

injurious effect to cause the friends of honest silver money who disagree with the gentleman to look with favor upon this present measure. Indeed, we have seen this effect already. I would like to warn gentlemen who, like myself, are opposed to the policy of demonetizing silver, that there is great danger in linking their cause with any proposition which, like the present one, has so many other objectionable features. Most of the arguments of the opponents of silver, like the able argument of Mr. HEWITT, delivered in this House several months ago, can be completely met by a re-adjustment of the ratio between gold and silver at the proper time. The history of silver as money does not present a history of frequent fluctuations, but of a few violent temporary fluctuations, followed by long periods of stability. Since the discovery of the South American silver mines, which created in the European money market convulsions like the present, there have been no violent fluctuations until quite lately. The present feeling is much in the nature of a panic. There was nearly as much of causeless fear for gold after the Californian and Australian diggings were found as there is now for silver; but many of the ephemeral writings of that period are now forgotten, and people seem to think that gold was always the same. An occasional re-adjustment of the ratio, happening perhaps once in a hundred years, is all the drawback that may be feared in retaining both metals as money.

I am in favor of a double standard. I think it is the true American policy to sustain the value of the silver which is produced by American mines. But I am in favor of giving a dollar's worth of silver for a dollar and have it coined into a dollar, and not eighty cents' worth. Gold and silver have been money as long as we have a history of civilized nations. They both have the requisite qualities for money. But we know that from time to time it has been necessary to adjust their relative ratio, as one or the other would fluctuate. Before the discovery of the South American silver mines the proportion of value in Europe was 11 to 1. It changed to 14 to 1, to 15 to 1, and in 1824 the United States made it 16 to 1, which proved to be too much and drove the silver dollars out of circulation.

There was no change since until lately through various causes silver has lost in value until the weight of silver in the dollar in 1834 would now only be worth about eighty cents and less. A change of standard is evidently again required, but it would be altogether hazardous and guess-work to attempt to establish that new standard in the midst of the present violent fluctuations. We are fortunately situated in not being now affected by these changes of value like the English in India and like the double-standard countries, and we can well afford to wait until the new ratio can be more definitely ascertained.

In my opinion it should be the work of an international commission in which all the governments participate who recognize silver as money.

But the idea of now declaring eighty cents' worth of silver a legal tender for a dollar is contrary to every dictate of strict honesty and of prudence. Why it is not honest it is not necessary now to argue. That it is imprudent and instead of alleviating the burdens of our taxpayers will increase them is the main and only practical argument now. If we had the money to pay off the principal of our bonds or any considerable part of them at eighty cents on the dollar, as this bill declares we have the right to do, then there might be an argument about the prudence of doing so, although the honesty would be very questionable; but when we have nothing to pay off our public debt or any respectable portion of it, even at such a discount, the only possible result of the present agitation is the proclamation of our bad faith and consequently a lowering of our credit. We say to our creditors: "We would cheat you now if we could pay you off, but as we have no money to do that, we must continue to ask you to extend credit to us and bide our time." Glorious way that of reducing the interest on our public debt. It seems to me that ordinary prudence would dictate that as long as we have nothing to pay with, it is useless to threaten what we would do if we could, and that we should rather feign the virtue honesty, even if we do not possess it, so as to obtain good credit, which means low interest.

If we had continually expressed ourselves in favor of strict honesty and a compliance with all obligations—which would have cost us nothing—our credit might be now so that we could fund our debt at 4 per cent. interest instead of 6. England pays 3 per cent.; we pay 6 only because we have a worse credit. Had we succeeded in inspiring the world with a belief in our honesty we might now save at least thirty millions a year in the gold interest on our bonds. But when one day this Congress votes to investigate the validity of the act of 1869, upon which our present credit rests, and if on another day it votes to declare that we have a right to pay our debt with eighty cents' worth of silver to the dollar, how can we expect to retain even our present credit, let alone improving it?

Gentlemen may say we need no credit now. What fallacy! I have said we might, if we had had statesmanship enough to improve our credit, save at least thirty millions per annum by refunding at a lower interest. But apart from that, do gentlemen reflect that only five years hence the principal of the twenty-year bonds of 1862 will begin to fall due? How shall we pay? We can only pay by selling new issues of bonds. What interest we shall have to pay for them depends solely upon what credit we establish in the mean time.

With prudence and honesty we might get it down to 4 per cent. at least, but with such proceedings as these we may have to pay 10 or 12 per cent.

Is this the way the champions of the tax-payers are going to lighten our burdens? To increase the annual interest of our public debt instead of reducing it?

The great and central heresy around which cluster all minor errors is the idea that government can create values by law. We must get clear of that before we can ever act understandingly.

When James II was expelled from England and established himself in Ireland he coined money of brass and made it a legal tender. He tried to extricate himself from his financial troubles, as Macaulay says, "by calling a farthing a shilling." I refer to Macaulay's pages for a description of the results. "Of all the plagues of that time," he says, "none made a deeper or more lasting impression than the plague of the brass money."

I confess my inability to perceive the difference in the principle of the acts of James and the schemes of the gentleman from Indiana [Mr. LANDERS] or the gentleman from Pennsylvania, [Mr. KELLEY.] The difference is in degree only. To call a lump of brass a dollar and stamp it so, or to call a promise to pay on a piece of paper a dollar and stamp it so, or to call seventy or eighty cents' worth of silver a dollar and force people to take either of the articles so stamped at their nominal value in exchange for real values, is all the same in principle and differs only in degree.

The arbitrary power which in any country can enforce and impose worthless paper or debased metal or an insufficient quantity of valuable metal on its own people under the fiction that the coinage or inscription gives it value ceases at once when it crosses its own border and is forced to fair dealing. But in modern times it has been considered shameful for a government to practice such impositions on its own people simply because it has the power, or on its creditors because by trusting in its honesty they have placed themselves in its power. Enlightened governments deal as fairly with their own people as they have to deal with strangers, and the stamp on a gold or silver coin should be a certificate of its weight and fineness, no more; not making the value nor adding to the value, but a ready proof of the value only. I am opposed to stamping a false certificate of value on our silver coins.

Bad faith in a government is a poison that tends to corrupt the whole body-politic, destroys confidence, and thereby paralyzes all the recuperative energies of the people.

I have a few moments left and will yield them to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. MORRISON. I move that the House adjourn.

Mr. BANKS. The gentleman from Illinois wishes to make that motion; I do not object, and will yield the floor for that purpose.

The question was taken on Mr. MORRISON's motion, and it was agreed to; and accordingly (at eleven o'clock and fifty-five minutes a. m.) the House adjourned.

## IN SENATE.

MONDAY, August 14, 1876.

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

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

### COAST SURVEY REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.*

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. W. Carhart, mayor of the city of Hot Springs, Arkansas, in the name of four thousand citizens living upon the Hot Springs reservation, praying for the passage of the joint resolution introduced by Senator DORSEY in relation to the collection of water and house rent by the United States thereon; which was referred to the Committee on the Judiciary.

### CORRECTION OF ERRORS IN ENROLLMENT.

Mr. MORRILL. I ask once more that the House bill in relation to the pavement of Pennsylvania avenue be taken up for consideration.

Mr. SARGENT. I want to present a concurrent resolution in the nature of a report from the Committee on Appropriations. The passage of a concurrent resolution is necessary in order to correct the enrollment of the consular bill, and it ought to be passed at once.

Mr. MORRILL. Very well.

Mr. SARGENT. I submit the following resolution:

*Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills of the House of Representatives be authorized in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, to insert in the bill, in the amendment numbered 14, after the words "fifty-two" the word "thousand," so that the amendment will read "\$52,500;" also, to insert in the bill, in the amendment numbered 114, after the word "nine," the word "thousand," so that the amendment will read "\$9,500."*

This is not a change in the bill from what it was understood as it passed both Houses. From the fact that the Committee on Appropriations were thoroughly wearied and tired out, after working night and day, I am not surprised that these two unimportant errors occurred; but I suppose they would be important if not corrected. I ask that the resolution be passed.

Mr. EDMUNDS. Can that be done by a concurrent resolution?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. Very well; let us take that for granted.

The resolution was considered by unanimous consent, and agreed to.

#### DISTRICT GOVERNMENT.

Mr. MORRILL. I now ask that the bill which has repeatedly been called up, in relation to the pavement of Pennsylvania avenue, be taken up for action.

Mr. EDMUNDS. Is the morning business through?

The PRESIDENT *pro tempore*. Morning business is not through.

Mr. MORRILL. There is no objection to this bill.

Mr. EDMUNDS. There is no quorum here. You cannot do any business. I do not object to taking it up, but there is no quorum.

The PRESIDENT *pro tempore*. The Chair will call for morning business.

Mr. SPENCER. I submit the following resolution, and ask for its present consideration:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be appointed a joint committee of three members of the Senate, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the presiding officer of the House of Representatives, to prepare a suitable form of government for the District of Columbia, and to report at the next session of Congress; that said committee be authorized to sit during the recess and to employ the necessary clerical force, and that the expenses of said committee be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

Mr. EDMUNDS. I should like to look at the resolution before it is acted upon.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the resolution cannot be considered at this time.

Mr. SPENCER subsequently said: The resolution which I just offered was objected to by the Senator from Vermont. He now withdraws his objection and is willing that the resolution shall pass.

Mr. COCKRELL. I ask that the resolution be read.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to.

#### MISSISSIPPI ELECTION INVESTIGATION.

Mr. BOUTWELL. I submit a resolution, and ask for its present consideration. I suppose the Senator from Vermont will not object to it. I offer the following:

*Resolved*, That the Special Committee on the Mississippi Election be authorized to allow the clerk of said committee pay for preparing the index to the testimony taken by said committee for a period of time not exceeding thirty days after the adjournment of this session of Congress.

The Senate proceeded to consider the resolution.

Mr. EDMUNDS. How is the clerk to be paid?

Mr. BOUTWELL. Out of the fund appropriated for the expenses of the committee.

The resolution was agreed to.

#### CHARLES C. CAMPBELL.

Mr. MITCHELL. The chairman of the Committee on Claims [Mr. WRIGHT] is absent. He called my attention to a case which he became satisfied before leaving was a very meritorious one. It was called up a few days ago and some objection was made. I have in my hands a letter which I will read as a part of my remarks to show why the bill should be taken up now, and I think there will be no objection to its passage. The bill has passed the House, and it was reported favorably to the Senate by the late Senator Caperton. It has been considered by the chairman of our committee since that time, and I believe it to be a very meritorious case. I will read a letter from General Burbridge. The simple question of loyalty, I understand, was raised when the matter was up before.

Mr. EDMUNDS. Who is the man?

Mr. MITCHELL. Mr. Campbell, of Virginia.

Mr. EDMUNDS. You cannot pass that this morning. It was not a question of loyalty; it was a question of public law as to these mules, &c., belonging to the concern.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia.

Mr. EDMUNDS. That bill has been once under consideration. It may be that this gentleman was entirely loyal, but the question which was discussed in the Senate before was that of the relation of the property to the salt-works—of course I cannot go into the merits—the salt-works having been destroyed, and the property used in connection with it was carried away. This bill is to pay for that property, and it opens the whole question about the rights of war there, which has agitated us so many times. It is perfectly useless, in my opinion, at this late stage in the session to attempt to take up such a bill. I hope, therefore, that it will not be taken up, for it will not be lost; it will only stand over as it now stands. We may adjourn this afternoon, and here are the Hawaiian treaty bill and the constitutional

amendment, both of which we must act upon. If this bill is not taken up, I believe I shall move to take up the constitutional amendment, and let the debate go on upon that.

Mr. MITCHELL. I hope this bill will be taken up. I will state that it does not come within the list of cases that have been controverted. It is simply to compensate this man for certain commissary stores taken by General Burbridge for the use of the Army. I desire to read the letter which I was about to read a moment ago, which is addressed to the chairman of the Committee on Claims, and is as follows:

WASHINGTON, D. C., July 31, 1876.

MY DEAR SIR: I feel it to be my duty to attempt to correct the erroneous and unjust impression which seemed to prevail on the part of one or two Senators in relation to the loyalty of Mr. Campbell. I know Mr. Campbell to have been a truly loyal man. I destroyed his salt-works not because he had sold salt to rebels but because there was danger that his salt-works might be captured by the confederate army and then used in the manufacture of salt for the confederate forces.

I destroyed the property of many Union men for the same reasons. Mr. Campbell was loyal in a locality in which loyalty implied a sacrifice of every material interest and social relation, and now it seems both harsh and unjust that any aspersions should be made against his devotion to the Union. He claims nothing for the property destroyed—

I call attention to this—

he claims nothing for the property destroyed, but only for supplies taken and used by the Union Army. He is now sorely afflicted with sickness in his family, and his home, which is all that ravages of the rebellion have left him, is advertised for sale, and if Congress fails to do him justice he will be without a roof to protect himself and family. A feeling of delicacy on his part has prevented him from making known to you his distressing situation, and I at the risk of being regarded as troublesome feel it my duty to acquaint you with his situation.

