommend this bill as a substitute for the original bill, and ask that it do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN AMMAHIE.

The next business on the Private Calendar was the bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahie or Ammahe.

The bill was read. It directs the Second Auditor of the Treasury to settle the claim for pay and bounty of John Ammahe or Ammahie, of Companies E and H of the Forty-third New York Volunteers, and to issue a certificate for such amount as appears to be due, any charge of desertion upon any rolls of the regiment to the contrary notwithstanding.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SEWELL B. CORBETT.

The next business on the Private Calendar was the bill (H. R. No. 3372) for the relief of Sewell B. Corbett, of Alexandria County, Virginia.

(Objected to by Mr. FORT, and Mr. BURCHARD of Illinois.)

ESTHER P. FOX.

The next business on the Private Calendar was the bill (H. R. No. 1238) granting a pension to Esther P. Fox.

The bill was read. It directs the Secretary of the Interior to place the name of Esther P. Fox, of Buffalo, New York, widow of Augustus C. Fox, late a second lieutenant in Lieutenant-Colonel Chapin's regiment, New York militia, in the war of 1812, on the pension-roll, and to pay her a pension of \$15 per month from February 14, 1871, during her natural life.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SUSAN E. WILLARD.

The next business on the Private Calendar was the bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Susan E. Willard, widow of the late Sylvester D. Willard, of New York, the sum of \$3,500, in full compensation for use and occupation of City Hotel, and brick residence adjoining the same, and furniture therein, used for hospital purposes, in Murfreesborough, Tennessee, in the years 1863 and 1864, by the order of military authorities of the United States.

Mr. HOLMAN called for the reading of the report; and it was read, as follows:

The Committee on War Claims, to whom were referred the petition and papers for the relief of Mrs. Susan E. Willard, having had the same under consideration, make the following report:

That the said Susan E. Willard is the widow of the late Brigadier-General Sylvester D. Willard, formerly surgeon-general of the State of New York; that she married the said Sylvester D. Willard before the war, and that he resided at the time in the city of Albany, in the State of New York; that before and at the time of her marriage she resided at Murfreesborough, Tennessee; that at the time and previous to her said marriage she and her sister, Sarah A. Spence, were joint owners of certain property in the town of Murfreesborough, Tennessee, known as the City Hotel, which property was taken possession of by order of General Geary, then commanding that post, for the purpose of establishing a general military hospital.

A brick residence adjoining said hotel, owned by same parties, was also taken possession of by military authority and used as a hospital and medical director's office, under charge of Medical-Director Surgeon-General J. Moses.

Mrs. Willard, the memorialist, submits to your committee certificates of various officers on duty at Murfreesborough, Tennessee, showing the occupancy of this property at various times for military purposes.

It also appears to the satisfaction of your committee that the furniture in said hotel and brick residence adjoining was also taken possession of and used for hospital purposes, or so much thereof as was adapted to and useful for that purpose.

It appears from a report made by Quartermaster-General Major-General M. C. Meigs, of date July 18, 1865, "that the City Hotel was held in possession by the United States forces from January 6, 1863, until June 6, 1863, and from November 18, 1863, to September 30, 1864. The dwelling-house was occupied for hospital purposes and medical director's office January 3, 1863, and retained until June 1, 1864."

This report is sustained by the affidavit of Miss Sarah A. Spence, of Murfreesborough, Tennessee, one of the joint owners of the property above mentioned and described, bearing date May 4, 1865.

From the said report it appears that the City Hotel was occupied by military authority for a period of fifteen months and twelve days, and that the brick residence adjoining was occupied for sixteen months and twenty-seven days.

From the evidence submitted, and considering the purposes for which the property was used, your committee are of the opinion that a reasonable and proper compensation for the use of said hotel would be \$125 per month, and for the brick residence adjoining, \$50 per month, making in all, for use and occupation of said premises, the sum of \$82.70.

It appears that much of the furniture in said buildings, which amounted to more than \$2,000, was destroyed; but a portion of it was used for hospital purposes, such as beds, bedding, chairs, and many other articles of like character. Your committee think that the sum of \$730 should be paid the memorialist for furniture belonging to her and used in said buildings for hospital purposes.

On the 22d day of March, 1876, Miss Sarah A. Spence, one of the joint owners of this property, assigned by written assignment, duly acknowledged before a notary public, under his seal, at the city of Albany, New York, all her right, title, and interest in and to this claim against the United States to Susan E. Willard, the memorialist, making her the sole and only owner thereof.

The loyalty of the claimant is not questioned or doubted, as, at the time this claim arose, she was the wife of Surgeon-General Sylvester D. Willard, a true and loyal citizen of the State of New York, with whom she then resided. It was also shown by the verbal statement of Mrs. Willard, the memorialist, that at the time of the occupation of this property by authority of the United States her sister, Sarah A. Spence, was a minor, and therefore her loyalty is not questioned.

Your committee, believing that the sum of \$1,500 is a just and proper sum to be paid Mrs. Willard, the memorialist, for the use and occupation of her property and furniture used for hospital purposes, at Murfreesborough, Tennessee, report back to the House the petition and papers with the accompanying bill appropriating that amount, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HARRY E. EASTMAN.

The next business on the Private Calendar was the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers.

(Objected to by Mr. HURLBUT.)

HENRY L. CLOK.

The next business on the Private Calendar was the bill (H. R. No. 3380) for the relief of Henry L. Clok.

(Objected to by Mr. HURLBUT.)

A. F. & N. C. ST. JOHN.

The next business on the Private Calendar was the bill (H. R. No. 1125) for the relief of A. F. & N. C. St. John, of Virginia.

(Objected to by Mr. HURLBUT.)

MARVIN H. AMESBURY.

The next business on the Private Calendar was the bill (H. R. No. 208) for the relief of Marvin H. Amesbury.

(Objected to by Mr. HURLBUT.)

CORA A. SLOCOMB, IDA A. RICHARDSON, AND CAROLINE URQUHART.

The next business on the Private Calendar was the bill (H. R. No. 3434) for the relief of Cora A. Slocumb, Ida A. Richardson, and Caroline Urquhart.

(Objected to by Mr. HOLMAN.)

J. T. M'GINNISS, UNITED STATES ARMY.

The next business on the Private Calendar was the bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry, United States Army.

The bill, which was read, provides that J. T. McGinniss, captain of the Thirteenth Infantry, United States Army, is hereby relieved from the responsibility of commissary funds, amounting to \$380.79, the property of the United States, which were stolen from an office safe in a tent at Fort Shaw, Montana Territory, in October, 1877.

The report was read, as follows:

On or about the 29th of September, 1867, a small iron office-safe belonging to the Government, for which Captain N. S. Constable, acting quartermaster United States Army, was responsible, was stolen from the headquarters at Fort Shaw, Montana Territory.

A board of examiners, consisting of three Army officers, was convened by Special Orders No. 93 at Fort Shaw, October 9, 1867, to inquire into and report upon the loss of said safe and its contents.

The board found that the safe had been taken by a person or persons unknown to the responsible parties or to the board.

The examiners also found as follows:

"In said safe was \$380.79, subsistence funds, for which First Lieutenant J. T. McGinniss, assistant quartermaster Thirteenth Infantry, acting commissary of subsistence at Fort Shaw, Montana, is responsible.

"In said safe was \$798.51 regimental funds of the Thirteenth Infantry, and \$294.93 post funds; also, \$27.14, regimental band Thirteenth Infantry, and \$300 private money, for which First Lieutenant Thomas J. Lloyd, adjutant Thirteenth Infantry and post, is responsible."

The board of examiners further found that the safe had been turned over to Lieutenant McGinniss a few days previous to the theft; that a clerk slept in the office; that the safe was kept by McGinniss in the same manner it had been kept by his predecessor, and that it had probably been stolen by deserters from the Army.

The following certificate of Lieutenant J. B. Guthrie, of the Thirteenth Infantry, fully presents the case, and shows that the loss was not the result of any negligence of McGinniss:

LIEUTENANT GUTHRIE'S STATEMENT.

I hereby certify that on or about the 20th day of September, 1867, I transferred to date, August 31, 1867, to Captain N. S. Constable, assistant quartermaster United States Army, a small office safe, (iron.) I retained the keys of the safe for the time being, and on the 27th of September I transferred them, (the keys,) together with what subsistence funds I was responsible for, \$380.79, to First Lieutenant J. T. McGinniss, regimental quartermaster Thirteenth Infantry, who was ordered to relieve of duties in the subdepartment at this place. On the 30th of September I received from Brevet Major-General John W. Turner, commissary of subsistence at Saint Louis, Missouri, the sum of \$10,000, which I transferred to Lieutenant J. T. McGinniss on the 1st day of October. On receiving this money Lieutenant McGinniss first discovered the safe had been stolen from the office. Search was immediately instituted, but without success. I know this safe contained a large amount of money, part of which was the amount I transferred to Lieutenant McGinniss a few days previous, and part of which money in the safe was deposited by Lieutenant Lloyd, regimental adjutant. Lieutenant McGinniss was not responsible either for the safe or its loss and contents. The safe had always remained in the office, and no danger was apprehended of its being stolen. The exact amount of subsistence funds lost I cannot state.

J. B. GUTHRIE.

Second Lieutenant Thirteenth Infantry, U. S. A.

The committee therefore recommend that H. R. No. 2257 be amended as follows: Strike out the words "\$36," in the sixth line, and insert the words "\$80.79," and that the bill, thus amended, be passed.

The amendment of the Committee of Claims was to strike out "\$356" and insert "\$380.79."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

HARRY E. EASTMAN.

Mr. HURLBUT. I made objection to the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers.

Since then I have examined the papers carefully and now withdraw my objection.

The CHAIRMAN. If there be no further objection the bill will be laid aside, to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Let the bill be read, so we may know what it is. Repeatedly I have discovered after adjournment that a wrong impression had been created in the withdrawal of objection. A rule ought to be adopted that when objection is withdrawn the bill should be again read, so there may be no mistake.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Harry E. Eastman, of Green Bay, Wisconsin, the sum of \$639.08 out of any moneys in the Treasury not otherwise appropriated, the same being in full satisfaction of his claim for pay as lieutenant-colonel of the Second Wisconsin Cavalry Volunteers.

There being no further objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MRS. A. E. HALL.

The next business on the Private Calendar was the bill (H. R. No.

2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall.

Mr. HOLMAN. Let the report be read.

The CHAIRMAN. There is no report.

Mr. HOLMAN. Then I object.

EDWIN EBERT.

The next business on the Private Calendar was the bill (H. R. No. 940) for the relief of Edwin Ebert.

The bill, which was read, directs the Secretary of the Treasury to pay, or cause to be paid, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$110, to Edwin Ebert, late a contract surgeon in the United States Army, as compensation for a horse, the property of said Ebert, lost in the service of the United States, at Springfield, Missouri, January 8, 1863.

The report was read, as follows:

The bill directs the Secretary of the Treasury to pay to Edwin Ebert \$110, as compensation for a horse which he lost in the United States service at the battle of Springfield, Missouri, January 8, 1863. Dr. Ebert was a contract physician at the time his horse was lost. At the battle of Springfield, Missouri, it was found necessary that he should be mounted to enable him to go from one part of the field to another, directing the movements of the ambulances and gathering up the wounded. While engaged in this duty his horse was shot from under him and killed. The claim was shortly afterward filed in the Third Auditor's Office, under the act of March 30, 1849, as a claim for a horse "lost in the military service of the United States," and was rejected in 1865, on the ground that Dr. Ebert was in the service by contract only, and therefore not entitled to be mounted on a private horse. The committee think, however, that, as Dr. Ebert was performing field duty at the time, which required him to be mounted, and the horse having been killed in the line of duty, he is fairly entitled to compensation for it. The facts are shown by a certificate of S. H. Welcher, post-surgeon at Springfield, Missouri, and medical director of the post, given shortly after the loss occurred, and an affidavit of two citizens of the town, by which Ebert's statements are fully corroborated.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

PRESBYTERIAN CHURCH, GRATIOT, MICHIGAN.

The next business on the Private Calendar was the bill (H. R. No. 3331) authorizing the Secretary of War to permit the Protestant Episcopal church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan.

The bill, which was read, authorizes and directs the Secretary of War, if not inconsistent with the requirements of the military service, to grant a permit to the Protestant Episcopal Church of Gratiot, Saint Clair County, Michigan, to erect and maintain on the Fort Gratiot military reservation a wooden building for church worship, either on the reservation proper or on that part of the same occupied by the Grand Trunk Railway Company, with the assent of said company.

The amendment of the committee was to strike out "Protestant Episcopal" and insert "Presbyterian."

Mr. CONGER. Also, wherever it occurs in the title, as it was a mistake of the printer.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN PULFORD, UNITED STATES ARMY.

The next business on the Private Calendar was the bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list.

The bill, which was read, authorizes and empowers the President to restore John Pulford, now lieutenant-colonel (retired) in the United States Army, to his former rank of colonel (retired) in the United States Army.

The report was read, as follows:

That section 2, above referred to, would have reduced the rank of a large number of retired officers but for the proviso of the section, which excepted from reduction in rank those officers who had been in service as commissioned officers twenty-five years at the date of their retirement, and those officers who had lost an arm or a leg, or had an arm or a leg permanently disabled by reason of resection on account of wounds, or both eyes by reason of wounds received in battle. Officers retired on the rank held by them at the time of retirement were also excepted from the operation of the act. The effect of these exceptions was to reduce the large number of those who would have otherwise lost rank to sixteen at the present time. Among this small number, however, are several quite as effectually and permanently disabled as are those who come within the exceptions of the act. The case of Lieutenant-Colonel John Pulford, referred to your committee with Executive Document No. 98, is one of these. This officer entered the service as first lieutenant of Company A, Fifth Michigan Infantry, remained in service to the end of the war, and rose to the command of a brigade with the rank of brigadier-general by brevet. He received six wounds, one as captain of a company, four as commander of a regiment, and one while commanding a brigade. Two of the severest are thus described in the report of the retiring board: First, "a wound from a spent six-pound round shot, which fractured the temporal bone of the skull, broke his collar-bone and lower jaw, causing epileptic convulsions, which wound was received at the battle of Malvern Hill, Virginia, July 1, 1862." Second, "a wound from a Minie-ball, which entered the right side of the neck and passing backward and downward carried away the spinal process of one of the upper dorsal vertebrae, and has left the spinal cord imperfectly protected, and which last-mentioned wound was received at the battle of the Wilderness, Virginia, May 5, 1864, while he was lieutenant-colonel of the Fifth Regiment Michigan Veteran Volunteer Infantry, and in actual command of said regiment."

Dr. D. O. Farrand, one of the most eminent surgeons of Detroit, Michigan, in an affidavit dated July 12, 1875, also describes the disabling effects of the wounds. He testifies that "he is personally acquainted with, and has carefully examined, the said Colonel John Pulford, and finds that his arms are permanently disabled by reason of a gun-shot wound received in battle, the ball having entered the right side of the neck, passing backward, downward, and outward, carrying away a portion of the first and second dorsal vertebrae. The wound has healed, but has left the spinal cord covered only by the integuments for the space of nearly one inch, the arms being permanently disabled by reason of the injury done to the brachial plexus."

This gallant officer was, upon a favorable report of the retiring board, retired with the full rank of colonel December 15, 1870. He was reduced to the rank of a lieutenant-colonel by the operation of the so-called "Crawford act," approved March 3, 1875, and his case not falling technically (though Colonel Pulford is clearly among the most completely disabled officers of the retired list) within the exceptions of that law, he remains under the mortification and injustice of degradation from a rank fairly won by conspicuous gallantry, a steady fidelity to duty, and by a permanent disability from wounds of the severest and most painful character.

Your committee, therefore, believing that this officer should be restored to his original retired rank, as a case falling within the spirit, if not the letter, of the so-called Crawford act, report the accompanying bill for his relief.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ALMERON E. CALKINS.

The next business on the Private Calendar was the bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry.

The bill, which was read, authorizes and directs the Paymaster-General of the United States Army to pay Almeron E. Calkins, late a second lieutenant in the Eighth Regiment of Michigan Cavalry, the pay and allowances of a second lieutenant from the 22d day of March, 1864, to the 23d day of July, 1864, the date of his muster as such second lieutenant.

The report was read, as follows:

That the case of this officer, in the opinion of your committee, comes within the rules and decisions of the War Department respecting the terms and conditions precedent to a muster into the volunteer service during the war. He was commissioned and in possession of his commission from the 19th day of March, 1864, and, by order of Lieutenant-Colonel B. H. Hill, superintendent of volunteer recruiting service, dated Detroit, Michigan, March 22, 1864, entered upon the duties of a commissioned officer on that day. This order is as follows:

[Orders No. 42.]

OFFICE OF SUPERINTENDENT VOLUNTEER RECRUITING SERVICE,
Detroit, Michigan, March 22, 1864.

Lieutenant A. E. Calkins, Eighth Michigan Cavalry, will proceed without delay in charge of a detachment of recruits for the Army of the Ohio, after which he will join his regiment.

The Quartermaster's Department will furnish transportation.

By order of Lieutenant-Colonel B. H. Hill, superintendent volunteer recruiting service.

JOHN H. KNIGHT,

Captain Eighteenth United States Infantry, in charge of office.

It is in evidence that Lieutenant Calkins joined his regiment on or about the 27th of March, 1864, at Mount Sterling, Kentucky, and was assigned and mustered into Company K, which muster was soon after found to be illegal, and was canceled. He was subsequently sent to Company I, which was entitled to a second lieutenant by reason of legal numbers and a vacancy; but before muster he was sent to Company K again, which company was without a commissioned officer present for duty, and to which most of the recruits brought by him had been assigned. He commanded this company on the Atlanta campaign and subsequently.

That, on account of active service entered upon by the cavalry soon after he joined, he had no opportunity to be mustered until about the 1st of September, when he was mustered to fill a vacancy in Company K, which occurred July 23, 1864.

Your committee are of opinion that this officer, who was commissioned for no particular company, should have been mustered, upon joining his regiment, into any vacancy of second lieutenant in said regiment, to date from March 22, 1864, the date of his entering upon duty as a commissioned officer. It appears from the records of the regiment that Company I had the requisite number and a vacancy of second lieutenant at the time of his reporting for duty. It seems, therefore, to have been owing to the frequent shifting command of this regiment from the colonel to the major that this duty was not attended to, and from no fault or neglect on the part of Lieutenant Calkins, who simply obeyed the orders of his superior officers.

The hardship is greater in this case from the fact that Lieutenant Calkins, who had previously belonged to an infantry regiment, was recruiting from about the 1st of January, 1864, and had enrolled over fifty men for this regiment before he was appointed from civil life a second lieutenant. For nearly seven months, therefore, so far as the evidence shows, he was without the pay of an enlisted man even, though doing the duty of a commander of a company, and really entitled to extra pay for care and responsibility of arms and accoutrements during nearly four months of that time.

Your committee recommend the passage of the bill, with an amendment striking out in the seventh line the word "nineteenth" and inserting "twenty-second."

The amendment of the committee was to strike out "nineteenth" and insert "twenty-second;" so it will read "twenty-second day of March."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

MRS. A. E. HALL.

Mr. CATE. I call up again a bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall.

Mr. BRIGHT. I must object that this is not in regular order.

The CHAIRMAN. The bill was not exactly objected to, but, there being no report in the case and the reading of the report being demanded, it was passed over.

Mr. HOLMAN. I objected to the bill as there was no report accompanying it.

Mr. CATE. There is a report, and I ask to have it read.

Mr. HOLMAN. I have seen the report since I made the objection, and I now withdraw my objection and ask that the bill be again read.

The bill, which was read, authorizes and directs the commissioners of the sinking fund of the District of Columbia to pay, out of moneys in their hands, to the legal representatives of the estate of Mrs. A. E. Hall, widow of David A. Hall, deceased, the sum of \$1,955, being the amount found to be due the estate of said David A. Hall by

the accounting officers of said District, pursuant to the opinion of the attorney of said District in relation to the liability of said District to said estate for taxes collected and illegally detained from said deceased, and interest thereon.

The report was read, as follows:

The Committee for the District of Columbia, to whom was referred House bill No. 2561, a bill for the relief of Mrs. A. E. Hall, widow of Dr. David Hall, submit the following report, and recommend the passage of the bill:

Prior to 1796, one James Greenleaf conveyed certain real estate in this District to Robert Morris and his associates, who conveyed the same to the United States. Greenleaf claimed that his conveyance to the United States did not divest him of the title, and conveyed the same to Dr. David Hall, husband of the claimant.

In 1813 the United States filed a bill in chancery to perfect its title; but the case was not decided until 1857, and then the title of the United States was confirmed.

In the mean time the property has been assessed to Greenleaf and those claiming under him. David A. Hall paid the taxes so assessed during such litigation, and took certificates of such payment entitling him to a tax deed of the premises at the expiration of a certain time unless redeemed.

The premises were not redeemed, and at the expiration of the time limited for that purpose Hall applied for a deed or the refunding of the money, both of which were refused.

The matter has been referred to the attorney for the District, who reported in favor of allowing the claim at \$1,931.82, and the same was audited and allowed by the late auditors in accordance with such opinion, but failed in getting the approval of the sinking-fund commissioners.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN RENTZ.

The next business on the Private Calendar was the bill (H. R. No. 3484) for the relief of John Rentz.