I have the honor to be, very truly, yours,

S. G. BURBRIDGE.

Hon. GEO. G. WRIGHT,  
United States Senate.

I hope this bill will be taken up and disposed of. It has been acted upon favorably by the House and reported favorably by the committee of the Senate.

Mr. EDMUNDS. Is that any reason why we should pass it, because the House acted favorably? That is a very extraordinary argument in reference to it.

Mr. MITCHELL. It is this much of an argument, that it is a House bill; and if it is a proper bill to act upon, it is an argument which should give it preference over a Senate bill.

Mr. LOGAN. If this question is debatable I desire to say but a word. I have no fault to find with Mr. Campbell or anybody else, but I propose to object, where my objection will avail anything, to every claim that is presented by a gentleman for property destroyed by the Union Army claiming to be a loyal man or a disloyal man. It is immaterial for what he claims—

Mr. MITCHELL. This is not to pay for property destroyed.

Mr. LOGAN. It makes no difference.

Mr. MITCHELL. It is for property used.

Mr. LOGAN. Very well, property used; mules, wagons, &c., assisting in making salt. I propose to object, while I am here in my seat, whether the claim is a proper one or not, until the Senate shall agree to pay the soldiers who put the rebellion down what this Government owes them. I object to the consideration of this bill.

Mr. MITCHELL. I am just as willing as the Senator from Illinois to vote to pay the soldiers, and I have voted with him every time the Senator has asked to take up the bounty bill.

Mr. LOGAN. I know that, but that is not the point. It is not whether the Senator votes with me or not, but whether the Senate will take up the bill.

Mr. MITCHELL. I think it is as great an outrage for the Congress of the United States to refuse to pay a loyal man for his private property taken by the Union Army and used by the Union Army in putting down the rebellion as it is to neglect to pay the soldiers who fought to put down the rebellion.

Mr. EDMUNDS. I should like to know if that is not going into the merits.

The PRESIDENT *pro tempore*. The Senator will confine himself to the question of taking up the bill. Debate is not in order upon the merits. The Senator from Oregon moves the present consideration of the bill.

The motion was not agreed to.

#### SALE OF SALINE LANDS.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 2260) providing for the sale of saline lands.

The Chief Clerk read the bill and the amendment of the Committee on Public Lands.

Mr. HARVEY. The amendment recommended by the committee—

Mr. WEST. I ask whether the bill is up?

The PRESIDENT *pro tempore*. The bill is not before the Senate.

Mr. WEST. Then we cannot have the merits of the bill discussed.

Mr. HARVEY. I simply wish to make a statement. The amendment recommended by the committee was made upon the recommendation of the Commissioner of the General Land Office.

Mr. WEST. I venture to inquire whether the Senator can discuss the character of the bill or the amendment before the bill is before the Senate?



The PRESIDENT *pro tempore*. The merits of the bill cannot now be discussed.

Mr. HARVEY. Can I call for the reading of the letter of the Commissioner of the General Land Office?

The PRESIDENT *pro tempore*. That can be read to show the necessity of taking up the bill; but the merits cannot be considered in debate.

Mr. HARVEY. I ask for the reading of the letter.

Mr. LOGAN. How long will it take?

Mr. HARVEY. Only a few minutes. I think there will be no objection to the bill.

Mr. CAMERON, of Wisconsin. Perhaps the Senator from Kansas will yield to me for a moment to call up another bill.

The PRESIDENT *pro tempore*. While the letter is being sent for.

Mr. HARVEY. Will it have the effect to displace my motion to take up the bill?

The PRESIDENT *pro tempore*. Not by unanimous consent. The paper has now come.

Mr. KELLY. While the paper is coming—

The PRESIDENT *pro tempore*. The Senator from Wisconsin now on the floor has asked the privilege to take up some measure.

Mr. CAMERON, of Wisconsin. It will take but a moment to consider my bill.

Mr. EDMUNDS. One thing at a time, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont insists on one measure at a time. The letter will be reported.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., July 1, 1876.

SIR: I have had the honor to receive your letter of the 28th ultimo, inclosing a copy of H. R. No. 2260, entitled "An act for the sale of saline lands," and requesting from this Office "information whether it is desirable and proper that it pass."

In reply, I have to state that as was set forth in a late decision of the Supreme Court of the United States, "the policy of the Government, since the acquisition of the Northwest Territory and the inauguration of our land system, to reserve salt springs has been uniform." Further, it has been a policy generally acted upon in admitting States containing public lands to make a grant to the State of such salt springs as might be found therein, with a limit as to number, the grant embracing also contiguous sections and making up an aggregate area usually equal to two townships of public land. The first case in which this was done is that of Ohio; the last that of the proposed admission of Colorado, as provided for in the act of Congress of March 3, 1875. (Statutes at Large, volume 18, page 476.) In view of this policy, which may be adhered to in admitting new States, I suggest that the act mentioned be amended by adding at the close of the twenty-third line the following words, namely: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant until either the grant has been fully satisfied or the right of selection thereunder has expired by efflux of time.

With such an amendment I think it desirable and proper that the bill pass.

Very respectfully,

J. A. WILLIAMSON, Commissioner.

Hon. W. R. BROWN,  
House of Representatives.

Mr. HARVEY. The amendment reported by the committee is the same as that recommended by the Commissioner.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

Mr. DAVIS. I think we ought to proceed with the Calendar of unobjected cases. There are a number of bills on the Calendar that many Senators are interested in. We ought to proceed regularly with the Calendar, and every Senator will then fare alike. There are a number of bills on the Calendar which ought to be passed; and I therefore move that the bill under consideration be laid aside in order to proceed regularly with bills on the Calendar.

Mr. WEST. The bill has not been taken up yet.

The PRESIDENT *pro tempore*. The bill is not pending. The question is on proceeding to the consideration of the bill named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2260) providing for the sale of saline lands. It provides that whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of the register and receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash, at a price not less than \$1.25 per acre; and in case the lands fail to sell when so offered, the same shall be subject to private sale, at such land office, for cash, at a price not less than \$1.25 per acre, in the same manner as other lands of the United States are sold.

The bill was reported from the Committee on Public Lands with an amendment to add the following proviso:

*Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time.

The amendment was agreed to.

Mr. CLAYTON. I move to insert the following as an additional section at the end of the bill:

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, to be designated by the Secretary of the Interior.

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

The amendment was agreed to.

Mr. EDMUNDS. I move to amend by adding at the end of the amendment reported from the committee the following:

But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quitclaim of all title of the United States.

Mr. INGALLS. The Supreme Court, as I understand, have repeatedly determined that a patent is nothing but a quitclaim, and that it conveys merely the title of the United States; and therefore this amendment is unnecessary.

Mr. EDMUNDS. Ah, but let me suggest to my friend that although the Supreme Court has decided something such as he says, not that it is a mere release but that it conveys a title, yet if the United States does not possess the title, and the person to whom we give the patent fails to get a title, he can come back on us as he would on a private person in the nature of a warranty. That is the point. In relation to these saline lands where there are pre-emption settlers, State claims, and things of that kind, and we want to close them out, it appears to me that it would be the height of folly to give a patent under the decision of the General Land Office to a man who bought at a dollar and a quarter an acre at an auction sale when the land was already claimed by some one else, and we should have to pay the man we turn out or the man we gave the patent to, one or the other. We should lose a great deal more money than we should make by the operation, and my design is to protect the United States against double claims.

Mr. HARVEY. I think there is no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### THE CALENDAR.

Mr. DAVIS. I move that the Senate proceed to the consideration of the Calendar of unobjected cases under the Anthony rule at the point where its consideration was last suspended.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar will be reported.

Mr. CRAGIN. Let me suggest to the Senator from West Virginia to apply the order to House bills alone.

Mr. DAVIS. It applies to unobjected cases. Anybody who desires to object can prevent action upon a bill.

Mr. CRAGIN. But it should apply only to unobjected House bills. There is no use in passing Senate bills now.

Mr. DAVIS. Oh, yes, it is; for we may have a very late session today.

Mr. LOGAN. There is just as much use in passing such bills as any others. I object to any proposition of that kind.

Mr. PADDOCK. Before the order is enforced, I should like to ask unanimous consent of the Senate to call up a little bill which has been considered before, Senate bill No. 705.

Mr. DAVIS. We shall reach all the bills in order. I object to anything out of order.

Mr. PADDOCK. I think the Senator from West Virginia will not insist on his objection when I make the statement which I shall make. This is a claim by a postmaster in one of the small towns in my State for internal-revenue stamps which were lost by him under the old law. A bill has passed re-imbursement him for the loss of the postage-stamps, and the case has been carefully considered by two committees.

Mr. DAVIS. I do not object to this particular bill, but it will be reached in its order if we proceed with the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object to the consideration of the bill named by the Senator from Nebraska?

Mr. DAVIS. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made, and the first case on the Calendar will be reported.

Mr. EDMUNDS. I think that it is due to the occasion to have these unobjected cases wait a few minutes; and I will therefore move to postpone the present and all prior orders and take up the constitutional amendment.

The question being put, there were, on a division—ayes 18, noes 10, no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The roll-call having been concluded,

Mr. HAMLIN. On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were present he would vote "nay," and I should vote "yea."

Mr. WINDOM. On all questions in reference to this amendment I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present I presume he would vote "nay," and I should vote "yea."

Mr. HOWE. (After having voted in the affirmative.) On this question and all other political questions I am paired with the Senator from North Carolina, [Mr. RANSOM,] in case there is a quorum without my vote. I wish to withdraw my vote unless it is necessary to make a quorum.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

The result was announced—yeas 23, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Buntwell, Cameron of Wisconsin, Clayton, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Logan, McMillan, Mitchell, Morrill, Morton, Paddock, Sargent, Spencer, and West—23.

NAYS—Messrs. Boggs, Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Jones of Nevada, McDonald, Merrimon, Oglesby, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Windom, Withers, and Wright—33.

So the motion was agreed to.

#### THE SCHOOL AMENDMENT.

The Senate proceeded to consider the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States, the pending question being on its passage.

Mr. FRELINGHUYSEN. Mr. President, before the vote is taken on this measure, I propose to state the principles involved in it, and to do so with great brevity.

There are only two principles involved in this article for the amendment of the Constitution, as passed by the House or as now amended by the Senate:

I. That there shall be no establishment of religion or prohibition of the free exercise thereof, and that there shall be no religious test as a qualification to office in the several States of the Union.

II. That the people shall not be taxed to promote the particular creed or tenets of any religious or anti-religious sect or denomination.

Let me remark that it is manifest that the people call for an amendment covering these two principles. This is manifest from the fact that the Representatives of the people of every religious and political persuasion, coming fresh from every section of the country, have by a vote of 166 out of 171 (only 5 negatives) declared that to be the will of the people.

Further, sir; on the passage by the House of this amendment, which undertook to affirm and to protect these two principles, and which the people and the press, and which I assume the House of Representatives thought was effective, great gratification was afforded to the whole country, not only because of their wish that these principles should be incorporated in our fundamental law, but also because this vexed question was to be removed from the arena of party politics. The great unanimity of the vote in the House shows how strong is the conviction of the Representatives of the people that this article of amendment to the Constitution is within the legitimate province of constitutional amendments, and is also in accord with the best policy and the soundest interests of the nation.

There is, sir, no room for two opinions on the two propositions that religion and conscience should be free, and that the people should not be taxed for sectarian purposes. The whole history of our country, from its origin to the present day, establishes and fortifies these positions. And nothing can be clearer than that these fundamental rights should be secured in a constitution ordained expressly to "establish justice" and to "secure the blessings of liberty."

Mr. President, while the two principles of religious freedom and exemption from taxation for sectarian purposes are plainly asserted in the article as it comes to us from the House, there are, unfortunately, in it defects and omissions that were it accepted without amendment by the States would render it nugatory and invalid. And the House should be gratified that a more careful scrutiny has discovered and corrected these defects, and should be ready to concur at once in the amendment of the Senate. I will point out these defects and their corrections.

I. The fifth article of the Constitution requires that Congress when proposing amendments to the Constitution shall state to the people in what manner the amendment shall be ratified; whether by the Legislatures of the States or by conventions in the States; the fifth article is as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

This article amending the Constitution as it came from the House failed to propose either mode of ratifying this amendment. It did not propose that it should be ratified by the Legislatures or that it should be ratified by conventions. Had the Legislatures ratified it, not being in conformity with the requirements of the Constitution, it would have been invalid.