The bill, which was read, authorizes and directs the Secretary of War to correct the military record of John Rentz, late of the Fourth Regiment Michigan Volunteer Infantry, and to grant him an honorable discharge as of the 14th day of February, 1866, and the Secretary of the Treasury to allow and pay to said John Rentz, out of any money in the Treasury not otherwise appropriated, all arrears of pay and bounty to which he would have been entitled if he had been honorably discharged on the 14th day of February, A. D. 1866.

The report was read, as follows:

That the "statement of service" from the Adjutant-General's Office shows that John Rentz was enrolled in Company B, Fourth Regiment Michigan Volunteers, on the 20th of June, 1861, to serve for three years or during the war, and re-enlisted as a veteran volunteer December 29, 1863, and that he was reported "deserted at San Antonio, Texas, February 14, 1866." The war record shows no charge of dereliction of duty during this long service of four years and eight months. On the other hand, the major of his regiment and the captain of his company bear testimony to his gallantry and good conduct; and the surgeon of the regiment, the adjutant, and ten other officers, and several privates of his regiment, with several officers of other regiments, join in a certificate that "he was always on duty and never shrank from the faithful performance thereof." They further state that, "after the war was over and an order had been issued to have the veteran detachment discharged, he came home without leave, and was marked as a deserter."

In consideration of the well-established fidelity and gallantry of this soldier for the period of four years and eight months, extending to a date nearly one year after the virtual closing of the war, and after his contract of service with the Government was really completed, your committee are of opinion that a strong case is presented for the just clemency of Congress.

Your committee report back a substitute for House bill No. 303, and recommend its passage.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

CAPTAIN SAMUEL ADAMS.

The next business on the Private Calendar was the bill (H. R. No. 3489) for the relief of Captain Samuel Adams.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Captain Samuel Adams the sum of \$3,750, in full satisfaction of his claim or claims against the United States for all services, losses sustained, and moneys expended by him in exploring the Colorado, the Blue and Grand Rivers of the West and the region of country adjacent thereto, and reporting the same to the Secretary of War and the Congress of the United States.

Mr. BAKER, of Indiana. I call for the reading of the report.

The report of the Committee of Claims was read, as follows:

That the claimant for many years, dating back to 1864, had been engaged in exploring the Colorado River and the region of country adjacent thereto; that his discoveries in this hitherto comparatively unknown region were such as to attract the attention of observant men, embracing members of Congress and the then Secretary of War, Hon. E. M. Stanton, at whose instance the claimant embodied the result of his explorations in a report to the Secretary of War. He also, it seems, at the request of the Commissioner of the General Land Office, gave information of value as to routes, settlements, and towns from the Colorado River to Salt Lake City, which points were, by the Commissioner, marked upon his published map. The importance of this river to navigation, and its adjacent mineral and timber resources were such, in the estimation of the Secretary of War, as to induce him to direct the claimant to return to the Pacific coast of California to accompany boats to said river, and ascend it on a tour of inspection and exploration. This was done, and the Colorado River was ascended and its navigability demonstrated for the first time for a distance of some six hundred and twenty miles. From thence he proceeded inland across the main divide of the Rocky Mountains in Colorado Territory, and organized an expedition, constructed at his own expense four boats, furnished provisions, arms, &c., and descended the Blue and Grand Rivers, exploring the region of the Grand and Green Rivers, making many discoveries valuable to science, history, and most useful to the material interests of the Government.

Among the more prominent results of these explorations and observations may be mentioned the following: The discovery of a new, safe, and fresh-water harbor below the mouth of the Colorado, named Victoria Bay, now known as "Isabella Harbor," demonstrating the navigability of the Colorado River to Callville, a distance of six hundred and twenty miles, a point far beyond where the United States engineers reported the river unsuitable of navigation, thus stimulating the commerce of the river and giving access to the rich mines of coal, copper, gold, and

silver lying beyond; establishing the feasibility of a railroad route for four hundred miles from Salt Lake City to the head of navigation, and giving an uninterrupted route to the Pacific Ocean without crossing the Sierra Nevada Mountains; the discovery of valuable timber suitable for various mechanical and domestic uses; the discovery of the greatest fall in the Colorado, the extent of its valleys, and the location of its agricultural lands; points of mineral wealth and evidences of extinct and existing types of advanced civilization; many of which results have been since greatly utilized by the engineers and scientists acting under the authority of the United States Government.

The descent of the Grand River, above alluded to, was attended with severe hardships, imminent perils, and serious losses to the claimant and his party, in the wreck of his boats and loss of personal property and valuable papers. The claimant, in 1871, made his report to the Secretary of War, which was submitted, with his claim for compensation, to Congress, and by Congress printed; which report is herewith submitted.

The memorialist claims \$20,000 compensation for services.

The committee are satisfied, from the proofs and papers submitted, that in justice and equity the claimant deserves some compensation from the Government for his labors, hazards, and losses. The only questions which have embarrassed their consideration are, first, the existence of the authority on the part of the Secretary of War to send the claimant upon such an exploration, and the real, tangible amount to which he could lay claim as the direct result of an actual or implied contract.

That the last trip of claimant to the Pacific coast, and up the Colorado, and over the mountains, and down the Blue and Grand Rivers, was made under the license and direction of the Secretary of War is satisfactorily established; that the claimant was to receive a compensation is also apparent. That the Secretary of War expected this compensation, so far as the navigation of the Colorado River was concerned, to come out of the appropriations for the coast and harbor surveys, &c., is clearly inferable; but as subsequent examination shows that this appropriation could not be so applied, no fund was at the command of the War Department for such compensation. And a misunderstanding seems to have sprung up between the Secretary of War, as well as a jealousy or criticism on the part of the Government engineers, which, coupled with the loss and displacement of papers constituting important links in the chain of evidence, only recently supplied, have delayed any favorable or final action on this claim to this date.

The claim for \$700 for services and outlays of claimant in 1863 and 1864 cannot be allowed, as they were rendered and made prior to any pretense of authority from the Secretary of War. So of the item of \$1,465 for liabilities incurred in running the steamer Esmeralda up and down the Colorado in 1865 and 1866. So of the item of \$250 for going from Callville to Salt Lake City and San Francisco in 1865.

The item of \$300 in going from San Francisco to Callville, building rafts for arms and provisions, and descending the river four hundred miles, is rejected for the same reason; likewise the following items: \$450 for traveling from Callville to Washington City and reporting the facts in 1866; \$160, personal expenses while in Washington City making out reports, &c.

Subsequent to this time, as the further services of the claimant seem to have been prosecuted under the sanction of the Secretary of War, and as the Government and public were manifestly benefited by the labor, hazards, and outlays of the claimant, it seems but right and just that a reasonable compensation should be allowed him. While, in the judgment of your committee, the great benefits resulting to the Government might outweigh any small computation, yet, in appropriating the public money, they feel no license to enter the uncertain field of speculation or extravagance; and reducing the claim to actual direct compensation on the basis of a contract and the extent of service performed and money expended, the committee present the following account as nearly just and reliable as is attainable:

| | |
|--|----------|
| For returning from Washington City to Colorado River, via San Francisco, to prosecute the explorations | \$250 00 |
| For expenses and services in ascending the Colorado River, seven hundred miles, crossing to Salt Lake City and the mountains, building four boats, purchasing arms and ammunition, instruments, and provisions, organizing the force, and the voyage down the river, and loss of property, and report of exploration, &c., to the Government | 3,500 00 |
| Making in all | 3,750 00 |

For which amount your committee herewith report a bill making the necessary appropriation and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

S. E. GARLAND AND F. M. HOPPIN.

The next business on the Private Calendar was the bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin, with an amendment by the Committee of Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin M. Garland, for the use and benefit of Sarah E. Garland and Frank M. Hoppin, the sum of \$337.82, together with interest thereon, at the rate of 6 per cent. per annum, from the 2d day of May, 1868, until the passage of this act, being the amount of succession tax erroneously paid by them to the collector of the eighth district of Illinois at the date aforesaid.

The amendment of the Committee of Claims was read, as follows:

After "\$337.82" strike out "together with interest thereon, at the rate of 6 per cent. per annum, from the 2d day of May, 1868, until the passage of this act."

The amendment was agreed to.

There being no objection, the bill was laid aside, to be reported favorably to the House.

E. B. M'PHERSON, JR.

The next business on the Private Calendar was the bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money not otherwise appropriated, to pay to Captain E. B. McPherson, jr., of Boonville, Missouri, the sum of \$563.12, in full satisfaction of the balance due him for use and time of the steamer Lexington, employed in transporting Government troops and supplies on the Upper Missouri River from Fort Sully and return to same place, June 18 to June 29, 1863, two days thirteen and a half hours.

There being no objection, the bill was laid aside, to be reported favorably to the House.

BENJAMIN L. CORNISH.

Mr. FORT. I ask that I may be permitted to withdraw my objection to the bill (S. No. 560) for the relief of Benjamin L. Cornish,

late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

Mr. HOLMAN. Let the bill be again read.

The bill was read, as follows:

Be it enacted, etc., That the Paymaster-General of the United States Army be, and he is hereby, authorized and directed to pay, out of any money appropriated or hereafter to be appropriated for the payment of the Army, to Benjamin L. Cornish, late second lieutenant in the Thirty-second Regiment of Wisconsin Volunteers, the pay and emoluments of a second lieutenant of infantry from the 11th day of November, 1864, to the 12th day of June, 1865, during which time he actually performed duty and was regularly commissioned as such second lieutenant, but was not mustered in: *Provided,* That whatever amount, if any, shall have been paid to the said Benjamin L. Cornish for his services in the Army during the time above specified shall be deducted from the amount of the pay and emoluments of a second lieutenant, and the balance only paid to him.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. SINGLETON. I move that the committee rise that the House may consider a bill received from the Senate in regard to the continuation of the public printing.

Mr. HOLMAN. I hope the committee will rise at any rate. It is now getting late.

The motion of Mr. SINGLETON was agreed to.

So the committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the Private Calendar, and had directed him to report with favorable recommendations sundry bills, some with and some without amendments.

Mr. SPRINGER. I ask unanimous consent that an order be made that the bills reported from the Committee of the Whole on the Private Calendar be engrossed and read a third time and passed.

Mr. RANDALL. Let them be passed one by one. There is no occasion for this unusual haste.

Mr. SPRINGER. I withdraw the motion.

CONTINUATION OF PUBLIC PRINTING.

Mr. SINGLETON. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 960) to continue the public printing. I desire to say that although the bill has not been referred formally to the Committee on Appropriations we have had it under consideration, and I am instructed to recommend its passage, with an amendment striking out "sixty" and inserting "ten" days.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill authorizes the Congressional Printer to continue the work required by law in advance of appropriations to be hereafter made, and provides that the act shall continue in force for sixty days.

Mr. SINGLETON. I move to amend by striking out "sixty" and inserting "ten."

Mr. CASWELL. I beg to inquire of the gentleman from Mississippi if this is a unanimous report of the committee?

Mr. SINGLETON. So far as I have seen the committee they all agree to it. It has not been formally referred to the committee. If we waited for that the Senate might adjourn, and twelve o'clock would arrive without any provision being made for the public printing, and to-morrow there will be no CONGRESSIONAL RECORD.

Mr. CASWELL. It seems that the committee have not had the matter under consideration formally.

Mr. HOLMAN. Most of the members of the Committee on Appropriations are in the House and were consulted.

Mr. BANKS. If the gentleman from Mississippi will allow me, I desire to say that it seems to me that ten days is a short time. If we pass a bill of this character it should be for a longer period than ten days. I do not know but sixty days is too long. I think the amendment proposing ten days proposes a period too short for the object in view. I would suggest twenty days.

Mr. SINGLETON. We are putting it upon precisely the same ground as the bill passed this morning with regard to other appropriations.

The amendment was agreed to.

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

FURLOUGH OF EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. SINGLETON. I desire now to make a privileged motion. I am instructed by the Committee on Printing to report a joint resolution (H. R. No. 139) granting a furlough to employés of the Government Printing Office.

The joint resolution was read a first and second time.

The joint resolution grants to employés in the Government Printing Office a furlough of twenty days, without loss of wages, that they may have an opportunity to attend the centennial exhibition.

Mr. SINGLETON. I send to the desk to be read a memorial of the employés of the Government Printing Office.

The Clerk read as follows:

A petition from the employés of the Government Printing Office, asking Congress for twenty days' leave of absence with pay, &c.

To the Senate and House of Representatives:

We, the employés of the Government Printing Office, hereby petition Congress for twenty days' leave of absence with pay, the time to be allowed whenever the Congressional Printer may, in his judgment deem it compatible with the public interests, and the number of employés to be furloughed at one time being placed at his discretion.

Clerks in departmental employ receive thirty days' leave with pay, each year. We are not so favored. Time lost by us, under any circumstance, even an hour, is deducted from our wages. While we feel that this discrimination against us as mechanics should not exist in view of the nature of our services, we do not ask for the regular yearly leave of absence. We have labored faithfully for the Government, the very nature of our employment being a heavy drain upon the vital forces; and we pray the granting of this petition as a boon that should not be withheld in the centennial year of our Republic's existence.

And your petitioners will ever pray.

Mr. SINGLETON. It is a fact well known to members of the House that in every other Department of the Government the employés have thirty days' leave of absence during the year, while the employés in the Printing Office do not have a day. Not only that, but, as stated in their memorial, if they lose one hour it is deducted from their wages. This joint resolution proposes to give them twenty days' leave of absence at such time as the Public Printer may deem proper. I believe this is right. We take time for ourselves to visit this exhibition, and our salary is continued. I believe we ought to grant the same privilege to the employés of the Government Printing Office, provided it does not retard the public printing.

Mr. FOSTER. Allow me to say to the gentleman from Mississippi [Mr. SINGLETON] that I am very much gratified at this exhibition of liberality on his part. I wish to remind him, however, that he is mistaken in one thing; all the employés in the other Departments are not entitled to thirty days' furlough during the year. The laborers, watchmen, and messengers now in the Departments do not have thirty days' furlough. I suggest to the gentleman that he should include them, and also the soldiers and sailors who are not allowed any time.

Mr. SINGLETON. Offer your amendment, and I will not object to it.

Mr. BANKS. I have an amendment which I will offer if the gentleman will allow me. I do not object to the joint resolution which the gentleman from Mississippi [Mr. SINGLETON] has reported. I am willing to vote for it; but I think there are some others that should be included. I therefore move to amend by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

And that a furlough of five days without reduction of pay be allowed to the employés of the other Executive Departments for attendance at the centennial exposition, at such time as in the judgment of the chief officers of said Departments it may be done without detriment to the public service.

Mr. LUTTRELL. I move to amend the amendment by striking out "five days" and inserting "ten days."

Mr. BANKS. I did not intend to indicate any particular number of days, but to leave the number blank to be filled by the House.

Mr. SINGLETON. I am willing to accept the amendment.

Mr. BANKS. I propose this amendment as a matter of public interest, not merely as a favor to the persons engaged in the different Departments, nor as a matter of sentiment or feeling on our part. The centennial exhibition is certainly one of the most successful exhibitions of industry that has ever been attempted by any nation. We have done the best we could under the circumstances, not all that we should have done, but the best we could, in order to bring about an exhibition of the capacities of the people of the United States at this time. It is a matter of great importance to the country as a means of instruction that the people of all sections of the country should visit this exhibition. Other governments having such exhibitions have given to their employés and so far as possible to the common people an opportunity to visit the exhibitions without charge and without cost to themselves.

Now, inasmuch as there are several thousand people employed by the Government in the vicinity of Philadelphia, where the exhibition is held, people who are not overpaid, who are in many instances persons of great intelligence, and who will be benefited by a study of the exhibition at Philadelphia, I think we ought to give them at least five days' time in which to make such a visit. I do not believe the people of the country will object to it or that it will be at all detrimental to the interests of the country.

Mr. HOLMAN. I would suggest that the amendment might be amended by inserting the words "and other employés of the Government" after the words relating to the employés of the Departments here. I do not think it exactly right to discriminate in favor of those who are right here around us in this city and who are able to ask this favor of us. This resolution, if passed at all, should apply to all persons in the employment of the United States generally.

Mr. BANKS. I will agree to that. I meant to include all employés of the Government.

Mr. KASSON. It seems to me that the gentleman from Mississippi [Mr. SINGLETON] would do well to include in one resolution the persons to whom he refers as well as those embraced in the amendment of the gentleman from Massachusetts, [Mr. BANKS,] and give the same length of time to all employés of the Government.

Mr. HOLMAN. The objection of the gentleman from Mississippi [Mr. SINGLETON] seems to have some weight in it; that is, that the employés of the Executive Departments, according to established custom, already have allowed them a vacation of thirty days each during the year.

Mr. KASSON. Then, why not say that all officers and employés of the several Departments of the Government who under existing regulations are not entitled to thirty days' leave of absence during the year shall hereafter be entitled to so many days for the purpose named?

Mr. HOLMAN. That is right.

Mr. KASSON. Under regulations to be prescribed by the heads of the respective Departments.

Mr. RANDALL. The clerks in the various Departments, who now take thirty days' leave of absence under the law, have a right to do so in order to go to and return from their several homes. The time proposed to be allowed by this resolution in order to visit the centennial exhibition would be accounted as a part of their thirty days and would break in upon their usual leave of absence to that extent. I desire to give them five days' leave of absence in addition to their usual thirty days.

Mr. KASSON. I will not object to that. My object is merely to make it uniform in its application as to time and privileges.

Mr. RANDALL. Let us make it uniform throughout the country so far as regards the employes of the Government, and not let it affect the ordinary vacation or furlough to which the clerks in the Departments are now entitled by law.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Iowa to reduce his amendment to writing.

Mr. SINGLETON. The only object I had in view was to carry out the request contained in the memorial of the employes of the Government Printing Office. They have asked for twenty days; and I have felt that we ought to give it to them. The amendment proposed by the gentleman from Massachusetts does not interfere at all with the thirty days' leave which is already accorded to employes in the Departments; it is a gratuity upon our part in the form of an additional five days which they may use now if they choose for the purpose of visiting the centennial, as I suppose most persons would like to do on the Fourth of July.

Mr. KASSON. I suggest to the gentleman that there are in the Executive Departments many persons who are employed, as are those in the Engraving and Printing Bureau, on daily wages, and whose pay is not equal to that of those for whom it is proposed to provide.

Mr. LUTTRELL. And who receive no furloughs.

Mr. KASSON. And who receive no furloughs. My object is to do equal justice in this particular, and to make the time allowed long enough to enable artisans and others to attend the Centennial and see the exhibition fully; and this privilege should be given in such a way that their accumulated wages may pay their expenses to Philadelphia and back. That is the object I have in view.

Mr. RANDALL. I suggest that if we send these employes of the Government Printing Office off for twenty days we shall have nobody here to do the printing.

Mr. KASSON. Of course this leave is to be taken subject to regulations to be made by the heads of the respective Departments as to the time when the different employes shall go, because they cannot all go at once.

Mr. WHITE. I move to refer this whole subject-matter to the Committee on the Centennial Celebration, that they may perfect the proposition. There seems to be such diversity of opinion that I think it will be impossible for us to reach an agreement in the House.

Mr. BANKS. I hope that will not be done. Although there seems to be some want of uniformity in the views of different gentlemen, it will be found that the proposition as it stands is perfectly practicable, considering the purposes in view. The printers and binders are now allowed no furlough, and they have asked for twenty days. The House seems disposed to give it to them. There are other employes of the Government who are now allowed, I understand, a furlough of thirty days at different seasons of the year to visit their homes. We desire to give to these persons five days more for a specific purpose: for the public benefit as well as their own.

Why should not the proposition be allowed to pass without being encumbered with other matters? Why should the gentleman from Iowa embarrass the question by a proposition in regard to the furlough to those engaged in the Printing and Engraving Bureau, a matter which can be arranged at another time and in another proposition? Do not entangle it with this question. We cannot make this matter entirely uniform.

Mr. WHITE. Will the gentleman from Massachusetts [Mr. BANKS] allow me to offer a suggestion? There are some employes who receive annual salaries and others who receive so much per day. Now, I submit to the gentleman whether a difficulty will not arise in regard to which of the employes of the Government here and elsewhere will be entitled to these five or ten days?

Mr. BANKS. No, sir; that is included in the amendment I offered.

Mr. WHITE. I think this question can be settled in committee much better than in the House.

Mr. BANKS. If a person to whom this five days' leave is granted is employed by contract, he will not suffer any deduction of pay; but for his absence the average amount of his pay will be allowed him. That is as near as we can come to it by any amendment. I hope gentlemen will allow this resolution to pass, and afterward I will cheerfully vote for any supplementary proposition which they may introduce.

Mr. KASSON. If the resolution be recommitted with leave to report at any time, I think this matter can be adjusted in a few moments. I wish simply to arrive at what is right.

Mr. PHILIPS, of Missouri. I hope we shall have a vote.

Mr. SINGLETON. In regard to the proposition to refer this matter to the Committee on the Centennial Celebration, I will say

that it came from that committee this morning and on their motion was referred to the Committee on Printing. To knock this matter about backward and forward from one committee to another seems to me to be occupying unnecessarily the time of the House.

Mr. CONGER. I suggest that one week instead of ten days be the time specified; because a week will be broken into and lost at any rate. Let these employes have a week.

Mr. BANKS. That is very fair. I modify my amendment by substituting one week for five days.

Mr. FOSTER. It is evident that this matter ought to be referred to a committee to put it into proper and intelligible shape. I would suggest a special committee.

Mr. JONES, of Kentucky. I would like to offer a substitute.

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

Mr. SINGLETON. No, sir; I decline to yield.

Mr. JONES, of Kentucky. Allow it to be read.

Mr. SINGLETON. I accept the amendment of the gentleman from Michigan [Mr. CONGER] granting one week instead of five days. I now move the previous question.

Mr. WHITE. I submit that one week will be insufficient.

The previous question was seconded and the main question ordered.

Mr. WHITE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE. I want to know whether it is not in order now to vote on my motion to recommit?

The SPEAKER *pro tempore*. It is not.

Mr. KASSON. I ask that the resolution, as it has been modified, will be read.

The resolution, as modified, was read.

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

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

The latter motion was agreed to.

Mr. KASSON. I move to amend the title by adding the words "and others."

The amendment was agreed to.

Mr. WHITE. I wish to ask a question for information.

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

BILLS PASSED.

The SPEAKER *pro tempore*. The regular order of business is the consideration of the report from the Committee of the Whole on the Private Calendar; and the Clerk will read the titles of the bills, and they will be considered, if there be no objection, as ordered to be engrossed, and being engrossed, read a third time in the case of House bills, and as ordered to a third reading and read the third time in the case of Senate bills, and that the amendments reported from the Committee of the Whole House as concurred in and the bills passed.

There was no objection, and it was ordered accordingly.

The Clerk read the titles of the bills, as follows:

A bill (H. R. No. 3114) for the relief of William Gemmill;

A bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland;

A bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton;

A bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches and tributaries;

A joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits, and to promote their civilization;

A bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;

A bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army;

A bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry United States Army, upon the retired list of the Army;

A bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahie or Ammahe;

A bill (H. R. No. 1238) granting a pension to Esther P. Fox;

A bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry United States Army;

A bill (H. R. No. 3331) authorizing the Secretary of War to permit the Presbyterian Church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan;

A bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry; and

A bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hopping.

SUSAN E. WILLARD.

The SPEAKER *pro tempore*. The question is next on the engrossment, third reading, and passage of a bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York. Mr. BURCHARD, of Illinois. I should like to hear the gentleman

who reported that bill from the Committee on War Claims state why the subject-matter could not be considered by the Court of Claims, and why it is a proper case to be brought here for the consideration of Congress? I move it be recommitteed.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill was reported from the Committee on War Claims by the gentleman from New York, [Mr. HOSKINS.]

Mr. CONGER. I was one of the subcommittee of the Committee on War Claims which examined that case and reported favorably upon it.

The SPEAKER *pro tempore*. Does the gentleman from Illinois object to the passage of the bill?

Mr. BURCHARD, of Illinois. I do.

The SPEAKER *pro tempore*. The question is on the third reading, engrossment, and passage of the bill.

Mr. CONGER. This bill was reported favorably by the gentleman from New York from the Committee on War Claims after careful examination. The report in the case was read in Committee of the Whole House, and no objection was made to the reporting of the bill with the recommendation that it do pass. I think that report upon its face shows all the reasons why this claim has not been enforced in any other tribunal and why it was brought here to Congress. It was reported favorably by the committee of the last Congress unanimously, I believe, in the House. It was reported at this session by the Committee on War Claims after full consultation. I know no good reason why it should not be passed. The only thing wrong about it is that the amount is less really than in my judgment should be allowed; but I acquiesced in that to meet the views of the other gentlemen of the committee.

These claimants were minors during part of this time, having no knowledge of the mode of procedure necessary to secure their claim. They were living in the North, away from the scene of action. They did not know there was any tribunal to which this claim could be presented until it was too late to make the presentation before the Court of Claims. Does the gentleman know of any good reason in justice or equity why this should not be passed?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, notified the House that that body had passed a bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government, with amendments, in which the concurrence of the House was requested.

SUSAN B. WILLARD.

Mr. CONGER. I wish to say, in addition, that there was a public hotel in Murphresborough, Tennessee, and a valuable private residence, with all the furniture, bedding, and equipments, belonging to these claimants, which were taken by our officers for the purpose of establishing a general military hospital. That hotel and private residence, with all the beds, chairs, and everything which could be used for a hospital, were used for almost two years; one of them for more than a year, and the other for about a year.

Mr. HOLMAN. Does the gentleman assume that the Court of Claims ever had jurisdiction of this class of claims?

Mr. CONGER. No, sir.

Mr. HOLMAN. The only way in which the Court of Claims could have had control of this class of claims was by Congress conferring upon that court special jurisdiction, and that has never been done. The question is whether the Government is to assume the responsibility of paying all this class of claims in the Southern States.

Mr. CONGER. In order to prevent the recommitment of the bill I call for the previous question; but I do not wish to take the gentleman from Illinois off the floor.

The SPEAKER *pro tempore*. What is the motion of the gentleman from Illinois?

Mr. BURCHARD, of Illinois. I move to recommit the bill to the Committee of the Whole on the Private Calendar.

I should have no objection to passing the bill if it had peculiar equities and would establish no precedent. I do not know that this will. The gentleman from Michigan asks me if I know any reason why this bill should not pass. That is not the ground for asking that a bill shall receive the favorable consideration of this House. The question is, why should it pass? It may be all right; but there is this on the face of it: It is a claim for the occupancy of a building in a territory that was overrun a portion of the time by the Union troops and a portion of the time by the confederate troops. It was on the battle-ground of the war in a territory where damages were committed or injuries inflicted both by northern troops and southern troops. It was an occupancy of premises in a State that was, a portion of the time at least, occupied by the confederate troops and claimed as one of the Confederate States.

Now, the question arises, shall we pay for the occupancy of premises and for injury done to property in cases of that kind? If this is an exceptional case, if it will not form a precedent for the payment of claims that may arise in respect to the operations that were carried on during the war, then I have no objection. I see no objection to passing the bill upon the explanation that has been made and the report of the committee.

Mr. CONGER. I wish to say to the gentleman that these premises were occupied by our troops for the purposes named after that region

came within our lines, and after it was continuously within our lines, and under the control of our Government, and with the consent of the owners, that property was taken for a hospital for our wounded men from other battle-fields around. It violates no principle that I have ever heard even suggested in the Committee on War Claims in regard to damage and destruction of property as ravages of war. A military board, a board of survey, was appointed at the time by the proper officers to fix the rental of these premises. The rental fixed by that board was more even than the committee have allowed in this case.

Mr. BURCHARD, of Illinois. What time was this property occupied?

Mr. CONGER. One part of it I think for seventeen months and another I think for eleven or thirteen months.

Mr. BURCHARD, of Illinois. At what period of the year?

Mr. CONGER. After our occupation of Murfreesborough. After our continued occupation till the end of the war, it was the center of all the operations around it and was the central military hospital for all that region. The husband of this woman was at that time the surgeon-general of the State of New York, being himself in the service of the United States.

Mr. BURCHARD, of Illinois. What debarred this claim from being presented at the Quartermaster's Department?

Mr. CONGER. There was no money to pay this class of claims.

Mr. BURCHARD, of Illinois. But the Quartermaster's Department allowed for stores and for the rents and the occupation of premises.

Mr. CONGER. The Quartermaster's Department allowed for stores that they paid for as they went along where they had money in the military chest to pay for the stores they took.

Mr. BURCHARD, of Illinois. But there are claims which have been passed on and are being passed on in the Quartermaster's Department on certificates.

Mr. CONGER. Congress by law has forbidden the payment of such claims till presented to Congress.

Mr. KASSON. Is it not time to close this conversation? [Laughter.]

Mr. BURCHARD, of Illinois. One more question. Were the committee unanimously in favor of this bill?

Mr. CONGER. I think they were. I ask the previous question.

The previous question was seconded and the main question ordered. The first question was on the motion to recommit the bill to the Committee of the Whole on the Private Calendar.

The motion was not agreed to.

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

PRIVATE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the Private Calendar, were severally read by their titles, and passed:

A bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers;

A bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall;

A bill (H. R. No. 940) for the relief of Edwin Ebert;

A bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list;

A bill (H. R. No. 3484) for the relief of John Rentz;

A bill (H. R. No. 3489) for the relief of Captain Samuel Adams; and

A bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri.

Mr. CONGER moved to reconsider the various votes by which the bills reported by the Committee of the Whole on the Private Calendar were passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL of Maine, Mr. WINDOM, and Mr. WITHERS.

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

A bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books, and other matters therein contained, and prohibiting lottery circulars passing through the mails.

The message further announced that the Senate had passed a bill (S. No. 535) granting a pension to Armstead Goodlow, in which the concurrence of the House was requested.

CLAIMS REPORTED FROM TREASURY DEPARTMENT.

Mr. BRIGHT. I am instructed by the Committee of Claims to ask unanimous consent to take from the Speaker's table House bill No.

2691, for the allowance of certain claims reported by the accounting officers of the Treasury Department. The bill comes to the House from the Senate with sundry amendments, most of them merely verbal, such as correcting errors in names, &c.

No objection being made, the bill, with the amendments, was taken from the Speaker's table.

Mr. BRIGHT. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. BRIGHT. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

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

Mr. RANDALL. O, no.

Mr. BANKS. I ask the gentleman to yield to me to make a report.

Mr. COOK. I will withdraw the motion for the present.

CENTENNIAL CELEBRATION.

Mr. BANKS, from the Select Committee on the Centennial Celebration, submitted the following report:

The Centennial Committee, to whom was referred the joint resolution (H. R. No. 133) providing that when the two Houses adjourn on Saturday, the 1st day of July, they shall respectively stand adjourned until ten o'clock a. m. on Tuesday, July 4, 1876, at which hour they shall assemble respectively at Independence Hall, in the city of Philadelphia, at which time and place the two Houses shall consider a joint resolution commemorative of the centennial anniversary of the declaration of American Independence, have considered the same, and report that the condition of the public service renders it inexpedient to act thereon at this time.

Mr. BANKS. This is the unanimous report of the committee, and I move that it be laid upon the table.

Mr. KASSON. I desire to say that on Monday last, when I introduced that resolution, we all had some hope that we could so arrange the public business this week as to enable us to dedicate that much time to the observance of a centennial occasion of so much importance. I am now satisfied, and have so stated to gentlemen of the committee, that we ought not at this time to take that number of days of adjournment. I hope the report will be laid upon the table, so that, if circumstances should change hereafter, it may be within the reach of the House.

The report was received and laid on the table.

Mr. HOPKINS. I am instructed by the same committee to report the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives hereby accepts the invitation of the United States centennial commission to attend the one hundredth anniversary of the declaration of Independence, in Independence Square, Philadelphia, on July 4, at ten o'clock a. m.; and that the Clerk of the House be directed to communicate to the president of said commission a copy of this resolution.

Mr. HOPKINS. I will state briefly the difference between this resolution and the joint resolution just reported upon. This resolution is in response to an official invitation from the centennial commission to this House to participate in a programme which they have arranged and which they control. The other resolution was a proposition from ourselves, inviting ourselves to meet in Independence Hall, over which we have no control or authority, and which will probably be otherwise occupied. Hence the committee reported adversely upon that proposition, and have reported this resolution, so that the House can in accordance with common courtesy manifest its acceptance of the invitation we have received.

Mr. KASSON. I desire to ask the gentleman if he has considered the further question of the propriety of an observance here by Congress of this centennial anniversary? If Congress will go to Philadelphia and participate there in the observance of that day in some form so that it will appear upon our record that we have noticed it, I should be extremely glad. But unless we adjourn before Monday, and over Monday until Tuesday, it will be a mere sham, so far as the presence of Congress in Philadelphia is concerned, to accept this invitation. As between such a formal acceptance, not to be executed, and a meeting in our own Hall, where a simple and brief memorial service may be had, I greatly prefer the latter. I think it worthy of consideration by this House whether, if we cannot adjourn over Monday, and must meet here on Monday for the transaction of business, we will not have our own memorial service, with a proper prayer and proper resolution to be adopted, in our own Hall on the Fourth of July.

Mr. HOPKINS. In response to the gentleman from Iowa, [Mr. KASSON,] I will say that I concur very fully and cordially in his idea of the propriety of a formal meeting of Congress in Philadelphia. But the gentleman is mistaken in calling it our own Hall; we have no control over it.

Mr. KASSON. I spoke of our Hall here.

Mr. HOPKINS. I beg the gentleman's pardon; I did not distinctly understand him. As to the matter of adjournment, the committee deemed that that subject belonged to the Committee on Appropriations, and we supposed that the passage of this resolution would be followed by one from that committee agreeing to adjourn from tomorrow until Wednesday next.

Mr. KASSON. I think the other resolution should precede this, in order that we may take the sense of the House upon it.

Mr. WHITE. I desire to ask gentlemen and the House a question,

whether it would not be more appropriate for us to sit here and serve our constituents by doing the business of the country on the Fourth of July rather than taking any more holidays? I think we have had enough holidays this year. The people will sustain us if instead of going to Philadelphia we remain here and celebrate the Fourth of July by discharging our duty to our constituents.

Mr. HOPKINS. The question of adjournment is not now before the House. The simple question is, shall we, or not, accept the invitation of the Centennial Commission?

Mr. SEELYE. Mr. Speaker, I rise to second the suggestion of the gentleman from Iowa, [Mr. KASSON.] It seems to me that the only becoming celebration of the day by this House is that we meet in our own Hall for a solemn service: the reading of God's Word and the offering of thanksgiving and prayer to Almighty God. I think that would be a becoming service, one worthy of this historical occasion, and the only one, it seems to me, that would befit the history of the past and our hopes of the future. I hope the suggestion will be adopted.

Mr. BANKS. Certainly, Mr. Speaker, I would not say a word against the proposition which has been suggested by the gentleman from Iowa [Mr. KASSON] and seconded so eloquently and earnestly by my colleague, [Mr. SEELYE.] But we have entered upon one centennial celebration of the anniversary of American Independence; we have contributed our money to it; the executive officers of the Government will probably attend it; and it is impossible for us without further time and more thorough preparation than can now be made to have in this Hall an appropriate celebration worthy of the centennial anniversary of the independence of our country. If we undertake such a celebration in the manner now for the first time suggested, it cannot be attended with that dignity nor accompanied by that effect upon the country which should be given to it. There is neither preparation, opportunity, or time for this purpose. It is very well to say that we might have prayers and reading of the Scriptures, but something more than this, something that shall attempt, if it does not reach, an adequate exposition of our position as the first Republic of our time, a review of the past, a comprehensive and just consideration of the use we have made of our opportunities and what the world may justly expect of us in the future which now ushers upon us, will be expected and demanded. For this we are not now prepared. These gentlemen who urge it upon us should have earlier presented their views and moved.

The Centennial Commission, with the concurrence and support of all the States of the Union as well as of the General Government in both its legislative and executive departments, has determined upon a fitting celebration of this great anniversary at Philadelphia. Why should we here undertake, upon notice of only a day or two, to set up a celebration of our own in opposition and rivalry of that?

Mr. CONGER. A mere side-show.

Mr. BANKS. Yes; as the gentleman from Michigan well suggests, a "side-show." I do not think it belongs to us to do that.

Now, the national commission has sent to this House an invitation to attend the celebration at Philadelphia. It is not an official, formal, a legal attendance that they expect. I am informed by a communication from the centennial commissioners that they have distributed individual invitations. They have sent us a respectful and formal invitation; and it is proper that we should take some notice of it. We certainly cannot reject it. If we are too much occupied in the legitimate and regular business of the session we should of course say so. But if it be convenient for any considerable number of members to attend, they should have that privilege. The commission could not properly overlook the Senate and House of Representatives in the distribution of their invitations; nor can we with propriety reject them. Such gentlemen as feel at liberty to attend will undoubtedly be very glad to do so. I hope this much respect will be accorded to the commission.

Mr. KASSON. Before the gentleman sits down, will he do something to relieve us somewhat of the embarrassment of the situation? If, after having accepted this invitation, the House should continue in session here and its record should show it to be in session, we would be in the position of having accepted an invitation as a guest and then failing to be present at the entertainment.

Mr. BANKS. I will answer the suggestion of the gentleman from Iowa by stating my own purpose in this matter. I desire to accept the invitation of the commission; I desire to go to Philadelphia to participate in the celebration there on the Fourth of July; to hear the orator who has been appointed as the orator of the United States, competent to speak the sentiments of the people on that occasion; to listen to the poet who has been selected as the poet of the United States, to express in his offering the sentiments of the people on that occasion. But if it shall be determined by the House that it is necessary to sit to-morrow or Monday, or Tuesday even, I shall remain here and do my duty. If, on the contrary, the gentlemen having control of the most important business of the House, the appropriation bills, should think it advisable to-morrow night to move to adjourn till Wednesday, I shall vote with them, and I hope the House may concur. If, on the other hand, they think it necessary for the public business that we shall sit on Monday, then I shall cheerfully vote with them and stay here on that day, going in the evening, if I can, to Philadelphia, to enjoy the festivities of the great anniversary that can never again recur for any of us. Certainly we shall not sit for

business as a House of Representatives on the Fourth of July unless it is imperatively necessary. We cannot expect that result; and when on Monday evening we adjourn, we shall probably adjourn over the Fourth of July; and then such of us as choose can go at night to Philadelphia.

We leave the question of adjournment (for this matter was considered in the Centennial Committee) to that committee to which it properly and, under the present circumstances, exclusively belongs—to the Committee on Appropriations.

Mr. KASSON. I do not see that the proposition of the gentleman from Massachusetts relieves us of that difficulty. If the committee has reported a proposition for such an adjournment as would enable us to meet at Philadelphia if we chose to go, I should concur with great heartiness if that can be done. But the trouble is they propose an acceptance, reserving the right after that whether they will conform to the acceptance or not. I do not like the House should place itself in that situation. If the committee would report a resolution declaring an adjournment over the Fourth of July, then I should see my way clear to accept it, and then no informality would appear of record.

Mr. BANKS. The committee considered this whole matter very carefully. The Committee on the Centennial Celebration could not properly determine the question of adjournment, not knowing what the condition of public business would be. We could not recommend an adjournment this evening or to-morrow over until Wednesday. We left that to the proper committee.

There is no embarrassment, therefore, as suggested by the gentleman from Iowa. If the public business is such we cannot adjourn, then we shall not adjourn. If it is in such condition that we can go, then such as can will go. There will be nothing in the record inconsistent with our position on the one side or the other.

Mr. KASSON. I think if the gentleman would add to it, "if the condition of public business shall allow," it will be all right.

Mr. BANKS. We do not want any such condition as that, because if the condition of public business will not allow it then we will not go. The acceptance of the invitation is a mere formal matter. It will not bind us, nor allow us to disregard our official duties. We are invited, and we accept. If we can attend, we shall do so; if not, it will be otherwise. But in any event, all the proprieties of the occasion will be properly observed.

Mr. RANDALL. I regret the committee reported adversely upon the proposition that Congress should adjourn, so to express it, to the city of Philadelphia, and on that day the two Houses should meet in joint convention and agree to some resolution appropriate to the occasion. I think it would have been a beautiful exhibition, one marking an event in our history, the declaration of Independence, meeting as Congress would one hundred years after that event in the same Hall of Independence from which that immortal Declaration was published. We might have had the roll called. But the committee decided otherwise.

I wish to say in the same connection that there is no difficulty about securing Independence Hall for that day. There is no one in Philadelphia having control of that hall who would not have welcomed Congress with warm hearts and open arms for that purpose.

Furthermore, as for the proposition before the House, I think we should accept the invitation. I think the legislative action now taking place between the two Houses as to the appropriation bills will to-morrow permit a resolution to adjourn from to-morrow over until Wednesday, and that will give the opportunity to every member of Congress to go to Philadelphia.

As the gentleman from Massachusetts has said, every member of Congress is invited to go and hear the oration and the poem, and witness the other proceedings of that most interesting centennial anniversary. We can safely get back on Wednesday at half-past one o'clock. Such gentlemen as may attend can open the session of the House at twelve and run through the morning hour, when the House will be recruited to its full strength at half-past one. So I see no difficulty whatever in accepting the invitation. I believe that the Committee on Appropriations, so far as I can say, will concur in an adjournment from to-morrow evening till Wednesday.

Mr. BANKS. Pardon me, Mr. Speaker, one word in reference to the proposition to hold a legal session of Congress in Philadelphia. The proposition does not come from the citizens of Philadelphia nor from the Centennial Commission. No invitation has been received from that city upon this subject. On the contrary, they have invited us to attend a national celebration to be held in Independence Square at ten o'clock, and ten o'clock on the Fourth of July was the very hour fixed in the resolution for the proposed legal assemblage of the two Houses of Congress on that day, to which the gentleman from Pennsylvania has again called the attention of the House.

Mr. RANDALL. It would be easy to make it an hour earlier.

Mr. BANKS. Therefore it was an unauthorized interference with a celebration which is in behalf of all the people of this country.

Mr. KASSON. Let me say one word, that the theory of that resolution was not that we were invited by anybody to make fitting observance of the Fourth of July, but Congress in its representative capacity deemed it proper to make its own celebration of the Fourth of July, under circumstances becoming that great centennial occasion.