I call the attention of the Senate to the first alteration the House amendment makes in our Constitution. The first amendment to the Constitution, enacted shortly after the adoption of the Constitution, provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

This is an inhibition on Congress, and not on the States. The House article very properly extends the prohibition of the first amendment of the Constitution to the States. But the sixth article of the old Constitution also provides that—

No religious test shall ever be required as a qualification to any office or public trust under the United States.

This provision in such close harmony with the first amendment of the Constitution, the House article entirely omits, and it has very properly been inserted by the Senate and made applicable to the States.

Nobody can object to the Senate amendment on account of these two positions contained in it.

Thus the article as amended by the Senate prohibits the States, for the first time, from the establishment of religion, from prohibiting its free exercise, and from making any religious test a qualification to office.

II. Now, as to the second division of the proposed article amending the Constitution relative to the use of the public money for sectarian purposes, let me say that there are six different modes by which the people can be taxed for sectarian purposes.

1. By appropriating money raised for school purposes to sectarian schools.

2. By appropriating money from the general Treasury to sectarian schools.

3. By appropriating public money to sectarian institutions other than schools, as theological institutions, sectarian colleges, monasteries, and nunneries.

4. By devoting schools or other institutions established by public funds, when so established, to sectarian purposes.

5. By making appropriations of public money to religious denominations, or to promote their interests.

6. By appropriating public money to an institution to promote infidelity or for the benefit of an anti-religious sect.

The amendment of the Senate guards against all these abuses, while the article as it came from the House only prohibited the first, to wit, the appropriation of public money, and only public money raised for schools, to sectarian schools or dividing it among denominations.

The Senate amendment only carries out the principle and cures the defects of the article as it came from the House, but it does so effectually.

Why, sir, provide that money raised for schools shall not be appropriated to sectarian schools and leave it lawful to appropriate to sectarian schools from the general Treasury?

Why should we prohibit appropriations to sectarian schools, and yet permit schools established by the public money to be made sectarian?

Why prohibit appropriations to sectarian schools and permit money to be appropriated to sectarian institutions of another character? Why prohibit appropriations to religious sects and permit them to be made to infidel sects?

There is no reason. And any one who could honestly and sincerely vote for the article as it came from the House should rejoice in the opportunity of voting for the Senate amendment.

Not only does the article as it came from the House merely apply to the appropriation of money raised for schools to sectarian purposes, but it omits to give Congress any power by legislation to prevent or punish the violations of the article.

The usual section conferring power on Congress by legislation to enforce an amendment is in these words:

Congress shall have power to enforce this article by appropriate legislation.

But as the committee were aware that some might argue that such a section would confer on Congress the power to interfere with public schools of the States, the committee, to avoid all possible objection, have—though they were satisfied that an article so phrased would not have the effect claimed—reported a section which gives no affirmative power to Congress, but simply provides that—

Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

This section takes the place of the strange provision of the article as it came from the House, which is in these words:

This article shall not vest, enlarge, or diminish legislative power in Congress.

Some have called this House article the Blaine amendment. No such provision was ever suggested by that distinguished man. He left the article to be enforced under the provisions of the original Constitution, which (article 1, section 9, placit 18) provides—

That Congress shall have power to make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof; and this article is to be part of this Constitution.

This article when adopted, by the very terms of the fifth article of the Constitution, becomes, in the language of the Constitution, "to all intents and purposes a part of the Constitution." Now the pro-



vision as it comes from the House prevents the provision of the old Constitution which I have read from operating, for it declares that "nothing in this article shall be held to vest, enlarge, or diminish any legislative power in Congress." So that Congress would have no more power over the subject after the passage of the article than it had before it was passed, while the section introduced in the Senate amendment limits the power of the old Constitution by making a specific provision that Congress shall have power over this subject so far as to prevent and punish violations of this article.

Mr. President, it has been said that this amendment will prevent religious instruction in our prisons and other institutions supported by the public revenue. The clause which is relied upon to maintain that position is this:

And no such particular creed or tenets—

That is, no particular creed or tenets—

of any religious or anti-religious sect or denomination shall be read or taught in any school or institution supported in whole or in part by such—

That is public—

revenue.

Sir, does that prohibit religious instruction in prisons? Does it prevent religious instruction anywhere? If the visit to those who are sick and in prison is for the purpose of reading to them or of teaching them the particular creed or tenets of a religious or anti-religious sect or denomination, this article does interfere with it, and is designed to. Institutions supported by the money of all persuasions, even though they be prisons, are not to be made schools for teaching presbyterianism, or catholicism, unitarianism, or methodism, or infidelity, or atheism, and this article says so. But this article goes no further. There is nothing in it that prohibits religion as distinguished from the particular creed or tenets of religious and anti-religious sects and denominations being taught anywhere.

That pure and undefiled religion which appertains to the relationship and responsibility of man to God, and is readily distinguishable from the creeds of sects; that religion which permeates all our laws, which is recognized in every sentence against crime and immorality, which is invoked in every oath, which is reverentially deferred to every morning at that desk and on like occasions at the capitol of every State of the Union; that religion which is recognized by our Presidents and governors every year in the thanksgivings of the people, to which one-seventh part of the century which has just closed has been devoted; that religion which is our history, which is our unwritten as well as our written law, and which sustains the pillars of our liberty, is a very, very different thing from the particular creeds or tenets of either religionists or infidels. And this article places no unhallowed touch upon that religion. While we punish the violations of the oath or other moral obligation, it would be monstrous by affirmative legislation to restrict religious instruction. On this subject let me briefly quote from Story and Webster and Washington. Story says:

It is impossible for those who believe in the truth of Christianity as a divine revelation to doubt that it is the especial duty of government to foster and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private judgment in matters of religion and of the freedom of public worship according to the dictates of one's conscience.

Webster says:

If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble to the dust. But if we work on men's immortal minds; if we imbue them with high principles, with the just fear of God and of their fellow-men, we engrave on those tablets something which no time can efface, but which will brighten and brighten to all eternity.

Washington, in his Farewell Address, says:

Of all the dispositions and habits which lead to prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these purest props of the duties of men and citizens. The mere politician equally with the pious man ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Again, some one has said that he thought the Bible was a religious book. That remark arises, sir, from the provision in the article of amendment that sectarian creeds are to be excluded, but that this provision shall not be construed to exclude the Bible. Let me say that the saving clause in favor of the Bible is just, because it is a religious and not a sectarian book.

I have a few words more to say. There is one provision in the article to which I have not called attention. If the amendment to the Constitution is to answer any purpose, it is to exclude sectarian teaching from public schools, and this article says so. That expression might be perverted to effect the exclusion of the Bible, and the provision that it shall not be so construed was necessary to exclude that conclusion, so as to leave the Bible in its relations to the public schools and institution where it stands now.

It says that, while Shakespeare and Homer, Junius and Juvenal are not to be excluded, the Bible shall not, by reason of this article, be excluded. The Constitution of this country will never treat that book with disrespect. No party will ever have it tabooed. Who wants this article to exclude the Bible?

Not the Catholics. It is the rule of their faith and practice and they want more, not less, religious instructions. They were the first in this country when establishing the government of Maryland to provide in her fundamental law for religious freedom. The Protestants do not want it excluded, because it is their rule of faith. The Israelites do not want it excluded, because it is the guide to his conscience. The atheist does not want it excluded, for he recognizes no superior; he is a law unto himself. It is a matter of indifference to him whether the Bible or Dabold's Arithmetic or Hale's History of the United States is used in the school, so far as his conscience is concerned.

But then we are told that there are different translations of the Bible. True, and yet there is but one Bible; that is the revelation from on High. There are various translations, and the excellence of this article is that it prevents the exclusion of any. Nothing in this article shall be construed to exclude either the Douay or the King James version. I am for the broadest toleration, but I would never agree to a constitutional amendment that would exclude from the schools the Bible. The Constitution should neither say that it should or should not be read in the schools. To attempt either would be to mingle politics with religion, which all would deprecate. Make the Bible a political ensign, and a party spirit such as clustered around the white and red rose would be aroused, in which perhaps there would be no more piety than there was in the spirit that animated Richard the Lion-hearted and his followers when they rallied around the cross, or Saladin and his Mohammedan hordes when they fought for the crescent.

Into such a conflict, having forsworn all idolatry, even though the Bible be on the shrine, I will not enter. "Put up thy sword, my kingdom is not of this world," is the injunction of our religion. But this article of the Constitution must not exclude it unless we come to the conclusion that the narrative of the creation, that the maxims of Solomon, that the logic of Paul, and those truths that have lighted up the future to unnumbered generations, are injurious to public morals!

Mr. President, where shall we go for public morals? If you must exclude the Bible you must banish all our literature or expurgate it, for it would be the height of folly to say that it is lawful to drink from the conduits which human hands had made, but not from the pure fountain. Where shall we go? To the Koran? To Confucius? To the Mormon book of their lord? To the vain philosophy of the ancients? To mythological fables? No, sir; the people of this country want that book let alone. The Constitution must not touch it. It is to be forced upon no one and the Constitution is to make it unlawful to read it nowhere.

Mr. HAMLIN. Mr. President, I may not be in my seat when the vote shall be taken on this question. I wish to announce now, as I would if I were in my seat, that I am paired with the Senator from North Carolina, [Mr. MERRIMON.] I would vote for the amendment, and he would vote against it.

Mr. EDMUNDS. I wish to give notice that the moment the Hawaiian treaty bill is disposed of I shall ask the Senate to take up this matter again and stick to it until it is completed, without the intervention of any other thing.

#### ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate, being the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. LOGAN. I rise to call up the conference report which was objected to by the Senator from Kansas on Saturday.

The PRESIDENT *pro tempore*. Does the Senator from California yield for that purpose?

Mr. SARGENT. I understand that there will be debate on that.

The PRESIDENT *pro tempore*. It can be taken up subject to a call for the regular order.

Mr. LOGAN. I understand the conference report to be a privileged question.

Mr. SARGENT. Not to set aside unfinished business.

Mr. LOGAN. Not to set aside unfinished business, but I think Senators might at least allow the conference report to be taken up.

Mr. SARGENT. I assure the Senator that I have every desire to submit to the disposition of the Senate. I have been the victim of circumstances for a day or two, it must be confessed, and I really beg Senators to allow me to get off my hands the matter which has vexed the Senate now for the last two or three days. If this report would not lead to extended debate so as to interfere with the unfinished business, I should not object to it. It now appears that I have been troubling the Senate two or three days with the Hawaiian treaty bill, when in fact a large amount of other business has been transacted and political speeches injected. If the report is going to lead to lengthy debate, as I am notified it will, I must insist on the regular order.

Mr. LOGAN. I do not know what Senators notified the Senator that it would lead to debate. I do not know who wishes to debate it.

Mr. SARGENT. The Senator from Kansas, [Mr. INGALLS.]

Mr. LOGAN. Very well, let him make his speech. It will not be long.

Mr. SARGENT. I insist on the regular order.

Mr. LOGAN. Very well. I desire to say before the regular order is taken up, and I say it without criticism of the action of any Sen-



ator, that it is astounding to me that there has not been a proposition to take up a bill for the purpose of giving either pension or bounty, or now to give wooden-legged soldiers some kind of apparatus by which they may be aided, but what it is thrown aside by everything else; I should like to know why it is. There has not been a conference report offered in this Senate all this session by any Senator that has been laid aside except this one that I offered on Saturday. If there is any explanation of this, I should like to know what it is. If anything that pertains to a soldier in this country has become so obnoxious to the Senate that a little conference report on that subject has to be laid aside when every other conference report in the Senate has been considered at this session, I desire to let that be known. I only want to know why it is that nothing can come forward here that has any reference to matters of this kind but it must be laid aside.

As far as the Hawaiian treaty is concerned, it is up and will be acted on. My judgment is that the Senator will get his action just as soon by letting this conference report be agreed to now as he will by postponing it. That is my judgment, and I think the future will develop that fact.

Mr. SARGENT. I call for the regular order.

Mr. COCKRELL. I hope the Senator from California will yield to this report, and then I will mutually join him to determine the other matter. It will only take two or three minutes.

Mr. SARGENT. If it would only take two or three minutes I would not object; but I am notified it will lead to debate. I ask the Senator from Kansas if I am correct?

Mr. INGALLS. Undoubtedly.

Mr. SARGENT. Then the Senator from Missouri is mistaken in his premises. It will lead to a lengthy debate.

Mr. COCKRELL. I cannot see why it should.

Mr. SARGENT. That is my information. I merely state that to show that I am not unreasonable. I ask for the regular order.