Mr. BANKS. It was a proposition emanating from ourselves, a

proposition directly in conflict with those national arrangements which have been in process of organization for many months, and to which the people of all nations have been invited.

There were other serious difficulties. We had no information that the Hall of Independence could be secured to us, so that the Sergeant-at-Arms and the Doorkeepers of the House and Senate could be authorized to take possession and exclude everybody except ourselves on that day. We also consulted with many gentlemen of the House, and there were very few members, so far as I know, who deemed it expedient or practicable to do it. We consulted with gentlemen interested in another body, of equal authority with our own, and the opinion there was almost unanimous, nearly every member consulted being positively against it.

We looked also at the law in regard to the sessions of Congress. We found that there were serious constitutional difficulties in regard to the two Houses of Congress sitting anywhere for any purpose except at the seat of Government, in the District of Columbia. The seat of Government is fixed here in the District of Columbia, and the House of Representatives, as one of the Houses of Congress, can sit nowhere except at the seat of government. The President, in the case of an invasion or an epidemic, or under circumstances that might make it impossible for us to meet here, has authority under the law to convene Congress at such other place as he may deem proper; but there is certainly some doubt whether we change the place of meeting for the two Houses of Congress without changing for the time being the seat of Government.

Mr. RANDALL. That is inferential.

Mr. KASSON. Could we not meet anywhere by virtue of a law or joint resolution?

Mr. HOPKINS. I rise to a question of order. Have I not called the previous question?

The SPEAKER *pro tempore*. The gentleman called the previous question some time ago. All this is proceeding by unanimous consent.

Mr. HOPKINS. Then I insist on the previous question.

The previous question was seconded and the main question ordered.

The question being taken on agreeing to the resolution reported by Mr. HOPKINS from the Committee on the Centennial Celebration, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. WHITE. I call for a division.

Mr. BANKS. Has the gentleman from Kentucky a right to make such a call when he is not in his place?

Mr. WHITE. I am not in my own seat owing to the fact that I cannot hear anything when I am there.

The question being put, there were ayes 87.

The SPEAKER *pro tempore*. The ayes are evidently largely in the majority.

Mr. WHITE. I make the point that no quorum has voted. It is not right that we lose four days for the sake of this centennial celebration.

Mr. HOLMAN. I ask for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. HOPKINS, and the gentleman from Kentucky, Mr. WHITE.

The House again divided; and the tellers reported—ayes 108, noes 2.

Mr. WHITE. I insist upon the point that no quorum has voted. We will lose four days if this resolution is adopted.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nay 1, not voting 167; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Bagby, John H. Baker, William H. Baker, Banks, Blair, Bright, Horatio C. Burchard, Cabell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, John B. Clarke of Kentucky, Conger, Cook, Cowan, Crouse, Culberson, Cutler, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Durand, Eames, Ellis, Finley, Fort, Foster, Franklin, Frost, Gibson, Goode, Goodin, Hale, Andrew H. Hamilton, Hancock, Hatcher, Haymond, Henderson, Hereford, Hill, Holman, Hopkins, House, Hubbell, Hunter, Hutton, Jenks, Kasson, Kehr, Kimball, Knott, Lamar, Franklin Landers, Lord, Luttrell, Lynde, L. A. Mackey, Maish, MacDougall, McDill, Metcalfe, Morgan, Neal, New Norton, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Potter, Powell, Pratt, Randall, Rea, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Sobieski Ross, Sampson, Saylor, Scales, Seelye, Singleton, Smalls, A. Herr Smith, Southard, Springer, Strait, Stevenson, Terry, Thompson, Tucker, Tufts, Van Vorhes, Alexander S. Wallace, Walsh, Warren, Erastus Wells, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, James Wilson, and Yeates—121.

NAY—Mr. White—1.

NOT VOTING—Messrs. Adams, Atkins, George A. Bagley, John H. Bagley, Jr., Ballou, Banning, Bass, Beebe, Bell, Blackburn, Blaine, Bland, Bliss, Blount, Boone, Bradford, Bradley, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, John H. Caldwell, Cate, Caulfield, Chapin, Chittenden, John B. Clark, Jr., of Missouri, Clymer, Cochran, Collins, Cox, Crapo, Danford, Darrall, Douglas, Dunnell, Durham, Eden, Egbert, Ely, Evans, Faulkner, Felton, Forney, Freeman, Frye, Fuller, Garfield, Gause, Glover, Gunter, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hurl, Hurlbut, Hyman, Frank Jones, Thomas L. Jones, Joyce, Kelley, Ketcham, King, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moine, Levy, Lewis, Lynch, Edmund W. M. Mackey, Magoon, McCrary, McFarland, McMahon, Meade, Miller, Milliken, Mills, Money, Monroe, Morrison, Mutchler, Nash, O'Brien, Odell, Parsons, Phelps, John F. Phillips, Plaisted, Platt, Poppleton, Purman, Rainey, Reagan, John Reilly, James B. Reilly, Roberts, Miles Ross, Rusk, Savage, Schleicher, Schumaker, Sheakley, Simeonson, Slemmons, William E. Smith, Sparks, Spencer, Stenger, Stone, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Turney, John L. Vance, Robert B. Vance,

Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—167.

During the roll-call the following announcements were made:

Mr. ROBBINS, of North Carolina. My colleague, Mr. VANCE, is absent on account of illness.

Mr. KNOTT. My colleague from Kentucky, Mr. BLACKBURN, is absent on account of sickness.

Mr. LUTTRELL. My colleague from California, Mr. WIGGINTON, is detained at home on account of sickness. If he were here he would vote "ay."

Mr. HAYMOND. My colleague from Indiana, Mr. FULLER, is absent on account of sickness.

Mr. FOSTER. My colleagues from Ohio, Mr. GARFIELD, Mr. MONROE, and Mr. LAWRENCE, are absent by leave of the House.

Mr. STRAIT. My colleague from Minnesota, Mr. DUNNELL, is at his room, sick.

Mr. MACKEY, of Pennsylvania. My colleague, Mr. FREEMAN, is absent by leave of the House. If he were present he would vote "ay."

Mr. CONGER. My colleague from Michigan, Mr. WALDRON, is absent on a committee of conference.

Mr. SPRINGER. My colleague from Illinois, Mr. HARTZELL, is absent on account of sickness in his family.

Mr. PACKER. My colleague from Pennsylvania, Mr. KELLEY, is absent by leave of the House. If present he would vote "ay."

The SPEAKER *pro tempore*. The resolution is adopted.

Mr. WHITE. I desire by unanimous consent to make just one remark. I do not want to insist on a call of the House at this time. My only reason for not moving that the House now adjourn is that I understand that the Committee on Appropriations have a bill that they desire acted upon now.

Mr. SPRINGER. The Committee on Appropriations can take care of their own business.

Mr. RANDALL. We will take care of that.

Mr. WHITE. If they have no business to act on, I move that the House now adjourn.

The motion to adjourn was not agreed to.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. I now ask unanimous consent to take from the Speaker's table House bill No. 3809, to provide temporarily for the expenditures of the Government, which has come back from the Senate with sundry amendments.

Mr. HOLMAN. Did the Chair announce that the resolution reported from the Centennial Committee was adopted?

The SPEAKER *pro tempore*. The Chair so announced.

Mr. WHITE. Did a quorum vote on this resolution?

Mr. RANDALL. That point of order is too late.

The SPEAKER *pro tempore*. The point of order is too late, other business having intervened.

There being no objection, the bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government, with the Senate amendments thereto, was taken from the Speaker's table.

The amendments of the Senate were as follows:

In line 3 strike out "for such Departments;" strike out all after the word "lawful," in line 6, to and including the word "delay," in line 7; in line 8 strike out "such Departments" and insert "the Government;" and add to the bill the following:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; but no greater amount shall be expended under this act than such proportional sum of the appropriations for the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditures shall be only for the necessary operations of the Government under existing laws. All sums under this act shall be charged to and deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. RANDALL. The first three amendments of the Senate are merely changes in the phraseology of the House bill, and do not affect the purpose that the House had in view in passing the bill. The last amendment explains itself to the intelligence of the House. If no one desires to speak upon these amendments, I move that they be concurred in.

The amendments of the Senate were concurred in.

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

The latter motion was agreed to.

Mr. RANDALL. I would like to ask that the House remain in session a few minutes in order that the enrolled bills may be signed in open House as the law requires.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly a enrolled bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1100) relative to unused stamps.

Mr. HAMILTON, of Indiana, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 11) granting a pension to Eliza Jane Blumer;

An act (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

An act (H. R. No. 1204) granting a pension to Henry H. Wharf, of Company C, Eighteenth Regiment of Ohio Volunteers;

An act (H. R. No. 1337) for the relief of Nelson Tiffany;

An act (H. R. No. 1598) granting a pension to William R. Duncan;

An act (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

An act (H. R. No. 1849) granting a pension to Abigail S. Dawney;

An act (H. R. No. 1939) granting a pension to Sarah Emmons;

An act (H. R. No. 1944) granting a pension to Niram W. Pratt;

An act (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

An act (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 2289) granting a pension to Jane Bertholf;

An act (H. R. No. 2301) granting a pension to Mary B. Hook;

An act (H. R. No. 2303) granting a pension to Mary S. Greenlee;

An act (H. R. No. 2310) granting a pension to Emanuel B. Herr;

An act (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired;

An act (H. R. No. 2586) granting a pension to John L. Bartley;

An act (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late a private Company L, Seventh Tennessee Cavalry;

An act (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late a private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers;

An act (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins;

An act (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

An act (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

An act (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska; and

An act (H. R. No. 3809) to provide temporarily for the expenditures of the Government.

INTERNATIONAL EXPOSITION.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Acting Secretary of the Treasury, inclosing a draught of a joint resolution amendatory of the act of June 18, 1874, relating to the international exposition of 1876, and recommending the passage thereof; which was referred to the Select Committee on the Centennial Celebration.

LEAVE OF ABSENCE.

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

To Mr. WILLIAMS, of New York, for ten days;

To Mr. ODELL indefinitely;

To Mr. SHEAKLEY for ten days;

To Mr. SPENCER for one day;

To Mr. DOBBINS for four days from next Monday;

To Mr. HENDERSON for six days; and

To Mr. BROWN, of Kentucky, a further extension of leave of absence for ten days.

G. ALEXANDER RAMSAY.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3829) for the relief of G. Alexander Ramsay; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SETTLERS ON DES MOINES RIVER LANDS, IOWA.

Mr. McDILL, by unanimous consent, presented from the Committee on Public Lands a report in writing to accompany a bill to quiet the titles of settlers on the so-called Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to be printed, and recommitted.

WILLIAM H. POWELL AND F. A. McDOWELL.

Mr. BURCHARD, of Illinois, by unanimous consent, reported from the Committee of Ways and Means, as a substitute for House bill No. 327, a bill (H. R. No. 3830) for the relief of William H. Powell and F. A. McDowell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARGES AGAINST HON. CHARLES HAYS.

Mr. LORD. On behalf of the Judiciary Committee I ask unanimous consent that the testimony taken by that committee in the case of Hon. CHARLES HAYS, a member of this House, be printed, so that all the members may fully consider it.

There being no objection, it was ordered accordingly.

Mr. KASSON. May I ask the gentleman when the report will be made?

Mr. LORD. Very soon after the testimony is printed.

Mr. KASSON. I hope it may be made promptly.

Mr. LORD. As something has been said in regard to that, I would like to say—

The SPEAKER *pro tempore*. The order has been made.

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. MACDOUGALL, by unanimous consent, reported from the Committee on Military Affairs bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3831) for the relief of certain enlisted men of the Twentieth United States Infantry; and

A bill (H. R. No. 3832) for the relief of Lewis C. Dils, late private Company B, Thirty-ninth Kentucky Volunteers.

Mr. MACDOUGALL also, from the same committee, reported back, with favorable recommendation, bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. No. 548) for the relief of Major D. C. Smith;

A bill (H. R. No. 2042) to authorize the Secretary of War to compensate the officers and men of the Fourteenth Infantry for private property destroyed by fire on the Nashville and Chattanooga Railroad; and

A bill (H. R. No. 3422) for the relief of Charles W. Wood, late of Company E, First Battalion, Thirteenth Regiment United States Infantry.

Mr. MACDOUGALL also, from the same committee, reported back adversely the bill (H. R. No. 1320) for the relief of William H. Smallwood; which was laid on the table, and the accompanying report ordered to be printed.

Mr. STRAIT, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 4) for the relief of William Bowlin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PAYMASTER-GENERAL.

Mr. MACDOUGALL. I ask unanimous consent to report and have put upon its passage at this time the bill (S. No. 843) establishing the rank of the Paymaster-General.

Mr. HOLMAN. I object.

MRS. REBECCA C. MAXWELL.

Mr. RICE, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3349) granting a pension to Mrs. Rebecca C. Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. PIPER. I move that the House adjourn.

Mr. HOLMAN. I trust the gentleman will not make that motion. It is quite important that action on the resolution providing for the public printing, which came to us from the Senate and which we amended, should be completed to-night.

Mr. RANDALL. That will only take five minutes.

Mr. HOLMAN. It is now late; and I move that the House take a recess till eight o'clock.

The SPEAKER *pro tempore*. Does the gentleman from California [Mr. PIPER] withdraw his motion for that purpose?

Mr. PIPER. Yes, sir.

Mr. PAGE. I understand that no business is to be done to-night except upon the bill which has been mentioned.

Mr. RANDALL. The Senate, I believe, has taken a recess till seven o'clock, and if we meet at eight o'clock the bill will doubtless be ready by that time to be sent over.

The gentleman from Mississippi [Mr. SINGLETON] thinks it is absolutely essential that bill should be passed to-night or else the public printing will stop.

Mr. KASSON. The only point is that no other business shall be transacted.

Mr. RANDALL. No other business will be done except that.

The SPEAKER *pro tempore*. Does the gentleman from Indiana, the mover of the motion, move the House now take a recess until eight o'clock with the understanding that no business be transacted except what pertains to that bill?

Mr. HOLMAN. Either that or any other bill pending between the two Houses.

Mr. CONGER. I hope there will be no limitation on this last day of the fiscal year on the part of the House to do what is necessary.

Mr. HOLMAN. I hope it will be confined to what will be necessary to get together the two Houses on appropriation bills. So far as I am concerned I wish it understood that I make that motion, that nothing shall be done except what is necessary to bring together the two Houses on the appropriation bills.

Mr. KASSON. Then it must be for business.

Mr. CONGER. That means no limitation, then, and I think there should be none.

The SPEAKER *pro tempore*. Does the gentleman then move that the House take a recess for the transaction of business?

Mr. HOLMAN. Let it be business between the two Houses touching appropriation bills.

Mr. KASSON. Let there be no limitation.

Mr. HOLMAN. Then let the motion be without limit.

The SPEAKER *pro tempore*. It will be so put to the House.

And then (at six o'clock and twelve minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m., the Speaker *pro tempore* in the chair.

Mr. HOLMAN. I move the House take a recess for fifteen minutes. The motion was agreed to.

After the recess the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, notified the House that the Senate had agreed to the amendments of a bill (S. No. 435) amending section 5546 of the Revised Statutes of the United States, relating to imprisonment and transfer of United States prisoners.

It further announced that it had agreed to the amendments of the House to the bill (S. No. 960) to continue the public printing.

It further announced that it had passed the bill (S. No. 962) to amend an act approved April 20, 1876, providing for the sale of a part of the custom-house in Rockland, Maine; in which the concurrence of the House was requested.

ROCKLAND CUSTOM-HOUSE LOT.

Mr. HALE. I ask unanimous consent to take from the Speaker's table and put upon its passage at this time a bill (S. No. 962) to amend an act approved April 20, 1876, providing for the sale of part of the custom-house lot at Rockland, Maine. It is only to correct a mistake in the description of the land in the bill as passed by both Houses.

The bill, which was read, provides that the act approved April 17, 1876, providing for the sale of a part of custom-house lot in Rockland, Maine, be, and the same is thereby, so amended that the strip of land therein described shall be as follows, to wit:

Beginning at the northerly corner of land of the heirs of Charles Spofford, and running thence north eight degrees, east one hundred and twenty-one and four-tenths feet to Limerock street, at the northwesterly corner of land of Oliver H. Perry, formerly ship-builder's lot; thence south thirty minutes east by land of said Perry and John T. Berry, one hundred and twenty-four feet to land of said Spofford's heirs; thence north seventy-six degrees west by land of said Spofford's heirs, eighteen and six-tenths feet to the place of beginning, containing about eleven hundred and twenty feet.

And the Secretary of the Treasury is authorized to sell and convey the therein-described parcel of land upon the same terms and conditions named in the act to which this is additional.

Mr. HOLMAN. The original bill was before the Committee on Public Buildings and Grounds, and the colleague of the gentleman from Maine [Mr. PLAISTED] said it was his understanding the description of this land in the original bill was correct. The gentleman from Maine [Mr. PLAISTED] is not in his seat. If the gentleman from Maine is himself satisfied this description is right, it is very proper perhaps this bill should be passed.

Mr. HALE. It is correct. It is a triangular piece of land, and it was described wrong. The large end there on the western side is described when it should be on the eastern side.

The bill was read a first and second time and ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

J. W. PARRISH.

Mr. PHILIPS, of Missouri, by unanimous consent, moved that the bill (S. No. 830) for the relief of J. W. Parrish be taken from the Speaker's table and referred to the Committee of Claims; which motion was agreed to.

JOHN N. HALL.

Mr. MCCRARY, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3833) for the relief of John N. Hall; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SURETIES OF J. W. P. HUNTINGTON, DECEASED.

Mr. LANE. I ask unanimous consent to report back from the Committee on Indian Affairs, with the recommendation that it do pass, the bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections to its present consideration, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That in the settlement of the accounts of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon, the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow a credit of \$10,000, Indian funds, charged to him and lost by the wreck of the steamer

Brother Jonathan, off the coast of California, on the 30th day of July, 1865; also a credit of \$500, for that sum transmitted by said Huntington, on or about the 15th day of May, 1865, to William Logan, deceased, late Indian agent, in charge of the Warm Spring Indian agency in Oregon, for which no vouchers were returned before the death of the said Logan: *Provided*, That no credit shall be allowed for the said sums until satisfactory proof shall be made of the loss of said \$10,000 by the wreck of the said steamer Brother Jonathan and of the transmission of said \$500 to the said William Logan.

Mr. HOLMAN. Is this a Senate bill?

Mr. LANE. Yes, sir. There is a report by the Senate Committee on Indian Affairs accompanying the bill, and I ask the Clerk to read it for the satisfaction of the gentleman from Indiana.

The Clerk read the report, as follows:

That in May, June, and July, 1865, J. W. P. Huntington was superintendent of Indian affairs in Oregon, and William Logan was United States Indian agent, having charge of the Warm Spring agency. C. S. Woodworth (who swears that he was chief clerk of the superintendency) states that on or about the 15th day of May, 1865, the said Huntington transferred to said Logan the sum of \$500 of the fund appropriated for pay of general incidental expenses of the Indian service in Oregon; that Logan actually received the money, but that he died shortly afterward, and that no receipt was given to Huntington for the same. The affiant states further that the amount was justly and properly disbursed for the purpose for which it was appropriated. The absence of the receipt might be a suspicious circumstance, but not sufficient to discredit a witness whose relations with the parties made him personally cognizant of the transaction.

On the 10th day of June, 1865, in his capacity of superintendent of Indian affairs, Huntington drew a check for \$10,000 on the Assistant Treasurer of the United States at San Francisco, payable to said William Logan or bearer, and this check was presented at the office of said Assistant Treasurer and paid on the 20th day of the same month.

On the 28th day of July following Logan embarked with his wife on board the ill-fated steamer Brother Jonathan, bound for Portland, Oregon, and two days afterward they perished together at sea in the wreck of that vessel. During his sojourn at San Francisco Logan did not conceal the fact from his friends and intimate acquaintances that he would be the bearer of public funds to Oregon; and at the moment of departure he spoke of having considerable amounts in his possession.

In view of the foregoing facts, your committee report back the bill which was referred to them, and recommend its passage.

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

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. It is manifest that there is not a quorum present. I therefore make the motion that the House adjourn.

Mr. HURLBUT. I have a little bill here which I want to have passed.

Mr. HOLMAN. I am willing to yield for any matter of reference merely.

Mr. HURLBUT. This is not a matter of reference. I desire to have the bill passed. It is a very just bill, and I am sure the gentleman from Indiana will approve it the moment he hears it read; else I should not ask the House to pass it.

Mr. HOLMAN. I yield for any matter of reference.

Mr. HURLBUT. This is a matter not of reference, but of business.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. HOLMAN. There is not a quorum present.

Mr. HURLBUT. If the motion to adjourn is not pressed, I desire to ask the action of the House on this bill.

Mr. HOLMAN. I have made the motion that the House adjourn.

The SPEAKER *pro tempore*. Before the question is put on the motion to adjourn, the Chair desires to state that there is a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined, and found duly enrolled, a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 336) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined, and found duly enrolled, a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 950) to continue the public printing.

ORDER OF BUSINESS.

Mr. HOLMAN. I understand that the gentleman from Texas [Mr. SCHLEICHER] desires to be heard on the Texas border question. If so, I withdraw the motion to adjourn.

Mr. SCHLEICHER. I move that the House resolve itself into Committee of the Whole—

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Illinois, [Mr. HURLBUT.]

THREE MONTHS' EXTRA PAY TO SOLDIERS OF MEXICAN WAR.

Mr. HURLBUT. I am instructed by the Committee on Military Affairs to report back, with an amendment and with the recommendation that it do pass as amended, the bill (H. R. No. 2626) to authorize the Secretary of the Treasury to pay to officers and soldiers engaged

in the war with Mexico the three months' extra pay provided for by the act of July 19, 1848.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections to its present consideration, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any moneys in the Treasury not otherwise appropriated, to pay to officers and soldiers "engaged in the military service of the United States in the war with Mexico, and who served out the time of their engagement or were honorably discharged," the three months' extra pay provided for by the act of July 19, 1848, in all cases upon the presentation of satisfactory evidence that said extra compensation has not been previously received.

The amendment of the Committee on Military Affairs was read, as follows:

In line 8, after the word "discharged," insert these words: "according to the conditions and limitations contained in the act hereinafter mentioned."

Mr. RANDALL. I would like the gentleman from Illinois to make a statement which may go on record. I am not objecting to the bill, but I think a statement should be made in explanation of it.

Mr. HURLBUT. There are, as nearly as we can ascertain, about one hundred and fifty of the officers and soldiers of the Mexican war, who from some cause or other neglected in time to draw the extra three months' pay which was given by the act of 1848, and no appropriation has been made for paying them. The appropriations have all lapsed. And this is simply to authorize them to receive their pay under the limitations of the law of 1848. The amount is estimated as not exceeding in any event \$40,000. But if there is any objection to the bill, I will withdraw it.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The amendment reported by the committee was adopted.

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

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

The latter motion was agreed to.

FOURTH JUDICIAL CIRCUIT.

Mr. HUNTON. I am instructed by the Committee on the Judiciary to report back to the House with amendments, and with the recommendation that the bill do pass as amended, the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The SPEAKER *pro tempore*. The bill will be read for information. The Clerk read as follows:

Be it enacted, &c., That instead of the regular terms now provided for by law the circuit court of the United States for the fourth judicial circuit shall be held as follows: That a term of the circuit court for the district of South Carolina shall be held at the city of Charleston on the first Monday in April and in Columbia on the first Monday in November in each year; and, so far as the circuit court is concerned, the State of South Carolina shall constitute but one district.

SEC. 2. That a term of the circuit court for the eastern district of North Carolina shall be held at Raleigh on the third Monday in April and November in each year.

SEC. 3. That a term of the circuit court for the western district of North Carolina shall be held at Greensborough on the first Monday of May and the second Monday of December in each year.

SEC. 4. That a term of the circuit court for the eastern district of Virginia shall be held at Richmond on the last Monday in May and the first Monday in January in each year.

SEC. 5. That a term of the circuit court for the western district of Virginia shall be held at Lynchburgh on the third Monday in January in each year, and at such places and times as the district court is now required to be held in said district.

SEC. 6. That there shall be a term of the circuit court for the district of West Virginia held at Parkersburgh on the first Monday in February in each year. But the term of the circuit court for said district to be held at Parkersburgh on the first Monday of August, 1876, shall be held at that time.

SEC. 7. That there shall be a term of the circuit court for the district of Maryland held at Baltimore on the first Monday in June and the first Monday in October in each year.

SEC. 8. That all cases now pending in the circuit courts for said district shall stand for trial at the term next ensuing after the passage of this act.

SEC. 9. That all acts inconsistent with this act be, and the same are hereby, repealed.

The amendments of the Committee on the Judiciary were read, as follows:

In section 1, line 5, between the word "year" and the word "and" insert the following words: "And at such places and times as the district court is now required to be held in said district."

Insert the same words at the end of the third line of the second section.

Insert the same words at the end of the third section.

Insert the same words at the end of the fourth section.

Insert the same words after the word "year" in the third line of the sixth section.

Insert the same words at the end of the seventh section.

The amendments of the committee were adopted.

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

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER obtained the floor and yielded to Mr. SCHLEICHER. Mr. SCHLEICHER. I move that the House now resolve itself into

Committee of the Whole for the purpose of considering the joint resolution reported from the Committee on the Texas Border Troubles.

Mr. SEELYE. I will ask the gentleman to yield to me to make a report from the Committee on Indian Affairs, to which I think there will be no objection from any quarter.

Mr. SCHLEICHER. I cannot yield. I myself hold the floor by the courtesy of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SEELYE. Then I ask the gentleman from Illinois to yield to me.

Mr. SPRINGER. I have already yielded to the gentleman from Texas, [Mr. SCHLEICHER.]

Mr. SEELYE. It is very desirable that this bill should pass now.

Mr. HOLMAN. How long will it take?

Mr. SEELYE. About five minutes.

Mr. HOLMAN. Then I hope the gentleman from Texas [Mr. SCHLEICHER] will yield.

Mr. GARFIELD. We can vote down the motion to go into Committee of the Whole.

Mr. SCHLEICHER. I will yield to the gentleman from Massachusetts [Mr. SEELYE] for the purpose he has indicated.

Mr. HOLMAN. And I hope that will be the last business that will be interposed before the gentleman from Texas can call up his measure.

Mr. SEELYE. I will not ask for anything else. I am directed by the Committee on Indian Affairs to report the bill which I send to the Clerk's desk, with a recommendation that it be now passed.

LA POINTE SUBDIVISION OF CHIPPEWA INDIANS.

The Clerk read the bill. The preamble states that, under the provisions of the sixth section of the second article of the treaty concluded September 30, 1854, with the Chippewa Indians of Lake Superior and the Mississippi, a reservation of four sections of land, known as the Red Cliff reservation, was set apart for the use of that subdivision of the La Pointe band of which Buffalo was chief; that under date of February 21, 1856, the President issued his order enlarging said reservation, and that it is desirable to make allotments of land in severalty to the Indians now residing there, in the manner contemplated by the third article of said treaty.

The bill authorizes the President to cause allotments in severalty to be made of any of the lands included within the extension of said reservation by the executive order aforesaid, in the same manner and upon the same conditions, including the issue of patents therefor, as are prescribed by the third article of said treaty.

There was no objection, and the bill (H. R. No. 3834) was received and read a first and second time.

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

Mr. SEELYE. I would explain this bill if there were any occasion for any explanation further than the bill itself gives. It has been carefully considered by the Committee on Indian Affairs, and is unanimously approved by that committee.

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

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

The latter motion was agreed to.

PROTECTION OF TEXAS FRONTIER.

Mr. SCHLEICHER. I now renew the motion that the House resolve itself into Committee of the Whole for the purpose of considering the joint resolution reported from the Select Committee on the Texas Border Troubles.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WILSON, of Iowa, in the chair.

The CHAIRMAN. By order of the House the Committee of the Whole will now proceed to the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, which will be read by the Clerk.

The Clerk read the joint resolution, as follows:

Resolved, etc. That, for the purpose of giving efficient protection to the country between the Rio Grande and Nueces River, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the State of Tamaulipas, above Laredo, two regiments of cavalry, for field service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiment, so as to fill each troop to number one hundred privates; and they shall be kept up to that strength as long as they shall be required in that service.

SEC. 2. That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops to cross the Rio Grande and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

Mr. SCHLEICHER. Mr. Chairman, until quite recently the country between the Rio Grande and Nueces in Texas has not been known or thought of throughout the United States any more than the Feejee Islands. Few have known, and it will be difficult for many to realize, that for ten years a portion of these United States has been overrun continually by invading bands of robbers from Mexico and that

our people in that border country have for years been suffering all the losses and dangers to life and property incident to a state of war and invasion.

Only lately, since the distressing condition of that border country has been submitted to the consideration of this Congress and since the eyes of the nation have been drawn to it by the President in his late message, people begin to realize the alarming state of that border which for years has harassed and distressed the people of Texas.

That country, ten years ago prosperous and rapidly advancing in population and wealth, is now in sore distress. Its nutritious grasses and genial climate place it in the foremost rank among all the fine pasture lands of our western country, and the population, which almost entirely devoted its efforts and means to the raising of stock, were blessed with extraordinary success and rapidly increasing wealth. But for the last ten years the robbers have depredated upon and step by step impoverished them. A committee of the last Legislature of the State of Texas reported to the Legislature "that of the vast herds which but a few years ago covered the plains adjacent to the Mexican border, and which were such a source of profit to the thrifty and hardy herdsmen and great wealth to the State, scarce 10 per cent. remains to-day to compensate the stock-raiser for his years of labor and toil."

Captain McNally, in a report to General Potter, commanding at Brownsville, reported the following herds of cattle driven across the Rio Grande, near Brownsville, by the raiders to his own knowledge in seventeen days of November last, from the 8th to the 24th:

On the 8th of November, a herd of one hundred and twenty-five; on the 9th of November, a herd of one hundred and eighty; on the 11th of November, a herd of one hundred and fifty; on the 14th of November, a herd of one hundred and fifty; on the 17th of November, a herd of two hundred and fifty. On the 19th of November, a herd not counted crossed nine miles above Brownsville. About the 20th of November, two herds numbering five hundred; on November 24, a herd of three hundred, or between seventeen hundred and eighteen hundred head in seventeen days.

When it is remembered that this was a few months ago, after the cattle of the country had been reduced by ten years of continued robbery, and when the raids might reasonably be presumed to be checked by several fights with the raiders, an approximate idea may be derived of the almost incredible extent of this robbery.

Thus, step by step, day by day, through weary years of alternate hope and despondency, has this people, under the protection and almost under the shadow of the American flag, been despoiled by the people of our neighboring country.

The markets of all the Mexican cities and villages from Matamoras to Monterey have been supplied by the stolen cattle from Texas. The consul at Monterey stated that "the price of beef in the city was regulated by the arrival of raiding parties from the north."

Contracts for the delivery of large numbers of beef-cattle at Monterey were made and filled by the raiders, and the cattle were taken thence further into the interior of Mexico by thousands.

Cortina, the chief of the robbers, (whose history will be found in the report of the committee,) mayor of Matamoras and brigadier-general of the Mexican army, as well as practically dictator on that border, not only supplied these markets, but undertook a contract to furnish beef-cattle for the Havana market by a line of steamboats, and stocked his own numerous ranches in the interior with stolen cattle and horses. Captain McNally, whose evidence is always careful, well considered, and trustworthy, states:

I am in possession of positive information concerning animals stolen from the people of Texas and carried into Mexico. I can name ranches in that country upon which can be found 20,000 head of cattle and horses stolen from Texas, still bearing the brands of the Texan owners.

These vast robberies long ago would have exhausted all the cattle of that region, but as the whole region north of this border-land is the great cattle-ground of Texas, and settled by numerous stock-raisers, whose stock roam at large—often a hundred or two hundred miles from the ranches of the owners—the cold north storms which frequently occur in winter drive large numbers of stray cattle before them to the south and toward the Rio Grande, thus continually bringing new prey for the robbers. Still a belt of about sixty miles has been almost stripped of cattle, and the raiders now extend their raids to a hundred and sometimes as far as a hundred and fifty miles into the interior of our country.

General Ord, commanding in Texas, stated that the open country is virtually in possession of the raiders. The roads, formerly safe, are now impassable, except by large parties or under escort. The Mexican consul himself, traveling from San Antonio to Camargo, asked and obtained a military escort from General Ord. The Catholic bishop applied for a military escort on his circuit. The county judge going from one town to another needed a military escort. It is impossible to execute the laws, as fear seals the lips of witnesses and deters jurors and officers from doing their duty. When the raiders discovered, says General Ord, that a man on one rare occasion had sent information to the commander of Ringold Barracks, they murdered the man who sent and the boy who carried the message in less than a month.

When they start out on a raid they come into the country by twos and threes, exciting no attention, and they all meet at a preconcerted time at a place of rendezvous one hundred miles or more from the Rio Grande. They then "round up" a herd of cattle and start with them at a full run for the Rio Grande. Once across the river, they are safe and laugh at pursuit.

Although cattle-stealing is the first and principal incentive to the raids, they have gradually been connected with all other crimes. Stores and private houses have been robbed and burned down and the owners murdered. Travelers were robbed and murdered. Appended to the report of our committee will be found a fearful catalogue of crime.

In the report of a joint committee of the Legislature of Texas in March, 1875, it is stated—

That murders to the number of one hundred and five have been proven by the limited evidence before the committee to have been perpetrated by these bandits and Indians within the past three or four years in the section of country below Eagle Pass, and the murderers invariably sought a refuge in Mexico.

Not only robbery, but revenge and terror are the motives for murder.

While the Mexican citizens of Texas, owners of land and stock, are thoroughly identified with us in feeling and suffer from these raids as much as American citizens, there is a floating population without any local habitation always scattered through the country on the Texas side of the river, who are generally in league with the raiders, and serve them as spies and informers. They are often employed as herdsmen or laborers at the Texas ranches, where they obtain a thorough knowledge of the localities and of the chances for robbery. They are all natives of Mexico, and their entire sympathy is with the robbers. Whenever one of the citizens makes himself prominent in assisting to break up or interfere with the raids, or gives information or evidence against them, the raiders are at once informed, and the fate of the man is sealed. They proclaim that he must die, and their threats are always carried into execution unless the doomed victim saves himself by flight into a town. A reign of terror rests upon the whole population. Boldly and defiantly the raiders ride up to any rancho in the country and demand fresh horses or anything they want, and no one ever dares to refuse them. The few citizens of the Mexican towns on the south side of the river, who are honest, law-abiding men and have been born and hold the property in those places, are overawed by the numerous robbers. It is believed that their sympathies are against the robbers, but they dare not manifest them. The men in actual power share in the profits of the robbers and assist in their protection.

Long impunity and a life of comparative ease and large profits have attracted to that border all the desperate and vagabond elements of the adjoining country. They and deserters from the troops, who have occasionally been sent there by the national government have swelled their numbers, so that these robber communities constitute the ruling power of the country. Cortina, who was the great robber chief, appreciating fully that his warlike and numerous followers made him respected and feared in a country where civil wars have almost been the rule and peace the exception and gave him the supreme power, never hesitated to use his power for their protection. When Treviño, an alcalde or judge, dared to have two of his raiders and robbers arrested, Cortina shot and killed the alcalde with his own hand. Cortina has by stratagem been arrested and carried off from amid his followers and from the city which he ruled with the power of a pasha, by a bold officer of the national government, but the robber communities which he has built up have remained and are carrying on their nefarious pursuits. The large ill-gotten gains of the robbers, shared by the mercantile community and the officials, have demoralized the entire state of Tamaulipas. Even the national officers, as notoriously Colonel Christo, who was the military commander, and whose false cunning and treachery is shown in our report and the evidence accompanying it, have made themselves participants of the crime and its gains.

It has been stated by many writers that the native robbers of California, who played so conspicuous a figure some years ago, always assumed a patriotic and national character as against the hated invaders, the Americans and foreigners, and thereby gained the sympathy of the Mexican masses. The same is the case with our border robbers.

The country between the Nueces and Rio Grande was in former times a portion of the state of Tamaulipas, and the inhabitants of that state have never overcome the feeling that they should be its rightful owners. Cortina has never failed to rouse the hatred of the Mexican population against the "gringos," and to incite their hopes that the hated Americans would one day be driven back beyond the Nueces. When Roderick Dhu, from his barren mountain home, points out to Fitz-James the rich plains and valleys of the lowlands and expresses the bitter feeling of the conquered—

These fertile plains, that softened vale,
Were once the birthright of the Gael,
The stranger came with iron hand,
And from our fathers reft the land—

he strikes a chord which vibrates in the hearts of the Mexican people ever since the treaty of Guadalupe Hidalgo, and only too literally do their raiders carry out Roderick's threat—

While on yon plain,
The Saxon rears one shock of grain;
While, of ten thousand herds, there strays,
But one along yon river's maze,—
The Gael, of plain and river heir,
Shall, with strong hand, redeem his share.

God knows that they have taken their share, and their share, in their opinion, is all.

We have the evidence that the present strength of the raiders is far above what could be overcome by the ordinary means of our local defense. General Ord, in stating that the open country on our side of the river was virtually held by the raiders, says: "My force was entirely inadequate to check them or drive them out of the country." Captain McNally gives it as his opinion that five hundred of the best troops, if they would cross over and stay twenty-four hours, would never come back again. The raiders are bold and desperate men, splendidly armed with Winchester or Spencer carbines and six-shooters; they are well mounted and in large numbers, and their organization is so perfect that they will at once collect in the shortest possible time at any threatened point.

It requires a small army to meet the present emergency, and the longer decisive steps are delayed the more will the numbers and power of the raiders increase.

Had I not seen in an influential paper the remark that Texas ought to defend herself, I would not have thought it worth while to say a word on that point. No one, I thought, would for a moment maintain that Texas must defend that portion of the national boundary line which is in her limits. Single-handed and alone has Texas achieved her independence forty years ago, when the number of her people was little more than thirty thousand. True she had the sympathy of the American people and the generous help of hundreds of Americans who hastened to her aid. But would our State now ask help in open war against the same power when our people number nearly two millions?

But we do not wish for war. Protection and peace are all we ask, and we fear that acts of retaliation by our people, when goaded to despair, would bring about a war with all its horrors. Moreover, brave hearts and stout arms are not sufficient for war. We can have no army. When the republic of Texas yielded up her independence and became a State of this Union, she yielded her power to make war not only, but she yielded the means. The custom-house duties, the internal revenue, flow into the coffers of the United States and are ours no longer. We have taken up our share of the public debt, and, whatever others may think, we at least mean to pay it honestly, and in honest money, greenbacks and all. How could we provide for a military establishment besides? Out of our small means our people have year after year supported State troops to help out the protection of our Indian and Mexican border which we never with all our petitions could obtain; our people knew that the National Government owed that protection, but they never could find it in their hearts to turn a deaf ear to the appeals for help coming from their brothers on the frontier. Poor as they often were these taxes were never begrudged; for there is a strong feeling that binds Texans together growing out of a history of their own, full of common suffering and common glory.

But if the defense of our national border would be thrown upon the frontier States, what would our Army be doing in the mean time? Would it be standing guard, as has been suggested, over the valued persons of officers? This is no mockery, as might be thought. The theory that the protection of the officers was the chief duty of the Army and that the States had to defend the national border, unless indeed invasion should come in the shape of an army with banners, has been gravely advanced, as will be seen by a reference to the documents attached to our report. If we could admit the correctness of this theory, the sooner our Army would be retired the better would it be.

But it is not so. Our experience has shown that the army we had in Texas held far different views, and that from the commanding generals to the privates in the ranks they have been untiring in their efforts to give as much protection as was in their power to our scattered and exposed settlements on the frontier. Our people have marked their brave and cheerful bearing in hardships and danger, and their energy has given us such intervals of peace as our Indian frontier has lately enjoyed, and no voice from our State shall ever be heard in detraction of their well-earned fame and their brave and kindly conduct. There has been no life of ease, and the least they can claim at our hands is a just appreciation of their devoted and arduous service.

Our troubles do not extend along our entire Mexican border. We are on the most friendly relations with the people and the authorities of the states of Coahuila and Chihuahua, and the raids only come from the state of Tamaulipas, where the people are demoralized or overawed by the robbers, and the authorities are chiefs of robbers or participants in their ill-gotten gains.

I am aware that not only the Mexicans have positively asserted that the raids were mutual and that robbers from Texas raided in Mexico as well as Mexican raiders in Texas, but that public opinion in the United States has been much inclined to believe it. Our report disposes fully of the slander, and the most zealous investigation shows it to be totally without foundation. Mr. Fish himself, the Secretary of State, has emphatically denied the charge to the Mexican authorities and challenged them to prove one single fact. They have not only failed to prove but even to define one solitary case. The truth is that both the reward and the danger held out to such of our roaming people who might be so inclined would be such as to make the attempt utter folly; for, while the American side of the river is rich and defenseless, the Mexican side is poor and bristling with arms, with a robber population always on the alert.

Equally untrue is the charge that our people want more of the territory of Mexico and desire to provoke a war. Never was there a greater mistake, not to say slander.

Sir, ever since the war with Mexico the frontiers of Texas have been harassed both by Indians and freebooters. The scenes of horror that have been enacted on our Indian frontier beggar description. General Sherman in his evidence before the last Congress stated that he passed on our frontier abandoned farms, remnants of fences, the blackened chimneys of burned houses, and all the evidences of former settlement, but the frontier settlers had been killed or driven back for many miles. No one who has not himself seen the terrible sights after an Indian raid, the bodies of men, women, and children mutilated in wanton sport by the devilish cruelty of these fiends without mercy, brave men tied up and burned alive at a slow fire; no one who has not heard the tales of woe from female captives of our blood and race carried off and subjected to unutterable misery, dragged naked under the burning sun with their bare feet over stony roads, tied between the horses of their pitiless captors, and then turned out into the barren wilderness to die alone, will ever know what our people have suffered.

Our Legislatures have continually petitioned this Congress for protection; our governors have sought help from the National Government for long and weary years. For near thirty years which I have lived in Texas near the Indian and Mexican frontier I do not now remember one solitary day when we had peace and a feeling of entire security on all points of our extended border; nor do I remember one single year that our people did not tax themselves to keep up what force we could afford that protection which we in vain called for.