Mr. ANTHONY. I think the Senator from California has peculiar claims on the Senate, although he does not urge them himself. He has been for the last six weeks engaged entirely in conference committees, and has been unable to assert the business which is particularly in his charge. I think, therefore, we ought to have what we Quakers call a very great tenderness toward him. There are several bills that must be disposed of before we adjourn; but if we make up our minds to sit here until we finish them, we shall get through by midnight to-night probably. We must dispose of the Hawaiian treaty bill; we must dispose of the constitutional amendment; and our constituents ought to send us back if we do not pass some bill for counting the electoral vote. There is also some executive business that we must dispose of, or we shall be called back again.

Mr. LOGAN. I desire to say in answer to the Senator from Rhode Island that there is always some great business to be disposed of when I attempt to call up any bill of this character. That has been universally said, not only by the Senator from Rhode Island but by other Senators. I have been on three conference committees myself that have taken up a good deal of my time and I have worked as hard as any body else, but not so extensively as the Senator from California on appropriation bills. I have been on four conference committees, some connected with appropriation bills, such as the Indian bill, the Army bill, the West Point bill. These and other conferences that I have been on have taken up my time. It will take but a moment to have this conference report disposed of, and it is the only report that has been objected to this session.

Mr. SARGENT. I am willing to test the question. I am willing to yield for five minutes, which is five times the length the Senator says it will take. Is not that fair? But if a Senator rises and proceeds with a speech and states that he wishes to speak at length, of course that cannot be done in five minutes.

Mr. LOGAN. I do not think anybody will want to speak at any great length on the question whether you shall allow one-legged soldiers wooden legs or not.

Mr. SARGENT. I am in favor of the wooden leg to the soldier; but I also want the business in my charge disposed of.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap.

The message also announced that the House had passed a bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the resolution of the Senate authorizing the Committee on Enrolled Bills of the House to correct an error in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 515) for the relief of Floyd C. Babcock; and

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery.

The message also announced that the House had passed a resolution suspending the sixteenth and seventeenth joint rules for the remainder of the session.

Mr. HAMLIN. I want to say that we have no sixteenth and seventeenth joint rules to suspend.

#### THE HAWAIIAN TREATY.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. NORWOOD. Mr. President, when the Senate adjourned on Saturday night I was endeavoring to demonstrate that the acquisition of the Hawaiian Islands was not necessary to the military defense of the United States.

Having said as much as I desire to say upon that head, I come now to consider the second point, which is whether we shall ever acquire the Hawaiian Islands under this treaty. There is no express provision in the treaty for their acquisition. We will have no more rights in those islands than any other nation, except that we will have occupation of certain ports for the term of seven years, if this treaty should go into effect. There is an inhibition upon the King of those islands to lease any port in them, but there is no inhibition upon him to sell them, and the possession of them therefore can pass beyond the reach of the United States at any time when the King sees fit to sell them. But, sir, that is not the strong reason why I think we shall never acquire those islands. The advocates of this bill and of this treaty place the prospect of their acquisition upon the ground that depopulation is going on in the Islands, and they cite us to the statistics to show us that that depopulation has been continued at the rate of 2 per cent. per annum, until the population now is about forty thousand natives. At the time those islands were discovered by Captain Cook, near a century ago, the population, according to his estimate, was about four hundred thousand, and that number has decreased to 10 per cent. Upon that fact is built the theory that this decrease will continue until the population will not be enough to sustain a government, and that they will naturally fall into the lap of the United States, because their inclination is toward this Government.

I desire to ask the Senator from California and the Senator from Oregon if they have considered this proposition in the light of mathematics. We are to acquire these islands by the depletion of the population. There is no other theory upon which a hope is based that we shall ever be able to acquire them. Now I desire to know whether they have considered how long, in the first place, it will take that population to die out at the rate of decrease that has been going on according to the census reports. If my friends will take the trouble to make the calculation, they will find that before the 40,000 native population now upon the islands shall be reduced down to 30,000, more than 14 years will have elapsed. That is calculating at a decrease of 2 per cent. per annum, whereas the actual decrease is about 1.44 per cent. But allowing 2 per cent. decrease, the native population upon the islands will not reach 30,000 within the period of fourteen years, which is double the time of the continuance of this treaty.

Now, then, if you will continue your calculations from 30,000 down, supposing there is no increase of foreign population meantime, you will find that more than fifty years must elapse before the population will be brought down to a number that will not be self-sustaining, and before you reach a point of depopulation at which there can be reasonably entertained a hope by the American people that they can acquire these islands either by annexation or by the voluntary gift of the inhabitants. This fact is worthy of the consideration of the American people. We are endeavoring to acquire these islands for strategic purposes, not for agriculture, not for commerce, except as they are a resting-point in the Pacific Ocean; and yet, according to this calculation we must wait and linger for fifty years before we can get them.

But, Mr. President, the next question in order is, will those islands be depopulated? Will this decrease go on? Will the native population of the islands die out? Upon that point it may be interesting to the Senate and to the country to consider the fact that the diseases which have produced the depopulation of the islands are diminishing. The sanitary system that has been adopted on the islands has decreased these diseases until we are told now that the native population is diminishing very slowly.

But that is not all. That population will not diminish, because there is an element being introduced into the islands that is arresting the debility that seems to pertain to the constitutions of the native inhabitants. The Chinese are taking possession of the Hawaiian Islands; they are rapidly increasing, and we know that there is not a more prolific race and probably a more healthy race, considering their sanitary system, on the face of the globe. The immense population of their kingdom shows that they are a prolific and a healthy people. Upon this point I beg to call the attention of the Senate to an authority that has been quoted on this floor, that has been used by the Committee on Foreign Relations, and which commands con-



sideration and very high respect from the intelligence of the author and from the opportunities which he had for making his observations, because he visited all these Islands. On the question of whether there will be a depopulation, let us hear what Mr. Nordhoff says in his work on Northern California, Oregon and the Sandwich Islands, on page 74:

Of the foreigners the Chinese are the most numerous, outnumbering all the other foreign nationalities together except the Americans. Chinese have been brought over here as cool laborers on the plantations. They readily intermarry with the native women and these unions are usually fruitful of healthy and bright children. It is said that the Chinese insist upon taking better care of their children than the native women, uneducated, usually give them, and that therefore the Chinese half-caste families are more thrifty than those of the pure-blooded Hawaiians.

So we see that there is being introduced into these islands a foreign element, a prolific, industrious, healthy race, and that by the intermarriage of that race with the natives of these islands there is being produced, in the language of Mr. Nordhoff, "a fruitful and healthy progeny."

Now, sir, it is probable that, with an increase of the Chinese population in those islands, there will be a decrease of the native population from this time forth? It is impossible, because all authorities concur in the statement that there is not a healthier climate on the face of the globe than that of the Hawaiian Islands.

But, again, on page 76 Mr. Nordhoff says:

In fact, they have died out pretty fast, though there is reason to believe that the mortality rate has largely decreased in the last three years—

I invite the attention of my friend from Oregon to this statement—and careful observers believe even that in the last year there has been an actual increase rather than a decrease in the native and half-caste population.

He then gives the following statistics:

In 1832 the islands had a population of 130,315 souls; in 1836 there were but 108,579; in 1840, only 84,165, of whom 1,962 were foreigners; in 1850, 69,500, of whom 3,216 were foreigners; and in 1860, 62,939, of whom 4,194 were foreigners. The native population has decreased over 60 per cent. in forty years.

That is a decrease, as I stated a while ago, of less than 2 per cent. per annum.

In the same period the foreigners have increased very slowly, until there are now in all 5,366 foreigners and persons born here, but of foreign parentage, on the islands.

This authority shows two facts. The first is, that there is no decrease going on in the native population on those islands, but that in the last year there has been an actual increase. But the other fact is much more significant, and it is, that the Chinese and American population on the islands is increasing. You will observe from the authority I quoted that in 1840 there were only 1,962 foreigners; in 1850 there were 3,216; in 1860, 4,194; and in 1874, when this book was written, there were over five thousand foreigners on the islands.

But now, Mr. President, under what circumstances has this increase in population taken place? Under what disadvantages has it occurred? With the exception of the salubrity of the climate and the fertility of the soil, there has not been a single advantage in favor of the increase of population. Labor is scarce and is unskilled. The rate of interest on money used for the production of rice and sugar is 12 per cent. per annum, and under all these disadvantages the population has increased, and increased for agricultural purposes.

As to the agricultural difficulties under which these islands have been laboring for some time, I read from page 59 of Mr. Nordhoff's book:

But I am persuaded that, as there are planters now who are prosperous and contented and who make handsome returns even with the sugar duty against them, so, if that were removed, there would be planters who would continue their regular and slow march toward bankruptcy, and for whom the remitted duty would be but a temporary respite, while it would deprive them of a cheap and easy way to account for their failure. Wherever on the islands I found a planter living on his own plantation, managing it himself, and out of debt, I found him making money, even with low prices for his sugar and even if the plantation itself was not favorably placed; not only this, but I found plantations yielding steady and sufficient profits under judicious management which in previous hands became bankrupt. But, on the other hand, where I found a plantation heavily encumbered with debt and managed by a superintendent, the owner living elsewhere, I heard usually, though not always, complaints of hard times. If a sugar planter has his land and machinery heavily mortgaged at 10 or 12 per cent. interest; if he must, moreover, borrow money on his crop in the field to enable him to turn that into sugar; if then he sends the product to an agent in Honolulu, who charges him 5 per cent. for shipping it to San Francisco; and if in San Francisco another agent charges him 5 per cent. more on the gross returns, including freight and duty, for selling it; if, besides all this, the planter buys his supplies on credit, and is charged 1 per cent. a month on these, compounded every three months until it is paid, and pays almost as much freight on his sugar from the plantation to Honolulu as from there to its final market—it is highly probable that he will, in course of time, fail.

There are not many legitimate enterprises in the world which would bear such charges and leave a profit to the manager. But it is on this system that the planting of sugar has been, to a large extent, carried on for years in the islands. Under it a good deal of money has been made, but not by the planters.

Thus we see that the cultivation of sugar upon the Hawaiian Islands is subject to the following embarrassments: First, a scarcity of labor; second, a high rate of interest; third, a high rate of freight to get their sugar; and, fourth, an exorbitant commission. The planter pays 5 per cent. to his home agent and 5 per cent. to his foreign agent in the market where his produce is to be sold. Then if they buy upon a credit, they pay at the rate of 12 per cent. per annum, and the interest at the end of three months is compounded against them; so that the production of sugar in those islands is weighed down by difficulties that do not exist in any other agricultural district of which I have ever read, and I invite the Senators from Ore-

gon and California to cite a parallel. And yet, sir, with all these difficulties, as I have said, not only is the foreign population of the islands increasing, not only is the depopulation of the half-castes and natives diminishing, but the cultivation of sugar under all these embarrassments is profitable.

Mr. President, if under all these embarrassments the sugar-planters of the Hawaiian Islands can produce sugar with profit, what will be the case under the stimulus that will be given to that production by the passage of this bill? I have said that they are making a profit, and I propose upon that point to give the statistics:

In 1860 they exported 1,444,271 pounds of sugar; in 1864, 10,414,441 pounds; in 1868, 18,312,936 pounds; and in 1871, 21,760,743 pounds of sugar.

And in 1875, without going through the other years, they exported 25,082,182 pounds. So the export of sugar from those islands within twenty-five years has increased about 2,000 per cent.

Mr. MITCHELL. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. NORWOOD. Yes, sir.

Mr. MITCHELL. The Senator is mistaken in that. I see it stated in the majority report of the House committee, which is, according to my understanding of the other figures and the whole information, that the Pacific States for the fiscal year ending June 30, 1875, imported 17,888,000 pounds.

Mr. NORWOOD. That is correct, but the Senator has misapprehended my point. I am not speaking of what they exported to the United States; I am speaking of their total exports.

Now, Mr. President, I put the question to the Senate, if that be so, what will be the increase of the production in these islands under the hot-bed process that this treaty bill will apply? Considering what they have accomplished without the advantages which will accrue after this bill has passed, what limit can be placed to the production of these islands? There is but one limit, and that is the area of the islands. Within the seven years that this treaty will exist, with the thrift of our people, with their mechanical arts, with their superior husbandry, with their enlarged industries, with a low rate of interest, I say that the limit of the production of sugar and rice upon the islands will only be found in the extent of territory upon which they can be cultivated.