Our country offers unsurpassed facilities for the herdsman in raising all varieties of stock. There indeed has the Lord tempered the wind to the shorn lamb, and in the mild climate the cattle and horses find rich nourishment on our luxuriant grasses from one end of the year to the other. The wealth of our people was always in their herds and flocks. It wearies my memory to think of the number of cases where the fruit of long years of toil was swept away in an evil hour and of the men who went to rest at night prosperous and in easy circumstances to find themselves paupers in their old age in the morning.

Our people have hoped for peace with that hope deferred which makes the heart sick; and shall we wish for war now? The thought is madness. We want peace; we want no more territory; we wish to see our own vast territory filled with a prosperous population.

If I shall express my own views as to the policy of this nation, I think that all the diplomatic efforts of the Government should tend to bring about a friendly intercourse with the Mexican government and people. I think that our embassy to Mexico might be made of more practical importance than any other, not excepting either England or France. We are and will forever remain neighbors, and whether our mutual relations be conducted prudently or otherwise our future history for weal or woe will never be separated. Once dispel their apprehension that we covet their land and wish the disintegration of their nation, and they will see that we are for them the most useful friends.

Once before, when the armies of France overran Mexico and the empire of Maximilian was established, the United States upheld the sinking fortunes of the liberal government of Juarez, and it was their frown which removed European influence from Mexican soil. The government of President Lerdo is the heir of the principles as well as the power of the government of Juarez, and a worthy heir, and must retain the memory of that stormy time of its history, and the memory also of those who were then the friends in need. Its enlightened policy, its determined and devoted efforts to raise the Mexican nation out of the sea of troubles on which it is tossing for so many years and lead it to a safe and bright future, have gained for the present government of Mexico the esteem and strong sympathy of the American people. Why should not our intercourse be more extended and made mutually advantageous? Why should not our people have the trade with Mexico which is now almost entirely in the hands of European nations? A proper treaty of reciprocity and a prudent and honorable policy can bring about mutual relations satisfactory and advantageous to both nations.

Again, I will say that our conduct should be just. While we must have protection for our people and enforce it if necessary, we should be careful to observe all our own obligations. The Apaches on the Chiricahua agency, which has been established in Arizona, have for some time been engaged in desolating raids into the state of Sonora, and the inhabitants of that state have suffered greatly. Care should be taken that no such inroads are permitted on our part, and that the Indians are forced to remain on their reservation or removed to one more suitable.

While these are my views of the relations which we should observe with the people and government of Mexico, I will further say that I can certainly not be charged with prejudice against the Mexican nationality. We have many Mexican citizens in Texas, and nearly all of them reside in the district which I have the honor to represent. I can say with pride that I have had the support of the great majority of them and have many evidences of their confidence. The Mexicans residing in Texas have, from the very beginning of our separate history, cast their lot with the Texans, and have been the steadfast and patriotic sons of our country. The names of many are inscribed on

the pages of our history. They were represented among the signers of the Texan declaration of independence and among the members of Congress of our Republic. They were with our people in the battle of San Jacinto, where the independence of Texas was won by the sword; and ever since they have shared our fate in council or war. On the very ground where these raids occur they are numerous among the sufferers, and many have been conspicuous in the defense of our border and in the predatory war with the invading robbers. They are true American citizens. Since the first years of my residence in Texas to this day they have been my neighbors and friends. I claim to express their views like the views of all my other constituents. There is no animosity or separation of the nationalities; a common destiny has melted all elements together. When I speak of my people I speak of them as of all the rest.

I have thus fully expressed my views so as to place our motives beyond all cavil and doubt. But I insist that the protection of our frontier and the employment of all the means necessary to that end are imperative duties. One of the earliest necessities of society among all nations has been the punishment of crime by society to prevent its increase. This right and the recognition of its necessity are as old as the first elements of civilization. Withdraw the punishment and crime will increase everywhere. Now, in this case there has been a life of crime, of rapine, and murder, followed for ten years in the open light of day and in bold defiance of all law, human or divine, by a whole community. Their government, powerless to control or punish its criminals, yet sets up a claim that its territory must be respected, practically a claim for total impunity for the criminals. Our Government, upon whose citizens they depredate, while knowing the weakness of the government of Mexico, yet acknowledged that feeble claim to the sacredness of their territory, and yielded in obedience to it the sacred right and the sacred duty of self-defense. No more humiliating spectacle has ever been presented than was exhibited on the Rio Grande again and again. Here the habitual spoilers of our people, with the stolen herds coming out of the river on the Mexican side, with insulting gestures and laughter and jeers, and on the American side of a river, which they could have crossed in a few minutes, our baffled military protectors, perplexed with rage and shame, their valor and their common sense alike benumbed and paralyzed by diplomatic fictions.

It is the unanimous opinion of all military men who are familiar with the localities that no efficient defense of the border can be had without the right of pursuing the robbers when found in possession of their booty across the Rio Grande and until they are reached.

I send to the Clerk's desk extracts from the evidence of Captain McNally and General Ord, given before our committee, to be read:

The Clerk read from the testimony of Captain McNally, as follows:

These people who raid on Texas are not claimed by Mexicans as citizens of that country. They say that they are outlaws and murderers and that as far as they are able they stop their crossing, and they want us to assist them in doing so. They desire that we shall render them all the assistance in our power to break that system up. I believe that if orders were issued to our military authorities to pursue these bands to the other bank of the river and punish them so severely that the pay they got for crossing a herd of cattle would not compensate them for the risk they run in making the raid, it would be the most effectual and rapid way of breaking this thing up, without subjecting any innocent parties to harm. In carrying out that policy there is no probability that one innocent man would suffer. The government of Mexico is unable to break this thing up. If President Lerdo were to send an officer down there honest enough to act vigorously against these fellows and with a sufficient force to stop these raids, the state of Tamaulipas would be in revolution in less than three months. It is far distant from the capital. The entire federal army of Mexico has its hands full in restraining the interior states from revolting, and it would be impossible for the president to coerce this state. He has not force enough. This information I received from federal officers in Mexico, who told me that they had not troops enough to send there, and that they knew that as quickly as a squad of men were sent there for that purpose the state of Tamaulipas would revolt. Mexican officers have said to me, "I wish to God you would kill all these fellows." That I think would be the quickest and most effectual remedy for the breaking up of the cattle-thieves, for so long as these robbers find on the opposite bank of the river a place of refuge and a city where they can dispose of their plunder without danger so long will they continue to raid upon Texas. It would cost the United States Government more money to guard that border than the whole state of Tamaulipas is worth; I mean, to guard it so effectually as to prevent these men from coming over.

The Clerk also read the following from the testimony of General Ord:

After examining the country, which I found to be a dense thicket along the river, with here and there narrow paths or cattle-roads cut through, (which thicket extends sometimes twenty or twenty-five miles from the river toward the open plain,) and from the fact that the grazing country to the north is about the same distance from the river from its mouth for five hundred miles up the river, I came to the conclusion that it was impossible to guard the river-banks by a system of small posts or videttes, for the reason that the cattle-thieves can receive notice from the rural population (who are nearly all Mexicans) of the location of the troops. I satisfied myself that the only way to protect the property of the people on that frontier and to prevent these raids was to cross the river whenever the troops struck a trail with the prospect of overtaking the cattle-thieves. They cannot see them come through this thicket or chaparral, and they cannot know that they are coming on any particular road except only by accident. They can only get upon the trail in the rear and follow them, and as these cattle-thieves go mounted and at full run the prospect of overtaking them before they get to the river is more than doubtful; it is next to impossible. The local authorities on the Mexican side, being under the influence of this lawless population, which I have described, and being sometimes their leaders, are averse to restoring any property, and I believe they have never yet shown any disposition to do so, no matter how strong the proof of the guilt of the party or the evidence that the property is within their reach. These officials have frequently engaged in these cattle-raids and have boasted of the success of their enterprise. Under these circumstances, and in view of the powerlessness or inability of the Mexican government to enforce its own laws, or even to protect its own property, we cannot expect them to protect ours, and I consider it not only justifiable, but the duty of the United States authorities, to enforce the security of our own border and to protect the people from invasion.

Mr. SCHLEICHER. All declare that the power of the troops to cross after them will break up the raids very soon. The very knowledge of the existence of such power will convince them that hereafter their trade will be rather dangerous, and one or two examples will probably suffice to break up the whole organization. Observe that in the proposition presented by us the crossing is not made obligatory, but is a reserved power to be used only where all other means shall fail. Can the Mexican government object to it? They cannot formally agree to it, because the pride of their people would take offense and they would lose politically too much by making such concessions. But common sense should conclusively show that it would be the height of absurd pretense that they should demand of us not to molest their criminals while they themselves are powerless to control them. If this authority is resorted to, it will be a necessity incident to our self-defense. They cannot in reason present the alternative that we should either continue to suffer the inroads of these robbers or else incur their displeasure. As early as 1873, Mr. Fish has declared that this must be the last resort.

It has been said that the pursuit of the robbers across the border should be left to the discretion of the commanding officer, without a special authority by Congress. We have considered this proposition and could not approve it. The President has in his message submitted this matter to the consideration of Congress, and if we recognize the necessity of the action which we propose it would be unworthy of Congress and unjust to the Executive and the officers of the Army if we should escape the responsibility and place it entirely upon their shoulders. We do not propose to direct that pursuit should be made, but leave the President the judge of the necessity when it shall occur.

The revolution which has for some time been going on in Mexico on and near our border had temporarily changed the condition of things in this, that the Mexican government had entirely disappeared from the scene, and that at one time the revolutionary leaders, Porfirio Diaz and others, held possession of the entire country on our border. This has lately again changed, as the revolutionary forces have abandoned Matamoras and marched to the interior; and General Escobedo, commanding the forces of President Lerdo's government, has appeared at the head of an army and occupied Matamoras, Camargo, and other places. On his arrival at Camargo, General Escobedo sent a letter to General Ord advising him of his arrival and expressing sentiments of friendship and good-feeling on the part of his government.

The character, the high position, and the power of General Escobedo led to the belief that crime would be rigidly punished at least while he would be on our border with his army, and that he would rigidly enforce order. But it behooves this Congress to consider well what the prospects for the immediate future really are. Up to the 30th of May the accounts of robberies have continued. It is true that they have decreased both in frequency of occurrence as well as in magnitude, because the great bulk of the robber population had joined the army of Porfirio Diaz, the revolutionary leader, on his march to Monterey, and have remained in his army ever since. But the raids have never entirely ceased. On the 15th of March, Major Clendennin, commanding at Ringgold Barracks, reported to General Potter, at Brownsville:

I think the cattle stealing has been transferred from the lower Rio Grande to the vicinity of Carigo and points above. I cannot guard the fords with thirty men. I ask to be relieved from the responsibility of command here at once. I have no troops of my own arm of service, cavalry.

He stated what he saw; but cattle raiding was going on along the lower Rio Grande as well, as we see from statements from that quarter. A fight between raiders and citizens took place on the 7th of April below Brownsville.

I will send to the Clerk's desk some reports of our papers and also the official report of Captain McNally to the adjutant-general of the State of Texas. These accounts will not only show that the raids are continually occurring, but also that in our confidence in the presence of General Escobedo and his army and the preservation of order and safety thereby we have again been grievously mistaken, as we were so many times before.

The Clerk read as follows:

[From the San Antonio Herald.]

MEXICAN DEPREDACTIONS.

We were pleased this morning at receiving a visit from J. C. See, of Laredo, who is at present in our city on a visit.

We learn from this gentleman that on the night of the 18th instant a party of Mexicans, from the other side of the Rio Grande, stole thirty-eight head of horses and two yoke of oxen from Mr. Slaughter's herd, in charge of Mr. George High, on the Carizo. Mr. High followed the marauders on the day following, and came upon the oxen, which had been abandoned. The pursuers, however, did not reach Presidio del Norte, on the Rio Grande, until after the thieves, with their booty, had crossed over, which is the usual upshot of all attempts to capture Mexican horse-thieves when they once have the advantage of a few hours.

Mr. See also tells us that three days ago there was a tremendous rain on the Frio, and there had been some also on the San Miguel; but none whatever between that creek and the city.

[From the Brownsville Sentinel.]

EDINBURGH, May 19, 1876.

EDITOR SENTINEL: Yesterday I acted as interpreter for Captain McNally. He sent a message for Señor Desiderio Rodriguez, president of the ayuntamiento of Reynosa, to come and see him. Señor Rodriguez came in response to the message of Captain McNally, who demanded of him the restoration of the rest of the stolen

cattle—amounting to twenty-two or twenty-three head—and the surrender of the thieves that escaped, of which he gave a list, as follows: Abundo Mungia, Lino Perez, ——— Candelario, a son-in-law of Abundo Mongia, ——— Garza, Eusabio Mancias, Andres Cavazos, and one or two others.

Señor Rodriguez was greatly agitated when he first came over, and during the conference. He promised to deliver the cattle and thieves and gave his word to that effect; but, up to the time of writing, nine p. m., no cattle or thieves have been delivered.

Señor Rodriguez sent a communication to General Escobedo, informing him that the Mexican territory was invaded by Americans. Fifty men and an officer were sent to protect him.

The stolen cattle were crossed by the thieves into General Escobedo's picket lines! This is from reliable persons, and Captain McNally and Lieutenant Farnsworth, United States Army, did not hesitate in informing Señor Rodriguez of the fact.

Last evening Captain McNally had a guard stationed in front of the "Sabinito" ranch, where the thieves crossed the cattle, and where they reside and are protected by the Mexican authorities. The thieves fired across the river at the guard that night and again in the morning. Fortunately none of our boys were injured. The fire of this morning was returned, but without effect further than that a house was pretty badly riddled from the fire of our boys.

A ranger just in from the scene says that the Mexican authorities had sent a force to capture the thieves. The ranch was surrounded, but the game was not to be found. They had timely warning to make themselves scarce. It is well known that the parties concerned in this cattle stealing reside at this ranch with their families and have all their interests there.

Captain McNally crossed over with three men and had a good view of the den and saw the trail of the cattle. They were driven in the direction of Reynosa. Sabinito ranch is about four miles above Reynosa. The wounded thief is in that city under medical treatment.

This is the same gang of thieves that murdered Mr. Cleaveland some time ago, and also made an attempt to murder and rob Mr. Estapa, of this county.

More anon,

OJO.

[From the Galveston News.]

SAN ANTONIO, May 30, 1876.

Yesterday Alejos Gonzales and eight of his hands followed cattle-thieves near Eagle Pass. They came up with them, thirty in number, at Comanche Creek, thirty miles east of Eagle Pass, and engaged them in fighting from nine a. m. to four p. m. The battle resulted in victory for the robbers; they killed Gonzales and four of his men. The other four escaped, and report five of the robbers killed.

Alejos Gonzales, who was recently killed by robbers near Eagle Pass, was quite a young man, and raised in San Antonio. He did quite a large mercantile business in Piedras Negras.

GRANDHAM, TEXAS, May 19, 1876.

SIR: I have the honor to report that on the night of the 17th I followed a gang

of raiders (numbering eight or ten) to the river, at a point five miles above Edinburg. It was very dark—ten o'clock p. m.—and my guide missed the trail, detaining us about thirty minutes, so that by the time I reached the river they had crossed all the cattle but seven or ten head, and there were but four men on this bank, two of whom were killed, one wounded badly, and the other escaped. The firing commenced from the other side as soon as my men came in sight. For fear of accidents I had instructed my men not to fire until they were close enough to make sure shot.

We got six horses, saddles, and bridles, and their camp equipage, consisting of coffee-pots, cups, blankets, ropes, &c.

I at once wrote a note to Captain H. J. Farnsworth, Eighth United States Cavalry, stationed at Edinburg, asking him to assist in recapturing the cattle. He came up next morning (18th) with fifty men, but refused to cross, and said that he would assist me in recrossing if he was satisfied that I would be unable to get back without his help, but would regret the necessity of so doing, and advised me not to go.

Some of my Mexican guides thought that a part of the cattle were just back of the ranch, the Sabinito; so I crossed with three men and searched the fields adjoining the ranch, but found no cattle; saw the trail leading straight to Reynosa, distant but one mile and a half, and, as Captain Farnsworth told me that General Escobedo had a large force there, I recrossed.

I then went to Edinburg and sent for the alcalde of Reynosa; told him of the affair and asked for the return of the cattle as soon as they could be found, together with the thieves. He promised to return the cattle and arrest the thieves and have them punished. On urging a compliance with my just demand, he promised to send the thieves over secretly as he was afraid to do so publicly.

Captain Farnsworth and the sheriff of Hidalgo County assisted at the interview. Captain Farnsworth told him that he intended to support me fully in everything I saw proper to do in the matter. This evening the chief of the rural police told me that they were making a very determined effort to catch the thieves, and thought they would succeed.

General Escobedo and staff were in Captain Farnsworth's camp while these thieves were crossing the river and driving beeves inside Escobedo's lines for breakfast; and Escobedo's band of twenty pieces that he had brought to Farnsworth's camp was playing in our hearing when we commenced firing on the raiders.

I believe there is some correspondence going on between General Escobedo and the United States authorities at Fort Brown in regard to the matter.

We leave this place in the morning for Laredo and * * *

Very respectfully,

L. H. McNALLY.

Captain commanding.

A true copy.

WM. STEELE.

Adjutant-General State of Texas.

General WILLIAM STEELE.

Mr. SCHLEICHER. But even if General Escobedo had the will and the power to restrain this robbing, we could not expect that the Mexican government could leave him and their army on that remote frontier. Already we hear that he is about leaving or has left for the interior and that the notorious Colonel Christo, who was in command during the worst part of the raids, who proved his bad faith and complicity, as fully shown in our report, is again left in command at Matamoras.

We have reports that the revolutionary army under Diaz was defeated in the interior of Mexico. If it is so, or whenever it does occur, thousands of fugitive stragglers, the *débris* of the defeated armies, demoralized, desperate, starved, and ragged, will be turned loose on our devoted frontier. The same people have taught us the same humiliating lessons for ten years. We know where they are; we know that for years their business has been the robbing and murdering of

our people, and we can almost count the weeks and tell the day when their hungry bands, worse than so many starving wolves, worse than the devouring clouds of locusts, will again arrive on our exhausted frontier, the accustomed theater of their infamous activity.

But another unexpected change has again occurred in the last few days. Again the revolutionary army has defeated the government troops under General Quiroga on the Rio Grande, and even now they may be again in full power on our border. Cortina, the old robber chief, the old enemy of our people, has broken his parol in the city of Mexico, has escaped, and is now in high command in the armies of Porfirio Diaz. Every day may see him on the Rio Grande again, breathing vengeance and defiance at the head of thousands of his robbers. And still our border lies open and unprotected. Shall the dark clouds break upon the devoted heads of our exposed people or will you help them?

Mr. Chairman, your committee have shown the startling condition of that portion of our country by evidence as clear and undoubted as the light of day.

The facts presented to you are formidable in their long array and astonishing by the light they throw upon the condition of that country. Murder most foul and revolting, robbery on a scale so stupendous as to make the most undoubted facts appear like fiction, all committed for long years by constant invasion of our country under the very shadow of the flag of our nation, flaunting its false and delusive promises of protection to the despairing sight of our abandoned people.

We have shown that all appeals to the Mexican authorities and all hopes of redress and safety from them are vain and worse than useless; that between the duplicity of the Mexican government, induced perhaps by their weakness, and the bad faith and complicity of their local authorities, all we ever received at their hands were empty promises, always broken and never relieved by a single act of good faith. We have shown that to promise our people help and relief through the Mexican government would be a cruel mockery, and that all that remains for them to look to is solely and alone the immediate and energetic action of our nation. Will the members of the national Congress let the people on our outposts turn their eyes to them for help in vain; and have they no heart for those who are bound to them by the sacred ties of nationality, those ties which so lately were made indissoluble by your blood and your treasure?

Sixteen years ago Governor Sam Houston closed a letter to the State Department on the same subject with these words:

Our entire means of defense now in the field is inadequate to the protection of the country from Indians, and we must depend for the protection of the Rio Grande on the nation. Believing that when the facts are presented to Congress the dictates of humanity will rise above all party or personal considerations, I yet look for aid from that quarter. The American heart must feel for a people of like race and kindred; and though sectional considerations may prevail at times they will, I believe, be forgotten when the catalogue of barbarities, by which our frontier has been devastated, is remembered.

Sam Houston has gone to his grave, but his appeal, unheeded in the passions of those days, addresses itself again to the representatives of the nation of which he was one of the most devoted citizens.

Texas is the young giant of these United States. Born amid the storms of battle, her early days spent under the severe and sober teachings of toil and sorrow, she only now enters upon a career which will before long make her the peer of the foremost State of this Union. When these dark days shall have passed into history, when in the enjoyment of peace and prosperity her fertile plains shall bear the rich reward of the toils of the honest husbandman; when the shaded banks of her rivers and her smiling valleys shall resound with the busy hum of peaceful industry; when the teeming herds and flocks will browse undisturbed on her extended plains and her green hill-sides; when she will have taken the rank among her sister States which the millions of her hardy people will assign to her, then she will bear in grateful memory the names of those who were her friends when friends were needed.

If the history of our country has taught any lesson, it is that the policy which is wisest and most successful is not the policy of heartless calculation, but that which wins directly the hearts of the people. Fear and hatred are weak bands to bind this great country permanently together. The power of deep-rooted patriotism alone is equal to the task. Love of country, that most ennobling of the virtues of man, that feeling which in all ages has made men heroes and caused them to pour out their blood like water, is the firmest foundation of States; and no wise statesmanship has ever neglected the opportunity to sow its seeds in the fertile soil of the hearts of the people, and to foster its growth by all means in its power. When the generation which will follow us in our State shall hereafter remember the dark times through which their fathers are now passing; when they remember that their mothers sat through the long and weary nights, their eyes strangers to rest, and their frightened ears hearing the yell of the merciless robber in the moaning of the night wind and in the distant howl of the prairie wolf, then let them remember also that at the time of their utmost peril their nation stretched forth its strong arm and interposed its protecting shield between them and ruin. Then their hearts and the hearts of their children and their children's children will cling to their country as with hooks of steel. Who can tell the future? Who will say that the day will not come when their blood, freely shed on some future field of battle, may maintain and save their country's honor and integrity?

Your duty to the suffering citizens of your country, and far-seeing wisdom alike, call on this Congress for magnanimous and prompt action. Not only will it save those who have a right to look to you for aid and protection, but, like bread cast upon the waters, it will return to bless the giver after many days.

Mr. CONGER. I suppose the members of this body, after hearing the report of the committee who investigated this subject, and after listening to the very eloquent remarks of the gentleman from Texas, [Mr. SCHLEICHER,] cannot doubt that the people of the frontier of Texas have suffered perhaps beyond the power of language to express from the incursions of Indians and from the incursions of the robbers from Mexico. I have no doubt myself that it is the duty of this Government and has been for years past to endeavor by some means to prevent the larcenies, the robberies, and the murders which have marked that frontier, not as a part of the quiet, peaceful domain of the United States, but as a place for murder and rapine and inroad unchallenged and perhaps undiminished.

I would agree with the committee in this joint resolution and with the remarks of the gentleman from Texas, that it is the duty of this Congress to make some provision by which the country along the Rio Grande may be protected, by which the people there may be protected in their property, in their rights, in their lives, in the security of their habitations, in the enjoyment of all their privileges. As to the first part of the joint resolution, proposing to send an armed force there, cavalry and infantry, more or less, I would give it my hearty assent. But I am very free to say that the second section of that bill which authorizes the troops of the United States to pass beyond our borders, to go into the territory of a friendly nation, to violate the neutrality existing between this people and Mexico, seems to me a dangerous proposition and one to which I cannot give my assent, especially when I remember that the attention of the Mexican government has been called to this very subject; that that government has appointed a commission of its distinguished citizens to spend a number of months in taking testimony along the Rio Grande of witnesses on the Mexican side and on the American side of the river, inquiring apparently as fully as it was possible for them to inquire into the existence of the outrages charged and into the remedies which might be proposed.

Sir, I have read with a great deal of interest and a great deal of care the pamphlet report of that committee—a book of three or four hundred pages, embodying the abstract at least of the testimony taken by the commission at many points along the river, from distinguished Mexican citizens, and from many American citizens, in regard to these raids, in regard to who are the cattle stealers, the robbers, and the murderers. My friend from Texas has undoubtedly read that report. I have nothing to say in regard to the veracity of it. I will only remark that the Mexican government has officially, and apparently with great care and trouble, made an examination of the charges that their citizens constitute the raiders who come from Mexico across the border into Texas. The report of that commission has been rendered to the Mexican government long since; and upon the report that government has assumed that except the scattering thieves and robbers who fly first to one side of the river for safety and then to the other—mere outlaws, outlawed by Mexico and outlawed by the United States—except that class of people, there are no raiders and marauders who can be found in such force or in such locality as to be reached by the authorities of Mexico.

I say that whether the report of that commission be correct or not, and whether the conclusion of the Mexican government in this matter be a correct conclusion or not, we are at least met with the proposition that the Mexican government has taken the usual means to examine into the existence of these bands of marauders as charged by the Texan people; and it denies their existence. It denies that the Mexican government is responsible for the inroads of these individual men. More than that, (and of the truth of this I have nothing to say,) it charges that the robbers and marauders are mostly American citizens, who commit depredations upon their fellow-citizens in the United States, and when pursued flee across to Mexico for safety from the pursuit of their own Government.

Mr. Chairman, as I remarked before, I have no knowledge other than what I derive from this committee and from the remarks of my friend from Texas, in regard to the truth of the charges on our side; and I have no knowledge of the truth of the charges of the Mexican government that these robbers, these marauders, and these murderers are outlawed men—outlawed by all government, mere pirates infesting the face of the earth, and seeking a refuge now on this side of the river and then on that, pursued alike by both governments for punishment and for justice. I allude to it merely as the foundation of a remark which I wish to make respecting the second section of this bill, by which the Congress of the United States, in the face of all international law, in the face of all rules existing between two civilized governments, would incorporate into a bill passed by Congress the right at the will of the President to do such acts as are themselves declarations of war between civilized governments. The proposition is no less than that our Army shall cross the border; no less than that the military force of the United States to a greater or less extent shall pass over our border, invade Mexico, without any limitation as to the distance it may go into that republic in pursuit of marauders; the only limit, and not even that mentioned in the bill, would be pursuing them far enough into Mexico to reach them.

While I will join the gentleman from Texas in voting for any num-

ber of regiments of cavalry or of infantry that may be necessary to protect the American citizen on American soil in his rights, in his home, in his property of whatever kind, yet I should like to consider before voting upon the other proposition whether I would authorize the President of the United States to violate all the rules of international law, all the principles of neutrality, and pass over into the territory of a sister republic, pursuing marauders, cattle-stealers, or murderers wherever our Army might desire to follow them and to any extent.

Whatever may have been said by the officers of our Army, whose testimony has been read here, about that being the only remedy, I think they speak as men of war and not as statesmen. They may desire the commencement of a war in which they may lead their troops into the Territory of Mexico. I know not what may be the motive; but for any soldier, for any statesman to advocate the right of one nation to send even its civil force into the territory of a neighboring country with whom we are at peace would seem to be very poor statesmanship. But to go beyond that and say our armies, commencing with two or three regiments and to increase as occasion and circumstances might require, should pass into the heart of a sister republic, it seems to me this House, this Congress is not prepared to say. Sir, if such a proposition were made in regard to one of the strong powers of the earth it would not have a moment's hearing in this House. Suppose, sir, that for some reason or other a bill was before this Congress to authorize the President to send two regiments or ten regiments into Canada for any purpose whatever, who in this House would dare on such an issue and such a violation of the laws of neutrality to advocate it upon this floor with Great Britain looking on in the distance. Not one, sir; and shall we do it to any distracted sister republic when we would not dare do it, when we would not dare pass such a bill, or make such an order in the face of the great nations of the earth!

I have said all I desire in calling the attention of the gentleman from Texas and of the committee to the danger of inaugurating a civil war, which will lead to far greater loss of life, to far greater destruction of property, to far greater deprivation of the rights of our citizens whoever they may be than by this marauding, which must lead to measures the result of which, if appreciated by Mexico, must result in war, must result in raising larger armies, must result in loss of the lives of our citizens, and must result in immense expenditure from the Treasury. Now, sir, foreseeing that would be the inevitable result of giving the authority provided for in the second section of this bill, I would desire this committee to reconsider this matter, and if two or three regiments are not enough to protect our frontier on our own soil and within our own borders let them propose to Congress ten regiments, or twenty regiments if need be, and in my judgment the American people would sanction the raising of a sufficient force to protect the remotest citizen of the United States in his property, in his home, in his life.

Mr. SCHLEICHER. I now yield to the gentleman from Illinois, [Mr. HURLBUT,] my colleague on the committee.

Mr. HURLBUT. Mr. Chairman, as one of the committee which took the testimony and agreed to the report, I indorse full and absolutely all the resolutions which have been reported. I desire to say a few words for the consideration of the House. It is no slight question we are to pass upon in determining the proper action of the American Congress upon this matter. In the first place, the President of the United States, in the discharge of his official high duties, specially recommended this subject to the attention of the House in his annual message. In the next place, the House appointed a special committee, not from the border immediately invaded, but a fair representation of the whole nation, disinterested men, men removed from any possibility of excitement upon this matter, who gave a fair, full, diligent consideration to the question.

Now, sir, I start with this assumption, that a nation, like an individual, has the right of self-defense, and that it must exercise it if it intends to live. The integrity of our territory and the safety of our people in every part of this Union, not merely in Texas but everywhere else, are the chief purposes for which Government was established. The government which does not do that is not worthy of the name of government. And if the United States should refuse to exercise that high function of sovereignty or should declare itself unable to do it, they will put themselves at once upon the same low grade that our sister-republic, Mexico, now occupies.

The condition is this: On one side of that river is a nation which has power. On the other side is a loose confederation whose situation is chronic insurrection, organized anarchy, incapable or unwilling central government, disorderly, rebellious, broken states, where anarchy is the rule. Now, when that is the case; when the obligations of law are not maintained in a country; when it has neither the will nor the force to keep its own citizens in order, then it ceases to fulfill the chief duty of government. But when it goes further than that, and either willfully organizes or permits to be organized upon its territory armed, marauding bands to invade another republic, the countenancing or tolerating on the part of that government of such marauding is in itself cause of war to the nation invaded.

I will answer the gentleman from Michigan, [Mr. CONGER.] But for the very weakness of Mexico these incursions would have been punished long ago by war. Sir, if Canada, backed by the entire power of Great Britain, had endeavored to commit upon the northern

border one-hundredth part of what is proven here, the insulted majesty of the nation would have risen, and we would have punished it at any and all cost.

Now, sir, it is not necessary for me at this time to follow out the picture which has been presented by the gentleman from Texas, [Mr. SCHLEICHER.] Here is a long frontier line. On the right bank of the river, the Mexican side, is a poor and barren country, incapable of supporting the population which is now there, which is not a settled and orderly population at all, not a population which subsists by the ordinary industries that men of peaceful habits carry on, but which, according to the clear and undeniable proof presented before the committee, subsists in the main by spoliation upon our Territories. It is a hot-bed of smugglers, marauders, robbers, and assassins. And this country has shown a toleration to this weak neighbor unexampled in the history of all nations. On the other side, the left bank of the river, the American side, is a delta country not very thickly populated, admirably adapted for grazing, full of herds, with some small ranches scattered along the line and some small towns.

The proof before us undeniably is that incursion after incursion of armed bands have crossed that river; that men known, named, described, individualized, have pushed their attacks far into the country; that they have threatened towns of considerable size; that they have burned buildings; that they have murdered American citizens standing in defense of their property, upon their own soil and under their own flag. Are these things to go on, sir? Are they to be tolerated by a country that in 1812 was ready to go to war with the strongest power of the world for the individual liberty of its seamen? The history is all distinct and clear. There is no evasion. There is no possibility of mistake. It comes to us from citizens of known character and of established reputation. It comes to us from our military officers upon that frontier. And that story accords all the way through.

It is true, sir, that from the peculiarities of that country, from the chaparral which covers a great portion of it near the river, from the few roads that are cut through that chaparral and the by-roads known to these marauders, pursuit along that long line of frontier is difficult. The river itself is fordable two-thirds of the time—is it not?

Mr. HANCOCK. It is.

Mr. HURLBUT. There is a line of at least four hundred miles of frontier, which is penetrable and penetrated at all hours of the day and night by these bands organized upon Mexican soil, organized under the eyes of Mexican state authorities, although I do not say indorsed by the central government. And the fruits of their rapine and robberies are openly taken down to the city of Matamoras and shared with the high officials of that government. And the Mexican government tells us frankly that they cannot stop it.

Now, sir, if my friend from Michigan [Mr. CONGER] would brush up his acquaintance with those good books which teach us what international law is, he would know that every writer upon international law recognized as authority anywhere declares the right of one country, after having endured and represented its wrongs and obtained no relief, either from unwillingness or inability on the part of the government of the other to follow the robber, to follow the marauder, to take him redhanded in the act, and by the strong hand recover back the things which have been stolen, and punish the offender, even on another soil. There is no difference in the authorities upon that question. There cannot be, because it is simply an application of the grand right of self-defense; that is all. And you might just as well say that if I caught a man attempting to break into my house and I chased him into another man's lot to catch him I was a trespasser on the lot of my neighbor in that lawful undertaking. I regret that the Library is shut. I had sent for some books on that question. The law is clear upon that point. The right of the United States to do this thing is undisputed. And it is not cause of war on the part of Mexico, because Mexico herself has given the occasion and forced the necessity upon this Government. And that is the reason of the law.

These resolutions provide, the second resolution especially, that the President of the United States shall be authorized in his discretion to order pursuit by the military authorities. And I regret to hear the gentleman from Michigan talking about the Army of the United States in the way he did. The Army of the United States is the right hand of the Government for certain purposes. Among those purposes is the defense of the integrity of our territory. And I regretted to hear the gentleman from Michigan argue that they shall continue to stand there as some of these citizens have testified to us they have done—stand with their arms in their hands, arriving ten minutes or half an hour too late, with these cattle-thieves across the river within decent gunshot, hurling back all sorts of insults that the Spanish language, which is fruitful in that kind of thing, affords, upon the unsuccessful pursuers—that they shall stand there with their arms folded, and not be authorized to follow the wrong-doer wherever he goes.

Now, sir, these are the grounds upon which the committee, with absolute unanimity, presented these resolutions for the consideration of the House. Does the gentleman from Michigan think it is more dangerous to keep the peace between these two conterminous countries, to allow the organized troops of the United States, under responsible officers, to cross, pursue, arrest, recover, or to take the other alternative, which will come with any people that is as proud as our

people are? Let the Government neglect them there much longer, and they will take the remedy into their own hands; and undisciplined bands of American men, tolerating this sort of thing no longer, led not by officers, who act under responsibility to the Government, but by temporary commanders whom they may choose, with all their feelings sharpened up and set on edge by the memory of the wrongs that have been done them, will swarm across that frontier, and then the possibility of war with Mexico may come; and that is the only way in which it can come.

This is no new thing. It is not now so many years ago since Colonel Mackenzie crossed that dividing line between the United States and Mexico in pursuit of marauders—to be sure they were Indians in that case, but that makes very little difference—followed them to their haunts and punished them there. And the Mexican government has never considered that as any cause of war.

It may be that we should be able by the mere adoption of these resolutions to stimulate the Mexican government into such prompt action there as will keep that border quiet. If after having had notice by the passage of these resolutions through Congress (and they have had notice enough already) they should decline to do their known duty, the duty which belongs to a government, the duty for which governments are constituted, the duty of keeping their own people within bounds and preventing outbreaks of the nature which have been proven before this committee, if they then fail to do that, they will have no right, in the eye of the law of civilization or of high morals, to question the action of the United States if it should be followed by a solid, substantial, sharp, and decisive punishment of these men upon their own soil.

The gentleman from Michigan [Mr. CONGER] has referred to the report of a certain commission. Well, sir, a part of these questions have been the subjects of commission from this side and from the other. The gentleman, I think, has confounded the mixed commission which has been sitting for other purposes, and which has concluded its labors, with the subject-matter of this investigation. Up to this time no satisfactory attempt has ever been made by the authorities in Mexico to stop these wrongs.

Now, viewing the case as I do, I think I am absolutely dispassionate about it. I do not live on any frontier that is liable to be invaded, either the Texas frontier to be invaded from Mexico or the Michigan frontier to be invaded from Canada. I suppose the principal difficulty with my friend is that he lives upon the Michigan frontier and may be invaded some day from Canada. In the safe security of my own inland home I consider this subject as fairly and dispassionately as it is possible for any man to do. I simply look upon it in this light: I have before me overwhelming proof that, in violation of treaty stipulations, in violation of that comity which should exist between nations, in violation of the sanctity of our territory, in violation of the sovereignty of our flag, America citizens for the last ten years at least, I cannot say how much longer, have been hounded and persecuted, attacked and harassed; their industries have been broken up, they have been compelled to abandon their homes, their ranches which once held families are abandoned and those families have been taken into the interior towns.

Now, I say with all deliberation that it is a disgrace and a shame to the American nation and name that such things have been suffered so long. If it should so happen that the Mexican government shall assume that such action on the part of these United States as is indicated by these resolutions is cause of war, then in that case the Mexican government will be, as she has been in other cases, altogether in the wrong. And if war must come it could not come in a better cause than that of maintaining the inviolability of our territory and the safety and security of our citizens and their property.

INDEMNITY FOR INDIAN DEPREDACTIONS.

Mr. LANE. Mr. Chairman, the bill for the relief of John Jackson, now on the Private Calendar, is a measure of no little importance. A majority of the Committee on Indian Affairs have presented a report adverse to, while a minority of said committee, of whom I am one, have submitted their views to the consideration of this House in support of this claim. The amount in question is inconsiderable in itself, but the principle involved is one of the highest importance to a class of people in whom I feel the very liveliest interest; they belong to the frontier, many of whom I represent, all of whom I love. Besides, sir, it will serve to illustrate a primary principle which I insist a good government cannot well disregard. After careful examination, I do not hesitate to say that in my judgment the General Government is both morally and legally bound to indemnify its citizens for losses sustained by Indian depredations.

It is an elementary proposition that man in his relation to society originally surrendered certain of his natural rights that he might have secure protection in the exercise of the rights reserved. It has been suggested by a distinguished law writer "that the principal aim of society is to protect individuals in the enjoyment of those absolute rights which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which is gained by the institution of friendly and social communities." It is certainly the duty of the citizen to yield obedience to the laws of his country and contribute to its maintenance, in return for which he is entitled to protection in the enjoyment of life and property. The compact is mutual, the

obligations are reciprocal. If the citizen fail in the performance of his part of the contract there is an adequate remedy in favor of the Government. If he violates law there is punishment provided; if he contributes not according to his means to the support of the Government, there is always and usually an easy and efficient way to reach him. On the other hand, if the Government fails or neglects to secure its citizens in the enjoyment of rights guaranteed there should be an ample remedy in his favor. These principles, I apprehend, are peculiarly and forcibly applicable to the claim to which I am directing consideration and all others of similar character. I am constrained to admit that I cannot precisely define, nor do I indeed exactly comprehend, the relationship of Indians, who preserve a tribal character, to the United States. While we treat with them, or formerly have, the Indian tribes throughout the United States are not foreign nations, their relations to the General Government being those of a ward to his guardian.

It must be borne in mind that the Government assumes and exercises exclusive jurisdiction. A State Legislature has no jurisdiction over the Indian Territory contained within the limits of such State.

Nor can a State during the existence of tribal character withdraw the Indians within its limits from the operation of the laws of Congress by conferring on them the rights of citizenship. (3 Wallace, page 407.)

I also understand that it is insisted, if not established beyond question, that if the tribal organization of Indian bands be recognized as existing by the National Government the government of the State within whose boundaries they are located has no right to treat them as subjects. (5 Wallace, page 737.)

I profoundly regret that, mainly by reason of the foregoing principle and the action of the General Government in the enforcement thereof, the murderers of my fellow-citizens on Lost River, in Oregon, were shielded from trial in the civil courts and protected from punishment by the civil authority of that State. Not only so, sir, but it pains me to remember that certain of those black-hearted, blood-thirsty murderers were paraded throughout the United States and publicly exhibited to a gazing, gaping, wondering populace, while their hands were yet reeking with the life-blood of some of the very best people of my State. I am informed, though surely it possesses no special significance, they even enjoyed the distinguished privilege of a reception by the Chief Magistrate of this grand Republic. Widows and orphans, homeless and houseless, so rendered by the savagery of the "pet wards" of the Government, so rendered by those who enjoy special favor and immunity at our hands, appeal to us for aid. Shall it be in vain? Is there then no remedy? If not, should none be provided? The General Government seems reluctant to allow the punishment of an Indian by the State for the violation of a law thereof, nor does it seem disposed to secure to a citizen injured the right of an action for damages, however inefficient it might prove. The General Government by its neglect has suffered the Indians to trespass upon the rights of the whites, to commit depredations, and thereupon protects them from arrest and punishment by the local courts. Then it is urged, and I am quite astonished at it, that the Government, albeit it surrounds the Indians with the strong arm of protection, is under no obligation to make indemnification for property destroyed by them. A proposition more contradictory in itself I cannot conceive, nor yet one more unworthy a respectable Government. By such reasoning it would appear that it is the policy of the Government to foster and cherish within our midst an element to distress and annoy the law-abiding citizens of the country.

It seems to me that the exact terms of existing law fully sustain the view I endeavor to urge. The common law is clear. Our statutes are equally so. The fourteenth section of an act to regulate trade and intercourse with the Indians and to preserve peace on the frontiers, approved March 20, 1802, is as follows:

That if any Indian or Indians belonging to any tribe in amity with the United States shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed, by any such Indian, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.—(Statutes at Large, volume 2, page 143, section 14.)

Section 17 of an act amendatory of the foregoing act, approved

June 30, 1834, renews the guarantee of the Government and reiterates the obligation resting upon us. It is as follows:

That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or subagent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper in the opinion of the President, to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall at the next payment of the annuity be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended. (Statutes at Large, volume 4, page 731, section 17.)