It is a noticeable fact that when this bill was under consideration by the Committee on Foreign Relations the minister who represents that foreign government at Washington was before the committee, and the main question that agitated the minds of the committee at that time was as to the capacity of those islands to produce sugar and rice. Upon that question there was no definite information, and the honorable minister who had lived in Honolulu for a quarter of a century, as he stated, was called upon not only by those who were representing the opposite side before the committee but by members of the committee to give information as to the quantity of land on the islands that could be made available for the production of rice and sugar, and the noticeable fact that I have made reference to is that that minister was unable to come within 100,000 or even 200,000 of the correct number of acres. He knew nothing upon the subject whatever. He was simply a know-nothing. They could get nothing out of him except that it would be a great advantage to the United States that annexation should take place. And right here I would remark in passing that it is the most singular fact connected with any treaty that I have ever heard of, that the king of the country who is seeking to negotiate the treaty should have a minister at the seat of the foreign government urging the passage of a bill to carry the treaty into effect upon the ground that the ultimate result would be to destroy the kingdom which he represents.

It requires great credulity to come to the conclusion that King Kalakaua and his minister plenipotentiary—and, I might say, in some respects "extraordinary"—entertain the idea that the result of this treaty will be the destruction of his kingdom. On the contrary, they desire the enactment of this law and the enforcement of this treaty for their pecuniary advantage, and they will reap all the benefits and the United States will be the loser.

Upon this point I desire to read from the Commercial Relations of the United States and Foreign Nations, page 707, to show what these people desire and are working for. The report that I now read from is authentic and official.

What we lack are not land and quality of soil, but population and a free market to encourage immigration and products.

Do they expect that their islands will be so far depopulated that they will naturally fall into the hands of the United States? Are they looking to that result? What they want is population and a free market. They do not lack land; they do not lack fertility of soil, but they do lack population and a free market, and the United States Government, with a liberality unsurpassed in the history of any Government, now proposes to give them exactly what they want.

Mr. President, is it a reasonable hope on the part of the American people that when the population of these islands shall increase and they become wealthy and proud they will then propose to annex themselves to the United States or that they will be willing to surrender their government? Does anybody suppose that King Kalakaua after awhile will be wandering on those bald mountains, monarch of all he



surveys, without a subject and offering his crown and scepter to anyone that will accept it? No, sir; King Kalakaua has far more kingcraft than the United States Government. He sees what his necessities are and he sees exactly what are the appliances to be brought to bear in order to meet them. And with a free market for his sugar and rice, with the abundance of land which he has to cultivate, with the fertility of that soil, he knows that population will flow in upon him and that it will not be long before the depopulation will be checked and the increase of population will be vast.

But is there any likelihood that he would ever propose to be annexed to the United States? On that subject let me refer again to Mr. Nordhoff. Mr. Nordhoff considers the question as to whether there is any probability of this king surrendering his scepter; and as to whether even his subjects will ever consent that it shall be done. He says there is no desire on the part of the inhabitants to be annexed to the United States; even the half-caste population and the Chinese in their poverty and squalor are unwilling to be annexed to the United States. But when we shall give them the means to have wealth, and an annual tribute of from half a million to a million and a half of dollars in duties, which they would otherwise pay, we will defeat the purpose we have in view, and make it, by our own act, utterly impossible that we shall acquire these islands except by force of arms.

Now I call attention to the fact that the estimated area of sugarcane lands on these islands is 100,000 acres. There are thirty-two sugar plantations now under cultivation. Those thirty-two plantations embrace less than ten thousand acres. I make a liberal estimate; and those plantations produce now about twenty-five million pounds of sugar, to say nothing of the molasses. The Commercial Relations, which I hold in my hand, says:

This group is capable of sustaining a population of at least half a million souls, and of producing for export a hundred million pounds of sugar, and fifty million pounds of rice; an equal amount of manila and ramie-hemp, and other products.

The product of an acre in those islands, we are told by several authorities, on the average is two and one-half tons of sugar; that six tons of sugar can be raised, and in one instance upon seven acres of land fifty tons of sugar were raised. In this country an average crop of sugar per acre is one ton.

Mr. WEST. That is a very liberal average.

Mr. NORWOOD. I put it in order to show that upon these islands they can produce two and a half times as much as we can on an average yield, and that when they bring their 100,000 acres of land into cultivation they will produce 400,000,000 tons of sugar.

The next proposition is, suppose that we acquire these islands, what will they cost the United States? I have shown that even if the population were so diminished that we can have the hope of acquiring the islands, it will take fifty years. At the beginning of this treaty we will surrender a half million of duties annually on rice and sugar, and it is but reasonable to assume that the increased production and consequent increased importation into the United States will soon swell our loss to between one and two millions annually. So that at the end of fifty years the cost to the Government of the United States would be between fifty and a hundred millions of dollars. Putting it at \$1,000,000 a year, it is \$50,000,000; putting it at \$2,000,000 a year, which would be a reasonable allowance upon the production of these islands, we should pay \$100,000,000.

Mr. DAVIS. While the Senator is on that point I should like to have him state what amount of revenue he thinks would be lost by the treaty. I did not hear the Senator's statement.

Mr. NORWOOD. I will repeat, although I have stated it and so has the Senator from Louisiana, [Mr. WEST.]

Mr. DAVIS. I heard the statement of the Senator from Louisiana, and I want to see whether the two statements agree.

Mr. NORWOOD. The amount of revenue that is derived by the imports of the Hawaiian Islands is about half a million dollars. Am I correct?

Mr. WEST. Yes, sir.

Mr. NORWOOD. And the amount of trade, I will state, as I am now passing on that subject, that the United States Government has with those islands upon which we make a profit, I mean the gross trade, is about \$800,000, so that we are now paying five-eighths of the amount of trade that we have for the privilege of this treaty.

Mr. WEST. Will the Senator yield to me?

Mr. NORWOOD. Certainly.

Mr. WEST. I wish the Senator to allow me to contribute somewhat to the reply which the Senator from West Virginia desired in regard to the commerce that is to accrue to this country if this treaty is ratified. I read from an official presentation of this case as made by the commissioners of the Sandwich Islands as an inducement for the ratification of this treaty:

The total value of articles imported into the Hawaiian Islands, included in the treaty of 1866, which are proposed to be admitted into the Hawaiian ports free of duty, amounted to \$1,003,424.86, of which \$483,711.76 came from the United States, and \$519,713.10 came from other countries; but under such a treaty—

Meaning the treaty under consideration—

with its advantages favoring American productions, most, if not all, would come from the United States.

In other words, that we may expect to get most, if not all, of a trade of \$500,000.

Mr. NORWOOD. Mr. President, when I was interrupted by my friend from West Virginia I was showing that we are endangering the interest of a helpless people. There are about a half million of colored people in the State of Georgia, and yet their aggregate wealth is only about \$7,000,000.

But, Mr. President, suppose we should acquire the islands, what will they be when we get them? Upon this head the inconsistency of the Senator from California strikes me as remarkable. He made a long and able argument here not long ago to satisfy the American people that the importation of the cooly labor upon the Pacific coast and the immigration of Chinese should be stopped. The Americans on the Pacific slope are driving the Chinese away. But where do we find them when they leave California? Have they gone back to China? No, sir. They have lodged just where we should naturally expect them to drift—upon the Hawaiian Islands—and lodged there because the production of sugar and the production of rice have invited them.

Now, suppose that the treaty be carried into effect, and suppose—which I never believe will occur—that we shall acquire these islands, what do we get? Do we get American population? Do we get the thrifty and hardy sons of New England, or of the South, or the West? On the contrary, we shall acquire the native population of the Hawaiian Islands, and the cooly population that would be introduced there as laborers, and the half-breeds that will be produced by the intermarriage of these two classes of people; and who will be the capitalists, the people who will be the masters of the islands? They will be Americans, it is true; but their proportion to the laboring population on those islands will not be as 1 to 50. The capital will be carried there by them, the profits will be reaped by them, and all the interests upon those islands will be owned by them; but the people will be but a cooly colony.

The honorable Senator from California is very eager in his endeavors to have this bill pass; but his endeavors are tending to the consummation of a result which I dare say he does not desire. He does not want even by immigration any more Chinese in the United States. He certainly would not advocate the admission of a cooly colony as one of the United States; and yet we can acquire no benefits from it further than we have now in our commercial relations or had under the treaty existing before this treaty was negotiated, unless we do annex them to our Government.

Mr. President, I have shown that the Government of the United States in an economical point of view would not be benefited by the passage of this bill. I have shown, I think, that the acquisition of these islands is of no very great importance to our Government in a military point of view. The Government of the United States, therefore, I say is in no sense interested in this treaty. The people of the United States will not be benefited by it. On the contrary we are paying out a vast amount of revenue in grasping after a shadow.

But, sir, there are some who will be benefited by the passage of this bill, but the number is very small. They are a few capitalists who reside in Boston and New York and San Francisco. The class in Boston and New York are those who own the sugar plantations upon the islands. I have the statistics here which I will quote. There are upon the islands in operation now thirty-two sugar plantations, and of that number twenty-five are owned by American citizens. There are in San Francisco a few sugar refiners who are investigating this treaty for their own advantage.

With the duty off, they can make a profit upon their sugars that cannot be thought of by the producers of sugar in the United States, and they can finally run the sugars that are produced in Louisiana and other points in the United States out of the market. This will appear by a very easy calculation. It is said by our friends that the sugar will never pass beyond the Pacific coast; that it will never reach the Atlantic coast. This is a mistake. At the present time sugar, molasses, and rice are imported from the Hawaiian Islands into the Atlantic ports. In one notable instance a small shipment of molasses came around the Cape, went to New York, thence to New Orleans, and was sold at a profit. Over sixty-seven thousand pounds of rice within a short time were imported from those islands into the Atlantic ports.

I mention these facts simply to show that the assumption that the rice and sugar from the Hawaiian Islands will never interfere with the rice and sugar produced on the Atlantic Coast is entirely without foundation. With a duty of two and one-half cents on rice and an average duty of about three cents upon sugar and of five cents a gallon upon molasses, those articles have already been imported and sold at a profit in our Atlantic ports.

The sugar and rice planters in Hawaii and the refiners in California will be benefited by this treaty. There are no other persons who are interested in it. Are the people of California interested in this bill? If you will except the sugar refiners, they are not. And why do I say so? The cost of transporting sugar from the Atlantic States and California is about equal to the duty upon sugar imported into the United States, so that when the producer of sugar comes from Honolulu with his cargo to San Francisco and puts it upon the market for sale the only competition he will have will be the sugars that have been introduced from other countries subject to duty or sugars that may be shipped from the Atlantic coast over the continent with the freight added, so that he will be enabled to command his own



price, which cannot be affected except by the price of other sugars with the duty or the freight added.

A word as to who will be injured by carrying this treaty into effect; and this is the saddest part of this question. There is a class of people who will be injured by it, and that class I in part represent. The Senator from California hoped that this question would not be considered in a sectional light. I do not propose to treat it in a sectional light at all; but I do propose to say a few words in reference to a class of people who live mainly in but one section of this country, which class of people are more interested in the defeat of this bill and the non-fulfillment of this treaty than all the United States besides, because upon the duty that now is imposed upon sugar and rice their livelihood depends. The production of rice in the South has gone on increasing, until its production from 1865 to 1875 has increased, in round numbers, from 11,000,000 pounds to 82,000,000 pounds? Why has that increase taken place? Simply because two and a half cents a pound duty was imposed upon rice, and but for that there is not a single rice plantation in the whole of the South that would not have been abandoned at the close of the war. Rice-planters have been here before the Committee on Foreign Relations, and on a former occasion before the Committee on Finance, and they have shown that their profits lie within the duty that is imposed on rice. The price of rice from eleven and a half cents in 1865 has fallen to five and a half cents. Take two and a half cents from five and a half cents and you reduce the price of rice below the cost of production. It cannot be produced at three cents a pound.

I hold in my hand a memorial that was laid before the Committee on Foreign Relations. It is signed by delegations from South Carolina, Georgia, and Louisiana, and sets forth the merits of this question. I call attention to these facts, that dependent upon the production of rice and sugar in South Carolina, Georgia, and Louisiana, there are over two hundred and fifty thousand people, and of that number the whites are so small a proportion that they are not worth considering in the estimate. There is invested in the State of Louisiana a total of \$80,000,000 employed in producing sugar and rice. If this treaty is carried into effect, to put the question in the simplest form to prevent all exaggeration, the interest of these people will be hazarded by the Government of the United States. I go further and say that we are not only periling the interests of those people, but I have shown you that the stimulus of those products in these islands will be such that those products will be brought in competition with the sugar and rice produced in the United States, and will finally bear down the prices of those products until they will go below the cost of production; and when that occurs the cultivation of sugar and rice in the United States must be abandoned. My honorable friend from Connecticut [Mr. EATON] smiles at the idea of the production of rice and sugar in this country ever being abandoned.

Mr. EATON. No; but that it should be abandoned owing to the production in the Sandwich Islands.

Mr. NORWOOD. If my honorable friend had done me the honor to listen to the statistics which I have given, showing how large an amount of rice and sugar can be produced in those islands, he would not smile. He would have observed that rice already has been imported into this country from those islands with a duty of two and a half cents a pound on it and sold at a profit, and he would have observed that the production of sugar in those islands can be brought to such a point, as appears from the statistics of Mr. Pierce, who was the minister to Hawaii, that they can export conveniently 100,000,000 pounds of sugar.

I was speaking of the injury that would be sustained by the colored people of the South. I appeal to those who claim to have been humane to them that they shall continue their humanity, to those who have been philanthropic to the colored people to continue their philanthropy. They have in their wisdom made them citizens of the United States. They have taken them from a condition of mental darkness, that no other people on this continent has ever been under, and have placed them on a common platform with all other American citizens. I ask that those who have done this work shall continue in what they consider their good work; that they shall not now, after lifting these people up by one hand, strike them down with the other; that they shall not when they ask them for bread give them a stone; but that they shall continue to sustain them, to maintain them, and prevent them from retrograding into barbarism. Suppose that capital and labor within the Southern States should be divorced, and the interest of one should be adverse to the interest of the other. Then my honorable friend from Connecticut says there would be anarchy, and he is correct. It would be different from the condition of affairs in any other section of the Union, and why? Because the races are nearly equally divided; one is black and the other is white. The black is the laborer and the white is the capitalist. To-day they are mutually dependent, but if to-morrow you should divide them and say that capital and labor are no longer dependent upon each other in these States, that the white man has no further interest in the black man than that dictated by humanity, you would organize anarchy; and you, Mr. President, [Mr. SPENCER in the chair,] know as well as I do that such would be the result. There is no greater calamity that can befall a people than that capital and labor should be antagonized. When that day shall come the governments in ten States in this Union will return to their original elements, and you will have to reconstruct, and reconstruct when you will have a discordant element that no power can control. You never can unite in close bonds of sympathy two races

as diverse as the white and the black when you separate their mutual interests. With the white race it is different; with the Mongolian race it might be different; but between those races which are the antipodes of the human family such can never be the result. Therefore I appeal to those who have been philanthropic to this race not now to turn their backs upon them. What kind of humanity is that which will deny sustenance to this people? What kind of philanthropy is that which will now turn its back upon them and legislate for the heathens in the Pacific Ocean? What kind of statesmanship is that which will strike down two of the great industrial interests of this country, rice and sugar, for the purpose of stimulating them in the far-off islands of the sea?

I say that there is not only imminent danger of your destroying the rice and the sugar interests of the South and turning loose three hundred thousand blacks to run as savages through the wilderness and of desolating a rich and a fruitful tract of country which has hitherto bloomed and blossomed under cultivation by the black race managed by the white race, but that you will reduce that population to a condition of starvation; for when the white man of the South shall withdraw his helping hand from the black man, he will be helpless and will go back to a state of barbarism.

Mr. President, if it was only a conjecture and a reasonable conjecture made to the mind of this Senate that it would imperil the interest of this people, it should give them pause. This Hawaiian treaty is a matter of no great consideration. I have shown that but few people are interested in it. I have shown that the Government will lose revenue by it annually. I have shown that there is no prospect of ever acquiring those islands and if we should that it will be at the end of fifty years, long after all who are within the sound of my voice will be sleeping beneath the sod. I have shown that instead of acquiring them we are now setting upon foot a process by which we will make it impossible that we shall ever acquire them, because we are now building up a kingdom, that otherwise would perish. We are stimulating a kingdom, whereas, if we hold our hands off, the probability is that, unless immigration shall increase there without this stimulus, that population would gradually die away, and then they might make application to become a sister-republic instead of continuing as a kingdom. I have shown these things; and I say that the bare suggestion that we may destroy the interests of the black race should make us recede. What greater cruelty can be practiced by this Congress than to impose upon the ignorant colored men of this country? When I say impose upon them I do not mean hoodwinking them, deceiving them, cheating them; but I mean that imposition which carries them to the earth beneath a weight which they cannot bear. Yet those who have set them upon their feet propose now to strike them to the earth again and put them in a far worse condition than they were in before. Then they had masters; those masters had an interest in them; they cared for them; they healed them when they were sick and ministered to their wants. They did it not only from interest, but humanity; but if you break the bond of interest that holds the white and the black together in the South, the end will be want first and destruction after to the blacks.

Wisdom suggests that we should foster our own people rather than the heathen in the isles of the sea. Enlightened statesmanship looks first to home, and then looks abroad. Philanthropy can do no better work than to care for the heathen at its own door; and that political economy is the best which provides for the domestic general welfare.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by U. S. GRANT, jr., his Secretary, announced that the President had on the 12th instant approved and signed the act (S. No. 1007) concerning the employment of Indian scouts.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes;

An act (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal;

An act (S. No. 852) for the relief of Elisha E. Rice;

An act (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships; and

An act (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

#### INDIAN APPROPRIATION BILL.

Mr. WINDOM. I ask the Senator from California to yield to me to present a conference report.

Mr. SARGENT. Certainly, if it does not displace the regular order.

Mr. WINDOM. I present the report of the conference committee on the Indian appropriation bill.



Mr. EDMUNDS. There is no need to read it at this present moment. Let it be read when we act upon it.

The PRESIDENT *pro tempore*. Does the Senator desire the present consideration of the report?

Mr. EDMUNDS. I do not wish it read at this moment, until we consider it. I do not ask it to go over until to-morrow, but that it be laid aside for the present.

The PRESIDENT *pro tempore*. The report will lie on the table for the present.

#### SIXTEENTH AND SEVENTEENTH JOINT RULES.

Mr. EDMUNDS. May I ask the Senator from California to allow to be taken up, as a matter of courtesy to the House, a resolution the House has sent here suspending, as they supposed, the sixteenth and seventeenth joint rules?

Mr. SARGENT. If it will not lead to debate.

Mr. EDMUNDS. It should not lead to debate. If it does, we can lay it over.

Mr. SARGENT. I will yield subject to a call for the regular order.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved by the House of Representatives, (the Senate concurring,)* That the sixteenth and seventeenth joint rules be suspended for the remainder of the session.

Mr. EDMUNDS. On that subject I offer the following resolution:

*Resolved*, That the resolution of the House of Representatives presented this day in the following words: "*Resolved by the House of Representatives, (the Senate concurring,)* That the sixteenth and seventeenth joint rules be suspended for the remainder of the session," be respectfully returned to the House of Representatives, with the statement that as the House of Representatives has not notified the Senate of the adoption of joint rules for this present session, as proposed by the resolution of the Senate of the 20th day of January last and transmitted to the House of Representatives on the 22d day of the same month, there are no joint rules in force.

By unanimous consent, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution offered by the Senator from Vermont.

The resolution was agreed to.

#### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; and it was thereupon signed by the President *pro tempore*.

#### THE HAWAIIAN TREATY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. MORRILL. Mr. President, I should deem myself wanting in my duty if I consumed at this late hour any considerable time of the Senate in debating the question now under consideration; but I should consider myself more wanting if I were to allow the measure to pass in silence. The Senator from California seems to have taken the charge of this bill, and the Committee on Foreign Relations appear to have abdicated all control over it. I regret that this seems to indicate that there is a greater local interest than general interest in the bill. It was argued by the Senator from California that there was something of honor involved on the part of the Senate in passing the bill at the present time. I hold that the Senate is as independent of the Executive as it is of the House, and in this bill, where it was especially provided in the treaty from which it originated or which was the cause of this bill, that the treaty should not go into operation until the laws necessary to carry it into effect should be passed by Congress, it is clear that the Senate transcend nothing beyond their ordinary duty in giving this bill a thorough scrutiny, and may pass or reject it solely. I am quite ready to concede that a body that passed upon a treaty by a two-thirds majority is quite capable of passing the bill carrying it into effect by a majority; but so far as our powers or duties are concerned we are as free to pass upon the merits of this question now as we were originally; as free as Adam when he left Paradise with all the world before him where to choose.

I only desire to consider this question in relation to its national and political aspects for a moment, not in its local bearing, but to ascertain whether it is in harmony with American institutions or not. I say for one that it is wholly un-American. It is in conformity with the traditions of monarchy, and not in harmony with the idea of a republican form of government. Under monarchical forms of government it is true that the executive holds almost omnipotent power in relation to treaties, and often in relation even to taxation; but not so under a republican form of government, and especially not so in relation to this bill. Our Constitution provides that all revenue bills shall originate in the House of Representatives. Where did this bill really originate? Clearly it originated in the State Department, where the treaty was made, and not in the House of Representatives. It is therefore, in my judgment, not only a plain violation of the spirit of the Constitution, but it is of the most vicious character; for if the Executive and the Senate may interfere and make a treaty with so unimportant a kingdom as the Hawaiian Islands, we may make it with all other powers. If we may make it with Hawaii in relation to sugar and rice, why not with Norway in relation to iron,

or with Switzerland or Italy in relation to silks? There is no stopping-place when you once enter upon this policy; therefore I say it is a policy clearly un-American and anti-republican.

Then, in addition to that view, when we come to look at its financial aspect, in its effects upon the country, taking a broad view of it, I hold that it is clearly our duty not to do anything that would greatly injure the sugar-producing interests of this country. It is an article that we consume so very largely and which we pay for mainly in coin to other countries, that by every possible means we ought to encourage the growth of both the cane sugar and of beet sugar; but this is a measure which is calculated to act disastrously upon both of those interests. It may be asked how. I assert that the effect will be precisely the same that it would be if the same amount of sugar should be smuggled free of duty into the country. What would be the effect of smuggling 25,000,000 pounds of sugar into this country? We all know that it would operate to the great injury of all those who are engaged in the business of importing sugar into this country. Take the port of Portland; and I am sorry not to see my friend, the Senator from Maine [Mr. HAMLIN] in his seat. The port of Portland, Maine, has been built up by the molasses and sugar trade of the West India Islands, and its present prosperity largely depends upon that interest. How will his constituents like it to have that interest seriously embarrassed, as it will be, by this measure? We know that at the present time Cuba has raised or is about to raise her export duties upon sugar. Of course that increases the profits upon the importation of Hawaiian sugar, and if it operates upon the interests of sugar importers on the Atlantic coast as the large frauds in the smuggling of silks a year or two since operated in New York, it will confuse and destroy the profits of the whole year's business. While I am disposed to hold treason as a great crime, yet I am the last man who would strike down the national interests of our southern brethren—prosperity makes good citizens—and I regard this as a measure affecting great and vital interests of the South. Instead of doing anything to discourage the growth of sugar and of rice in the Southern States we ought by every possible means with any, even ordinary, statesmanship to increase the products, both as a profit to that community and to prevent the large annual exportation of coin for the payment of our imports of foreign sugar and rice.

This measure will not be likely to operate much to the benefit, as my friend from California thinks, of California. The cost of sugar to consumers will be diminished but very little. There are but a small number there engaged in sugar refineries, and they are the only class of people who will be largely benefited by it. If they have not already made bargains with the sugar producers of Hawaii by which they are to share some portions of the profits which will be derived from the entrance of the sugars free of duty, their profits will not be very large, and in the end the Hawaiian sugars will rise in grade and no longer need much refining. There are none of the sugar plantations which are owned by Hawaiians. They are all owned by Americans and other foreigners. If this was to benefit the people of Hawaii we might look upon it with more tolerance, but the people of Hawaii are unwilling to labor; they love idleness and dissipation, and they have already by the action of their Legislative Assembly sent out agents in order to obtain Chinese cool laborers to supply their expected wants. I find in a Hawaiian paper which is upon my desk that they appropriated in the Legislative Assembly \$5,000 to send to China for Chinese laborers, and the act of the agent was criticised in their legislative halls because instead of going to China for these coolies he went to San Francisco, and obtained four hundred of them. This shows how little interest the people of Hawaii have in this matter.

When this treaty was under consideration it was represented that it would cost the Government of the United States in its Treasury Department but \$370,000. I want to show that, basing the estimate upon the returns of last year, ending December 31, 1875, the loss would have been \$530,000. For the last four months the loss would have been \$200,090.04, and showing that even for the present year it will be over \$600,000. There is no one who is acquainted at all with the facts who does not estimate that this product will not only be largely increased, but whatever they have heretofore sent to other countries or consumed themselves will be at once sent here; because instead of consuming their own sugar they will import sugars from abroad in order to obtain the profit of duties that are relinquished upon whatever they may send here, where they will obtain the same prices received on duty-paid sugars.