By these laws the liability of the Government was most clearly fixed and ultimate indemnity was absolutely assured. True, these laws were subsequently modified. The reasons for this modification pass my understanding. Up to that time—1859—as appears, the law was most explicit. It very wisely deprived the injured party of his right to indemnification if he sought to obtain private satisfaction or revenge. In my judgment that policy was in the interest of justice, humanity, and economy, and it never should have been modified. Assuring ultimate indemnification restrained the spirit of retaliation, removed the disposition to seek redress by reprisals, prevented murder, pillage, and arson. A great incentive to violence was thereby withdrawn. War, its consequent expense, as also the sacrifice of precious lives, were thereby prevented. It was a direct and efficient method of preserving peace between the settlers upon the frontier and the Indian tribes. One Indian war prevented by such a policy saved a greater loss, a greater expense to the Government than the amounts required to indemnify the people for their losses. Indeed, I do not believe that it ever was the design of Congress to abandon this policy. That it was expedient to deny our responsibility because of largely accruing claims is an argument which possesses no moral force and is not true in fact. That we should maintain this rule to its fullest and furthest extent while the Indians were numerous and their depredations consequently great and abandon it now, when the reverse is the case, is beyond my comprehension. Claims honest and well founded cannot, in fact, be greater now than heretofore. The word "expedient," however attractive and potential it may be to others, I am free to say I do not admire. We disregard a fundamental obligation, we withhold promised protection, and women weep and children starve because, alas! it is "expedient." Such a word might characterize the cold, the cruel, and the selfish. Can it, however, illustrate the character of a great and generous people?

The amendment of 1859, to which I have referred, is as follows:

That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontier, approved June 30, 1834," as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided*, however, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act. (2 Statutes at Large, volume 2, page 401, section 8.)

However uncertain, though I do not deem it so, may be the precise legal obligation resting upon us, the moral obligation remains unimpaired. We should not if we could avoid it. Though not wholly analogous, the principle is still applicable. If any citizen is injured by the action or non-action of a foreign government, he has a well-founded claim against such government which we are bound to protect and enforce. In the case of the Indians whose conduct the Government measurably guarantees, the obligation is surely stronger. The fact that in many instances the Indians are peculiarly unable to make reparation should not be permitted to remove or diminish our liability. Such a policy would seem to give license to marauding bands of Indians with whom our Government will not so favorably treat and who are wholly irresponsible.

Besides, sir, it must be remembered that the law providing for indemnification for depredation from annuities due to Indian tribes no longer exists. Section 2098 of the Revised Statutes expressly provides that—

No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to, or to be used and expended for the care and benefit of, any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor. (Section 2098 Revised Statutes United States.)

Is it not clearly the contemplation of this section that Congress shall make appropriation for the payment of claims for depredations

committed by Indians? I think so. This law does not restrict the obligation. It merely defines the manner by which such claims shall be satisfied by the Congress of the United States and out of the Treasury thereof. If there be any doubt whatever, it is wholly removed by subsequent legislation. By the seventh section of the act of Congress making appropriations for the Indian Department, approved May 29, 1872, it is enacted—

That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress at each session thereof the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation by Congress.

What, in all earnestness, I appeal to know, is meant, if remedy at the hands of Congress is not intended? Is it an idle mockery, a painful snare, a melancholy delusion? Why this illusive phantom of hope, why this sad and gloomy disappointment? Why is the unlucky victim directed how to present his claim? Why are rules and regulations issued as to the manner of producing and the character of proof? Why is the claimant required or invited to incur the expense necessary to sustain his claim, if there are to be no benefits arising therefrom? Why is the Secretary of the Interior required to examine and report to Congress upon this character of claims the amount allowed by him and the evidence upon which his action is based? Is this law a dead-letter or is the whole thing a grim and ghastly joke? To my mind it would be a deplorable circumstance, indeed, if the reckless and lawless wards of the Government should be surrounded by the strong arms of governmental protection, while States and suffering citizens are helpless to redress their grievances. The Indian is protected in his rights and unhappily shielded in his wrongs. For the poor settler, whose premises are invaded, whose property is destroyed by them, there is no adequate civil remedy. The law questions the authority of our State courts, and I regret to observe that there is a disposition upon the part of many to refuse any, all, and every relief at the hands of the Government. It is unnecessary for me to repeat that reservations are not within the jurisdiction of the State. Is it, then, or not, the duty of the Government to keep the Indians within those limits? In my opinion it is manifestly the duty of the Government so to restrain them. Now, then, if we fail to confine them within the proper limits, if by our negligence we permit the Indians to go beyond the same and destroy the property of our fellow-citizens—I insist, yes, I earnestly protest—that indemnification should be made to the fullest and amplest extent out of the Treasury of the United States. I am confirmed in my judgment. So long as I am a member of this body my voice shall be heard, my vote cast, and my influence exercised in favor of honoring this class of claims, sustaining a moral and maintaining a legal obligation.

PROTECTION OF AMERICAN INDUSTRY.

Mr. HOPKINS. Mr. Speaker, the question of protection to American industries has been so often, so elaborately, and so ably discussed that I would remain silent, except to record my vote against the pending bill, but for the fact that I represent a district deeply, vitally interested in the subject. I do not propose to weary the House or fill up the RECORD with a profound and philosophical essay upon abstract theories illustrated with numerous tables of ponderous figures; but I wish briefly, yet earnestly, to protest against a change of policy looking toward free trade. In view of the magnitude of our national debt, absolute free trade cannot become a possibility within the allotted period of our lives, unless indeed direct taxation be substituted for customs duties and a swarm of tax-gatherers, not as numerous but quite as odious as the plagues sent upon ancient Egypt, should be scattered through the land to harass and despoil. Aside from the question of protection, it seems impossible to doubt which process of collecting revenue would be most equitable and acceptable to the people. A certain sum must be raised annually to defray the current expenses of the Government and to preserve the faith which the nation has pledged to the holders of its obligations. Each citizen should bear his portion of the common burden, should pay his portion of the common debt. The duties levied upon imports accomplish this result because imported articles are used and consumed by the general public. In this way each man makes his contribution to the Federal Treasury without the offensive personal demand of the gatherer of direct taxes. I need not remind this House of the discontent and outspoken indignation everywhere seen and heard at the enforced collection of the income tax. The feeling was so universal and intense that those laws were repealed. But the customs dues are collected by a process so simple and fair and so far removed from the masses of the people that they scarcely realize the fact or feel the effect. So that, as a mere matter of convenience, economy, and consideration for public feeling the necessary revenues should as far as possible be collected in the shape of duties on imports.

But it is strangely argued that lower duties will yield greater revenue. This belief being based on the assumption that there will be much greater importations under a low tariff, it follows necessarily that the home products will be diminished to the extent of the increased imports, and to that extent those engaged in manufacturing must seek other employment or starve, and those who continue at such

labor must do so at greatly reduced wages; and the capital thus invested cannot be transferred, but crumbles into ruin and carries its owner into bankruptcy.

In addition to this, Mr. Speaker, a tariff properly adjusted fosters home industries, develops the great resources of our country, invites immigration, gives employment and fair wages to multitudes of our people. It is no reproach to the skill and enterprise of American workmen that they are unable without Government protection to compete with the labor of other countries. Let it rather be the boast of our manufacturers and of all our citizens that there is no desire to rival any nation which finds a profit in the oppressive and half-paid industry of its toiling people. Admit, for the moment, that a protective tariff increases the price of the manufactured article and is to that extent a tax upon the consumer, who is there would be relieved from that tax at the expense of the comfort, the health, the happiness of the beneficiaries? Who would want to see American workmen degraded and debased to the level of pauper labor? Who would like to read of American women that "they work day and night, toil and slave, so long as they can get something to satisfy their half-starving families?" Who would want to buy, even at a lower price, nails and spikes and chains made by a nursing mother laboring ten hours a day and receiving \$2 per week? Yet this is the lamentable account of the miserable condition of affairs in Lancashire. Civilization, humanity, decency, blush at the recital! We want no such experience in this country.

There is a standing denunciation of him who oppresses the poor, left on record for all nations. Unjust and cruel as such a policy is everywhere, it is especially unwise in this country, where all citizens are equal before the law, where each has an equal share with all the others in making the laws and molding the Government. In view of this fact, there are manifest reasons why all classes should be educated and elevated and made to feel the strong arm of the Government around them, not only for defense, but to sustain and uphold. The glory and power of the nation consists in the prosperity and happiness of its citizens; and he is no true patriot who advocates a policy tending to prevent or impede or impair the comfort, the independence, the elevation of the laboring-men of the land. In countries where there is no suffrage, or a limited suffrage, humanity alone suggests the improved condition of the poor. But here it becomes not only a Christian but a patriotic duty to provide every facility for improvement and advancement.

I have argued upon the assumption that a protective tariff increases to the consumer the price of manufactured articles. But this is not necessarily so. Without a tariff the products of cheap labor would be put upon our market, and, unrestrained by competition here, would exact the highest price the purchaser could pay. Foreigners would be masters of the market and all classes of our people would be the sufferers. Of many illustrations of this statement I refer only to the article of Bessemer steel. But little more than ten years ago steel rails of English manufacture were sold in New York at \$185 per ton. Under the encouraging influence of a protective tariff American capitalists built and experimented, and as each new mill went into successful operation the price was reduced, until now the Edgar Thomson Steel Works, in my own district, one of the largest and most complete establishments in the world, is turning out steel rails equal to the best that ever were imported and at less than one-third the price charged before we had any home manufactories. The same result has followed with axes, edge-tools, general hardware, cotton goods, and many other articles, and it is fair to infer that this experience will be continued and enlarged. Hence it appears that the encouragement given to American manufactures reduces instead of increases the cost thereof to the purchaser.

In order to secure this result and at the same time to maintain the true worth and dignity of labor, the Government must protect home capital against an unfair and unequal contest with foreign capital, strengthened and supported by stunted and oppressed labor. Men of large means and liberal minds, with energy and public spirit ready to employ their wealth and to give employment to their fellow-men, will not build furnaces and rolling-mills, glass-houses, cotton-factories and woolen-mills, foundries and machine-shops, and other useful industries with the alternative of being driven from the market by the competition of unpaid labor, or of being compelled to force their employes down to the abject and pitiable condition of those whose products would force this issue. But encouraged to give a generous remuneration to honest toil, and to receive a fair return for their investments, capitalists with the co-operation of cheerful labor will drag from the earth its crude and hidden treasures, and mold them into a multitude of products of universal use and of untold value. And thus the wonderful resources of this country are developed, and the true wealth of the nation is increased. Capital and labor, appreciating their mutual dependence upon each other, work in harmony, and the beneficent results are seen upon every hand.

Looking at the present depressed condition of our manufacturing interests, the thoughtless have said that "protection does not protect." But it must be remembered that there is quite as much gloom and distress and bankruptcy among the manufacturers of England. And hence the argument would apply with equal force against free trade. But it is as unfair to take an exceptional period of general disaster to illustrate the history of trade as it would be to judge the usual course of nature by an occasional earthquake or tempest.

The same men who claim that "protection does not protect" at

other times speak of the present as a prohibitory tariff. The argument might well be turned upon them by showing that prohibition does not prohibit. During the past few years the importation of dutiable articles has averaged about \$400,000,000 per year; surely enough to satisfy the most eager longing for foreign commodities; and enough to show that the existing tariff, in the aggregate, is none too high.

The first tariff act of the American Congress was passed on July 4, 1789, and its preamble stands as true to-day as when first written. It is in these words:

Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid, &c.

The second century of this nation's history opens with the same state of facts which marked the early years of the first and we are called upon as imperatively as our predecessors of the last century were to maintain a tariff high enough to accomplish the objects to be attained.

We have to-day every reason which impelled Thomas Jefferson in 1816 to say:

The grand inquiry now is, shall we make our own comforts, or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures must be for reducing us to a dependence on that nation, or be clothed in skins and live like wild beasts. I am proud to say I am not one of these.

Experience has taught me that manufactures are now as necessary to our independence as to our comfort.

With this authority to sustain the protection policy, I seek no other.

Practical results are better arguments than the most attractive theories. I have already referred to the reduction of the price of manufactured articles, which has been secured by building up home industries to check the otherwise arbitrary demands of foreign monopolists. But more than that, protection has added to the wealthy population, prosperity, and power of this country far beyond the power of figures to express. The greater portion of my life has been spent in the midst of a manufacturing community, where I have seen the ebb and flow of prosperity, and have marked the struggles and the triumphs of honest industry fostered by governmental care. Despite the unparalleled advantages with which a bountiful Providence endowed her, Pittsburgh would have been but a respectable village, or at best a puny city, without the introduction of manufactories and the encouragement to contest the market with old and able rivals.

Pittsburgh now has a population, including the adjacent city of Allegheny, identical in interests, of 220,000. "The area occupied by the two cities is equal to thirty-four square miles, or 22,000 acres, extending up the Allegheny River five miles and up the Monongahela about eight miles and down the Ohio River about three miles. It has four hundred miles of streets, and the two rivers are spanned by eleven bridges, whose aggregate length is about three and a half miles.

"Throughout all these miles of streets are scattered the factories, the furnaces, the mills, and workshops which have originated for Pittsburgh the *sobriquet* of the Birmingham of America. What those establishments aggregate in bulk is best shown by stating that if they were placed in a compact form they would form a body or would occupy a space of eighteen hundred and sixty-seven acres, or extend seventy-seven miles, giving each an average space of two hundred by two hundred feet.

"The packages in which the glass produced in her factories is packed, if placed in compact shape in a row six feet high by three broad, would extend over ninety miles each year, and the straw used to pack it would need two thousand acres of ground to grow it annually.

"The barges and tow-boats used to transport her yearly product of coal taken out of the Monongahela River alone would, if placed in a continuous line, form a walk of fifty miles, while to transport the whole product of her mines by rail would require over three thousand miles of cars, each holding ten tons. The lumber used in her sash, door, and box factories and planing-mills would build a board walk each year ten feet broad and one thousand miles long.

"The wages annually paid in the factories and collieries would require one man forty-one hundred and thirty-three hours, or one hundred and seventy-two days, to count it in single dollars, at the rate of one hundred and twenty a minute, and would pave with silver half dollars a street forty feet wide and one mile long. These figures present, in perhaps a somewhat fanciful shape, some of the indications that determine the magnitude of the city, and convey, in connection with the statement made of the area of the city, what Pittsburgh is in bulk. The entire wages paid in the manufactories of Pittsburgh are over \$30,000,000 annually, and the capital in the buildings and machinery of her factories alone and the ground they occupy is as nearly as could be arrived at \$43,216,955."

These thousands and tens of thousands of artisans actively employed in producing articles of necessary use in the various trades and in agricultural pursuits are in their turn the consumers of produce far beyond the supply of that vicinity. Thus each class of citizens helps and is helped by the others. Herein consists the strongest bond of unity and peace. Let all localities and all pursuits realize their mutual dependence and manifest a mutual sympathy, and no tongue can describe or imagination conceive the fullness of the prosperity and glory which the opening century will bring to bless this nation. Let the policy of protection assure to the capitalist safety and a fair return for his investment, liberal remuneration to those whose brawny

arms are the country's best defense in war and whose intelligent judgment is the country's surest hope in peace, and the Republic will march on through its second century panoplied in power and exulting in the affectionate fidelity and earnest patriotism of her happy and hopeful sons.

TEXAS BORDER TROUBLES.

Mr. TOWNSEND, of New York. I desire to discuss this subject of the Texas border troubles, but the hour is now quite late. With the assurance of the gentleman who has this joint resolution in charge [Mr. SCHLEICHER] that I will have an opportunity to speak upon this subject on a future occasion, I will, if it is desired, give way to a motion that the committee now rise; otherwise I shall feel bound, with my notions of duty, to proceed with the discussion to-night.

Mr. SCHLEICHER. The gentleman will have an opportunity on another occasion to address the House on this subject. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

DANIEL CLARY.

Mr. SPRINGER. I ask unanimous consent of the House to discharge the Committee of the Whole from the further consideration of House bill No. 3147, granting a pension to Daniel Clary, a soldier of the Mexican war. This bill was unanimously recommended by the Committee on Invalid Pensions, and would have been disposed of this afternoon in a few minutes had the Calendar been longer considered. This soldier contracted a disease from which total blindness has resulted, and from no fault of his own has been kept out of his pension for some years.

Mr. HOLMAN. Without raising any question in regard to the propriety of bringing the bill before the House at this time, and reserving any point of order which may be raised upon it, I desire to submit a motion that the House now adjourn so that this matter may come up to-morrow as unfinished business.

Mr. SPRINGER. It will not come up to-morrow as unfinished business unless it is taken out of the Committee of the Whole, as this is private bill day.

Mr. HOLMAN. The attendance of members now is very small, and I do not think any legislation should be had in so thin a House.

Mr. SPRINGER. I will move that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now brought before the House.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Clary, a private in Company F, Fourth Illinois Volunteers in the Mexican war, and to pay him a pension to take effect from and after the 1st day of January, 1873.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill.

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

Mr. HOLMAN. This bill does not indicate the grade in the Army which this soldier held.

Mr. RUSK. And the bill is retroactive, granting a pension back to 1873, contrary to the rule which has been adopted by our committee.

Mr. SPRINGER. That is the time at which he should have received his pension if he had made application in time.

Mr. RUSK. Equitably it may be held they should all receive pensions from the date of their discharge; but it is the rule of the committee not to grant any back pensions.

Mr. SPRINGER. The gentleman will not object to this bill when he hears the report.

Mr. HOLMAN. I move that the House adjourn.

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

PETITIONS, ETC.

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

By Mr. ELLIS: Memorial of the officers of the Citizens' Bank of New Orleans, Louisiana, for the repeal of the law which imposes a tax of 10 per cent. on circulating notes issued by banks established under State charters.

Also, the petition of Benjamin Singeltary, of Louisiana, for a rehearing of his claim disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. GIBSON: Memorial of E. G. W. Butler, for compensation for supplies taken by the United States Army during the late war, to the same committee.

By Mr. SAYLER: The petition of the leading business firms of Cincinnati, Ohio, against abuses of the Union and Central Pacific Railroad Company in rates imposed for the carriage of freights, and praying for relief, to the Committee on Railways and Canals.

IN SENATE.

SATURDAY, July 1, 1876.

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

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

HOUSE BILLS REFERRED.

The bill (H. R. No. 2626) to authorize the Secretary of the Treasury to pay to the officers and soldiers engaged in the war with Mexico the three months' extra pay provided for by the act of July 19, 1848, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians was read twice by its title, and referred to the Committee on Indian Affairs.

PUBLICATION OF DISTRICT TAX LIST.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, ordered to lie on the table, and be printed:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 29, 1876.

SIR: The commissioners of the District of Columbia, in obedience to the resolution of the Senate of the United States requiring them to inform the Senate whether any costs or charges have been paid by property-owners within the District for or on account of the publication of the list of delinquent tax-payers prior to the publication of such list, and, if any, what amount of costs and charges have been so paid, together with the names of the persons so paying the same, and that they furnish the Senate a copy of the contract for printing such list and the amount paid under such contract, have now the honor to forward to you the accompanying exhibit made by the collector of the District, together with his letter in explanation.

It will be seen that the entire amount of costs and charges collected of tax-payers between the day on which the delinquent tax list was placed in the hands of the printer for publication and the actual appearance of the advertised list was \$135.75.

It was part of the agreement made with the contractor at the time of signing the contract that, on account of the short time given him to prepare such an extended list—covering twenty-seven pages of the National Republican—for publication at the very moderate price fixed in the contract and the cost changes would impose upon him, he should not be required to cut out any part of the list as furnished him by the collector, but should be paid for the whole.

The delinquent tax payer had imposed upon the District the expense of preparing the tax-list by voluntarily neglecting to pay his tax, and when that list was once in the hands of the printer, to whom it was given at the latest possible date for its publication on the day fixed in the tax law, the entire expense of the advertising had been met by the District.

The cost of publishing the entire list was \$8,250.75.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. THOS. W. FERRY,
President of the Senate.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a petition of 200 soldiers, of Pittsburgh, Pennsylvania, praying the passage of the bill for the equalization of bounties, so as to allow each soldier, sailor, and marine \$8.33 per month for the time served; which was ordered to lie on the table.

Mr. BOOTH presented the memorial of the Right Reverend William Ingraham Kip, bishop of California, and eight other clergymen, remonstrating against the amendment to the shipping act of 1872 relating to merchant seamen; which was referred to the Committee on Commerce.

Mr. WHYTE presented the petition of Elizabeth R. McCracken, widow of Dr. Robert McCracken, late acting assistant surgeon of the United States Army, praying for a pension; which was referred to the Committee on Pensions.

ISSUE OF SILVER COIN.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom were referred certain amendments by the House of Representatives to the amendments of the Senate to the joint resolution (H. R. No. 109) for the issue of silver coin, to report them back and ask that the amendments of the House to the Senate amendments be non-concurred in, and that a committee of conference be asked on the part of the Senate upon the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate disagree to the amendments of the House to the amendments of the Senate, and request a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. SHERMAN, BOUTWELL, and BOGY were appointed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print additional copies of the report of the Commissioner of Education, to report it with an amendment. The amendment restricts the publication to 10,000 copies for the use of the Commissioner. As we have no means of sending away documents except at our own cost, it seems undesirable that we should print a large number of public documents. I ask for the reading of the resolution as proposed to be amended, and move its present consideration.