In addition, no one can soberly deny but what the amount of the sugar products and rice products in Hawaii may be largely increased. Unquestionably they can be very largely increased, at least to four times their present amount, which would amount to something like a loss of two million and a half dollars of revenue annually. We are to pay this to a sugar-producing country where our trade is now in a more healthy state than with any other sugar-producing country in the world. It is a little singular that in selecting this country with which to make a reciprocity treaty in relation to sugars we should have selected the very place in all the world where our trade is in a healthy condition. Instead of going to some other country to which we export but a small amount in comparison with the amount of our importations, we go to Hawaii, where the only balance that we really paid last year in coin was \$40,000 of silver.

It seems to me very extraordinary that this should have been done. We are not to gain anything in trade with Hawaii, as we already nearly monopolize it. The only increase of their population in con-



sequence of this treaty will be the increase of the coolie population which does not and cannot, as is quite notorious, consume any large amount of our manufactures. The amount of gain that we are to have in this affair is the relinquishment of only about thirty or forty thousand dollars of Hawaiian duties now levied upon the American manufacturers. If there is any member of the Committee on Foreign Relations here I should like to ask him what is the Hawaiian duty upon lumber. I think it is a matter that the Committee on Foreign Relations ought to know and probably do know something about.

Mr. SARGENT. Ten percent. *ad valorem*.

Mr. MORRILL. I think it is not that. I know that a very considerable amount of our exports are now free, and there is but 10 per cent. levied upon anything that I am aware of. They must have provisions, breadstuffs, and meat, and they must also have lumber. I do not know what the amount of duty upon lumber is, but that is one of the largest items that is in the trade. For this petty sum that they are to relinquish, thirty or forty thousand dollars, we are to relinquish somewhere about \$600,000 this year, and more hereafter, increasing year after year until the expiration of the treaty.

I consider this one of the worst possible bargains that ever was presented to the American Senate. Usually it has been claimed that the Americans in diplomacy have been the equals of other nations; but here we allow ourselves, by long importunity touching a measure that has been pending and pushed for ten years, at last to be cheated more than 10 or 20 to 1 in a matter of dollars and cents, and much more than that as a question of national economy. In relation to these poor people out there, I see an account in this paper, already referred to, as to their legislature, composed of nobles and representatives. This paper says:

A month has elapsed since the Assembly met, and the policy of the government, as it may be gathered from the budget—the only tangible utterance that has come from the ministry—may be summed up in these words: "More Chinese," "Increased expenditures and increased debt."

Mr. EDMUNDS. What paper is that?

Mr. MORRILL. It is The Pacific Commercial Advertiser, published at Honolulu, Hawaii, under date of June 3, 1876. Then again, I find in looking over it, several matters of interest:

During the discussion upon the resolution, as is usual in the assembly—

That is, upon the discussion of the vote of the want of confidence in the ministry, I believe—

a great deal of irrelevant talk was introduced about the useless nature of the treaty, some declaring it would do no good to the poor natives, but only to sugar-planters, and others who were already rich.

I think they were pretty sensible. Then there was a discussion in relation to the consideration of the treaty, and a claim that it should be sent to them to pass judgment upon it; but the ministry would not allow it, but claimed they had this whole power, almost as much as my friend from California who thinks we should ratify this law and vote for it at once because the treaty has been negotiated.

On Thursday, Mr. Preston offered the following resolution: "That a select committee be appointed to inquire into and ascertain upon what terms L. Aseu was sent to China by the government to obtain immigrants and why he is returning from San Francisco with Chinese, and upon what terms and conditions these Chinese were taken on board the vessel chartered, and on what terms they are to be landed here," &c.

So that it appears the negotiation of this treaty is to make the business of importing Chinese into Honolulu a lively affair, and that, I suppose, would not be very disagreeable to my friend, the Senator from California, who uttered one of the most vehement philippics against the importation of such persons into San Francisco that I remember ever to have heard. Still the Senator it is fair to presume is in favor of having this sort of population increased there, and in the end we are to take the island under our flag with its population and whatever incumbrances may exist.

Mr. President, I do not feel authorized to consume any great length of time on this subject; but, as I feel that this treaty is destined to be terminated at the very earliest opportunity that the Congress can lay hands upon it and with more alacrity even than was the reciprocity treaty with Canada terminated, I desire to prevent, as much as possible, some of the mischiefs likely to arise in consequence of insufficient laws upon the statute-books to punish fraud in relation to any importations from Hawaii not entitled to the benefits of this reciprocity tariff. It is obvious that there will be a very large temptation to fraud when they send their sugar here, not worth perhaps but a little more than the amount of the duty imposed upon it and they will be likely to send what are not strictly the products of Hawaii. We have no rules or regulations now which would authorize our consuls there to ascertain about that fact and to punish any attempt that might be made fraudulently to take East India sugars and send them here for the products of Hawaii. I merely desire to offer an amendment to the bill that shall remedy this defect. Otherwise you leave the door open to the introduction of any amount of rice and sugar in a fraudulent way, for you cannot distinguish the different kinds of rice, whether one is the product of Hawaii or the product of China, nor can Hawaiian sugar be distinguished from that of India. It need not be said, as it may be by some who are very zealous for the sudden and instant passage of this bill, that the House of Representatives will not be willing to pass an amendment that shall bar out this opportunity for fraud. I therefore ask the candid judgment of the Senate upon an amendment which I shall propose and which Senators, if they will examine the subject, will

find is indispensable, if they would prevent these frauds. We have now a law, section 1737 of the Revised Statutes:

If any consul, vice-consul, commercial agent, or vice commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than \$10,000.

I want to impose a fine; that, if he shall certify that any sugar or rice is the product of Hawaii when it is not, there shall be a law to punish the offense. I will say to Senators that while the Secretary of the Treasury has power to issue rules and regulations, he has no power to punish for a violation of such rules and regulations. Therefore while I know that my friend from California will be impatient at the slightest reference to any amendment, though it is merely to prevent a large amount of frauds, yet I do insist that in point of even decent legislation such an amendment is indispensable and will not in the least hazard the passage of the bill. I present the following amendments and ask that they be read.

The PRESIDENT *pro tempore*. The Senator from Vermont proposes amendments, which will be read.

The CHIEF CLERK. In line 22, after the word "force," it is moved to insert "subject, however, to be suspended whenever the conditions and stipulations contained in articles 2 and 4 of said convention shall not be faithfully observed by His Majesty the King of the Hawaiian Islands."

Mr. MORRILL. That is in accordance with the usual practice under such treaties, and there is no provision by which this treaty can be terminated short of waiting until Congress should convene, provided the Hawaiian government should at any time fail to execute it according to its terms. I wish to leave power in the Executive to terminate this treaty if they shall so fail at any time. That is one amendment. There are others. Let them be read.

Mr. BOUTWELL. There are three reasons in way of objection to the amendment, either of which in my opinion is fatal to it or sufficient to show that the amendment itself is unnecessary. The first is that the Hawaiian government, if this treaty be at all favorable to the people of that country, and especially if it be favorable to that people in any degree proportionate to the representations made by Senators upon this floor who oppose the bill, will prevent by their own policy and their own conduct any fraudulent practices in their custom-houses. That first reason is connected with the second, which is—

Mr. MORRILL. Let the other amendments be read. You have only heard part of them.

Mr. BOUTWELL. I thought I had heard the whole.

Mr. MORRILL. No.

Mr. BOUTWELL. Then it is worse, probably, than I supposed.

The CHIEF CLERK. It is also proposed to insert as additional sections the following:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized from time to time to make and prescribe, in addition to requirements for the verification of invoices under existing laws, such rules and regulations and conditions relative to the evidence, which shall include the declaration under oath of the owner, shipper, or manufacturer, and the certificate of the consul, vice-consul, commercial agent, or vice-commercial agent, that any articles of merchandise proposed to be exported from the Hawaiian Islands and to be admitted into the ports of the United States of America free of duty under the first article of the convention aforesaid are the growth and produce or manufacture of the Hawaiian Islands, as may be necessary for the protection of the revenue and in conformity to article 3 of the aforesaid convention.

SEC. 3. That if any consul, vice-consul, commercial agent, or vice-commercial agent shall falsely and knowingly certify that any merchandise about to be exported from any port of the Hawaiian Islands to any port of the United States is of the growth and produce or manufacture of the Hawaiian Islands, he shall on conviction thereof in any court of competent jurisdiction forfeit and pay a fine of not exceeding \$10,000, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Mr. BOUTWELL. Mr. President, those supplementary clauses seem to relate to the main proposition which is first stated in the amendment, and would not therefore change the views which I entertain concerning the proposition itself.

First, then, it is not necessary, because the Hawaiian government has a reason for fulfilling the treaty in its precise intent, which is strong in proportion to the advantages which the people of that country are to derive from the treaty; and just as strong as is the opinion or the representation of the Senator from Vermont or his associates who oppose this treaty that it is advantageous to the people of Hawaii, just in that proportion is the strength of our security that they will maintain inviolate the treaty in this particular.

Mr. MORRILL. If the Senator will excuse me, I have not represented that this was going to be any advantage to the people of Hawaii, but only to the planters. I think it will not be of any advantage to the people.

Mr. BOUTWELL. I will ask the Senator by what process he supposes this treaty has been attained on the part of Hawaii; that is, what influences in the islands have induced the Government to assent to the treaty?

Mr. MORRILL. I would rather not discuss the influences that have brought about this treaty.

Mr. BOUTWELL. Then I will assume one of two influences, either derived from the people of whom we speak on the one hand, who as is said by the Senator from Vermont are not to derive any advantages from this treaty, and therefore it follows that they had no power in making the treaty and will have no interest in keeping it,



and hence will have no capacity to annul it. But if there are people in the Hawaiian Islands who are interested in this treaty, the probability is that they had some agency in the process on the part of the Hawaiian government by which it was secured, and the influence of that body of people in the Hawaiian Islands will remain and their influence will be exerted to secure the faithful performance of the stipulations contained in the treaty, and they will exert themselves in that direction just in proportion to the advantages they derive from it.

Further, the amendment is entirely unnecessary from the circumstance that it proposes that when the Hawaiian government violates the treaty the treaty shall be abrogated. We do not need legislation to secure that. By the well-understood and uniformly practiced law of nations, whenever a treaty is violated on the part of one of the contracting parties the other contracting party has a right to annul the treaty; and therefore we do not need to legislate, because we have better security than legislation can furnish. If the treaty is not faithfully kept by the Hawaiian government, we shall have the right in good faith and according to the law of nations to annul it.

Mr. SARGENT. Will the Senator allow me a moment to call his attention to the fact that the bill which is pending is an exact copy of the law found in volume 10 of the Statutes at Large to give effect to the reciprocity treaty with Canada, where the subject was articles which were the growth or produce of Canada, New Brunswick, Nova Scotia, &c. We have followed the exact precedent. In regard to the penalties, the other portion of the amendment, section 5442 of the Revised Statutes provides:

Every consul, vice-consul, commercial agent, or vice-commercial agent who knowingly and falsely certifies to any invoice or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than \$10,000 and by imprisonment for a term not more than three years.

It applies to this; it applies to everything.

Mr. BOUTWELL. But I beg to say to my honorable friend from California that a reference to the proceedings of Congress in regard to the reciprocity treaty with Canada would be the most unwelcome precedent for my friend from Vermont that could be offered.

Mr. SARGENT. That I am aware of.

Mr. BOUTWELL. I imagine that his chief reason for objecting to this treaty is the apprehension he entertains that it may be a precedent at some future time for another reciprocity treaty with Canada or some other country on some side of our own territory.

But the third reason is that the amendment is for the time being fatal to the bill. We know perfectly well that at this stage of the session to adopt an amendment to this bill and send it to the House is to dispose of it for this session of Congress.

I do not claim that because this Senate by a two-thirds majority has ratified a treaty it is bound to pass such laws as are necessary for the execution of the treaty; but I do say that having ratified a treaty by a two-thirds majority, and the facts remaining substantially as they were when the treaty was ratified, this Senate cannot take a different position or fail to carry into effect its own treaty ratified after debate and due consideration. If there were new facts, if there was any disclosure of any improper proceedings concerning the negotiation or the ratification of the treaty, if in any sense it was calculated to produce results different from those anticipated at the time the treaty was negotiated, then the Senate might take advantage of its "sober second thought," supported by new facts and new information. But in this case nothing has occurred, and nothing, I may say, has been stated on the floor of the Senate in the debate upon this bill that was not stated substantially, and I think indeed with more elaboration and detail when the treaty itself was under consideration.

I accept this treaty and the consequences of this treaty not on account of the mere advantage one way or the other of the slight trade that is going on between these islands and the United States, and if the losses of revenue were twice what they are shown to be it would not disturb me in my opinion that as a measure of public policy this is one of the best opportunities the country has had for the enlargement of its trade and the advancement of its commercial influence in the Pacific and toward the great nations that lie upon the other side of the Pacific Ocean. If there be any reason which can be assigned that has substance in it as tending to show the cause of our present financial difficulties, the depression of trade, the loss of work, it is that as a great producing country, with immense intellectual resources applied to inventions and improvements, we have advanced in production beyond the capacity of the markets we command; and the country will, I believe, enter upon a new career in this respect looking to the hundreds of millions of people in China and Japan who are not our equals in the capacity to produce, but who still have the means of purchasing and consuming vast quantities of the products of the labor of our people and of our machinery. Now this is one step in the right direction. It is not a very long step, but it is half way toward the four or five hundred million people on the other side of the Pacific Ocean.

Another reason to my mind is that while we do not desire, and certainly for one I do not design, to annex these islands to the United States, I still desire to see them in such a condition that when the ruling class in that country shall disappear there shall be established in the place of the present government a republican Government under the control of Americans and animated by the ideas of Americans; and if we thrust these people away they must

now seek aid and protection somewhere else. If we reject this treaty we transfer these islands either to France or to Great Britain, and we diminish our markets, we diminish our political power, we limit the influence of our institutions, we circumscribe American ideas, we retard the progress of American civilization in its advance westward. Any one of these considerations is worth more to the people of this country than the one-half million or more dollars that you say will be lost by this treaty.

Mr. HITCHCOCK. I move that the Senate lay aside the pending order informally that we can take up the concurrent resolution for adjournment.

Mr. SARGENT. I understand we can have a vote on this proposition in a very short time. I believe there is only one other speech to be made. I make this suggestion to the Senate: that by going on without taking a recess we can adjourn the Senate by midnight. If we waste time in the discussion of the order of business we cannot do it. Now let us run on smoothly, and I have no doubt we can adjourn by that time.

Mr. HITCHCOCK. I have been waiting patiently nearly all day. I have no disposition to interfere with the passage of the bill of the Senator.

Mr. SARGENT. I understand that; I make the suggestion in perfect good faith. I think we can adjourn to-night.

Mr. HITCHCOCK. If we take up the resolution of adjournment and fix a time—

Mr. SARGENT. That very thing may prevent our adjournment, because things may arise and Senators do not like to talk against time.

Mr. HITCHCOCK. If the time was fixed it certainly could be changed if a change should be found necessary.

Mr. SARGENT. I insist on the regular order.

Mr. HITCHCOCK. I suppose the regular order is my motion.

Mr. LOGAN. I insist on the regular order.

Mr. HITCHCOCK. That is my motion. I should like to test the sense of the Senate. I feel as unwilling to interfere with this bill as any one—

Mr. SARGENT. We can get this out of the way in twenty minutes, I hope.

Mr. MORTON. I suggest to the Senator to let the vote be taken on the bill.

Mr. HITCHCOCK. If the vote can be taken, I shall not interpose.

Mr. SARGENT. I understand that one Senator wishes to state his views merely, not occupying much time. Then I believe we can have a vote. I hope the Senator will withdraw his motion.

Mr. HITCHCOCK. I withdraw it for the present.

Mr. LOGAN. Mr. President, I desire to detain the Senate but a very few moments in reference to this question. I look upon the measure as one of very great importance to this country, and I differ with the views of certain Senators whose ideas seem to be in reference to a question of this kind merely dollars and cents. I fear that our statesmanship of to-day appertaining to all of us differs very materially from what American statesmanship was in times gone by. It was once considered good statesmanship to look somewhat to the future and the great development of this country and at that which would aid in its development and advancement; but nowadays it seems to be statesmanship whenever a question arises to take out a pencil or a pen and cipher up how many five-cent pieces the United States of America will lose at the present time if some measure shall be enacted into a law.

The idea that this proposition should be ciphered and figured on in reference to dollars and cents, when the amount is a mere bagatelle at best, is something that strikes me as unsound in statesmanship. My friend from Georgia, [Mr. NORWOOD,] who has great sympathy for the laboring people of Georgia, the colored people—and I admire his sympathy for them—is very much alarmed, if this bill should pass, for fear that some poor colored man will not be employed to do a day's labor in the cultivation of rice. Therefore he says this bill is inhumanity itself, because it destroys the labor of those people in the South that are now engaged in rice cultivation. It was very amusing to me. I do not know how it affected other Senators. The idea that the rice landed from the Hawaiian Islands in San Francisco, or on the coast of California, should have an effect on rice-raising in Georgia, taking into consideration the great distance of travel, the manner of transportation, and all the items that must be taken into view, does strike me as something very extravagant. It would have just about the same effect upon rice production in Georgia, or in any other State, that the tariff on a hand-saw would have on the price of pigs in Illinois; just about the same.

So it is with my friend from Vermont, [Mr. MORRILL.] He is terribly alarmed too for fear the importation of a few hogsheds of sugar from the Hawaiian Islands will affect the sugar crop or the price of sugar in Louisiana or some other southern district of country—Texas, or somewhere else. Now, when we discover that the amount of duties on all the articles received in our Pacific ports from Hawaii is about \$300,000, how is that small amount of importation of sugar to affect Louisiana and affect Texas and affect the sugar-producing portion of the country? That is an argument of course on a certain line, but it is an argument in a narrow groove, one of the most narrow grooves that any man's mind can possibly act in. What possible effect could the importation of this small amount have upon the sugar production of our country? I do not want to get into it; it is too small a



business. I do not wish to take out my pencil and count the five-cent pieces that might be accumulated in future ages by continuing these duties. I will say to my friend from Vermont, who represents an agricultural people, that the effect upon his constituents of the taking off the tariff on sugar landed from the Hawaiian Islands on the coast of California will be just about the same that the tariff on wool would have on the price of tobacco. If any man can calculate that, that is about the influence it would have, and that is about the value of the arguments that have been made in reference to this proposition.

What is the proposition? The proposition to my mind is something of more magnitude than this. It is a proposition having at least grandness in it so far as the future is concerned. It strikes my mind the same as a question of this kind would if the Senator from Georgia or the Senator from Vermont were in command of an army to-day moving on an enemy and they were approaching close to one another and they found a stream of water and but one stream to furnish the soldiers with water; the question would arise which one should get possession of that stream first, and there the fight would occur, as all men know who are conversant with these things. The question then for the benefit of the army is the question of that water, the one that gets possession first. So when armies opposed to each other find a hill in advance, either one, two, or three miles, of the valleys where they are they naturally seek possession of that hill as an outpost, to which the army can be moved for defensive purposes. That is one of the rules we always find closely adhered to when we are moving in matters of that kind. So it is between the governments of France, England, and the United States. These islands in the North Pacific are the outposts of the western coast of the United States of America; and in time of war they are like the hill or the stream of water that I have described to the United States of America, and there the battle would occur for the possession of the islands as a coaling station, and every man who has thought on this question knows it to be a fact. Then, the man who looks at this matter, not as to the effect on this country in the future, but as to the number of five-cent pieces we may lose or might lose by our action, is looking at it as I said in a very narrow groove.

Mr. WEST. Will the Senator yield to me to ask him a question?

Mr. LOGAN. Certainly.

Mr. WEST. How will the ratification of this treaty contribute to the military possession or the naval possession of these islands?

Mr. LOGAN. I will answer the Senator as best I can. It will contribute to it in this particular and in this way: If we do not ratify the treaty and pass a law carrying out the existing stipulations of the treaty, and by that means have the friendly relations existing between that government and ours that would naturally give us that right, and would naturally cause it, like the ripe apple on the tree, to fall into the hands of the one who first shakes the tree, we are prevented from finally getting possession of that which is desirable to this country. If we strike this down and allow other nations to take the position we have now a chance to get by commercial treaties of the same character, they would cause these people to desire friendly relations with them more than with us, and they would affiliate with them and not affiliate with us. If affiliation and sympathy and feeling exist between the two governments, that naturally will in time to come give us possession of the islands which are desirable to us at this or at any other time. That is my answer.

Mr. WEST. As the Senator has kindly answered that question to his satisfaction, will he tell me how the Government of the United States by ratifying this treaty can hold these islands against a struggle with Great Britain, without fortifications and defenses; and must we not necessarily after consummating this treaty so fortify these islands that we may make a stronghold there?

Mr. LOGAN. That is a question that the Senator himself knows has nothing on earth to do with the passage of this bill.

Mr. WEST. That may be, but I should like to have the Senator's answer to it.

Mr. LOGAN. Very well; I will give the Senator this answer: It would not necessarily at all require us to fortify the islands. Our friendly relations are a fortification in our favor to a certain extent and give us the right of occupancy in a time when we might be in danger. It is the fortification of good-will toward this Government which is as strong a fortification as that that may be made by military science, and the only kind of a fortification that exists between governments having friendly relations is the fortification of good-will, of kindly relations between the two. That is all the kind of fortifications that can exist between governments. That is my answer to that question, and if the Senator has another I will try to answer that.

It does seem to me that my friend from Vermont and my friend from Georgia are trying to demonstrate the necessity in this country of adopting the Chinese-wall system, having no relations whatever with any other nations of the earth; walling yourselves in until the time of peril comes and then the walls must fall; walling yourselves in from that which every man by looking on the map can see is of vast importance to us now and will be in the future. Without going over the history of the recent war we find that vast importance was attached to these islands at that time, and certainly it is not expected that they will not be of the same importance in future years if the same state of things should exist, and the same state of things may exist that did at that time.

Now, sir, my theory in reference to these islands and all other contiguous islands to the United States of America dotted around our coasts that stand as an outpost, that stand merely as the little company of advance guard that you send out in front of an army to look-out and spy out the enemy, is that we ourselves in times gone by have not looked as well to our interest as we should have done. If we had, the outposts surrounding us to-day would have been in the possession of the Government of the United States, and with these outposts in our possession this Government might defy the combined power of all the nations of the earth. When I say "outposts" I mean all those outposts which approach our borders either east or west. I am for that kind of statesmanship that does look to the future and that does not wait until the time comes when we are called upon unprepared to make that exertion which the nation cannot without great preparation make. We have had some experience in reference to preparations that are necessary to be made when a surprise comes upon us, and the tale is told in the annals of this country in the last few years, in the annals in reference to its blood, in reference to its failures, in reference to its successes, in reference to its expenditures. The tale is amply unfolded there, giving warning to us that the necessity exists at all times to be ready for that which cometh at the hour we know not of.

Mr. WEST. Mr. President, the concluding remarks that have just been submitted by the Senator from Illinois meet my sanction; there is no difference of opinion between us on that subject; but I contend in furtherance of that very idea, that the step that you are now about to take will defeat it virtually and positively; that you are about to so subsidize these islands as to actually remove them beyond your domain or your possible occupation or ownership of them at a future and a proper time.

The Senator said in response to a question that I put to him a while ago that this treaty would so Americanize these islands and so contribute to our influence upon the spot that it would be an easy matter at all times to maintain friendly relations and profit by them. Does he know what the history of our relations with the islands is at the present time? Does he know that to-day they are as much Americanized as if the American flag flew over the islands? If he does not, here is the only authentic history we have on the subject, and I will read it to him.

Mr. LOGAN. I have read it. You will not add to my information by reading it.

Mr. WEST. It is very difficult ever to give the Senator from Illinois any information; but perhaps it may benefit some others. Mr. Nordhoff says:

It is plain that the island trade is so largely in our hands that no other nation can be said to dispute it with us. If our flag flew over Honolulu we could hardly expect to have a more complete monopoly of Hawaiian commerce than we already enjoy. Moreover, almost all the sugar plantations, the most productive and valuable property on the islands, are owned by Americans, and the same is true of the greater number of stock farms.

Our political predominance on the islands is as complete as the commercial. In the present cabinet all the ministers except one are Americans.

I submit what possible advantage do you gain, what possible advance do you make toward the possession of these islands by subsidizing them for the period of seven years. I repeat again, does it plant one gun, does it raise any fortification, or contribute in any way to our military or forcible maintenance of the islands against any European power? Does not the Senator know that immediately upon the outbreak of hostilities between this country and Great Britain, to use his own figure of speech, that would be "the very stream of water," that would be the very vantage-ground which would be sought to be occupied by both countries? If we want these islands as a military protection, let us buy them, let us fortify them and make them useful, but not give away the money of the people of the United States in a useless piece of speculative diplomacy.

The Senator from Massachusetts [Mr. BOUTWELL] spoke of the great advance that this country had made in production beyond the capacity of consumption. He said that this was a step, but not a very long step, toward the commerce of the 400,000,000 or 500,000,000 people of the East. Yes, "it is a step, but not a very long step." What are you reaching out and grasping for? The commerce of 50,000 people, I repeat again, and that is all. What becomes of this magnificent vision that looks to the increasing and growing industries of this country to be promoted by this measure? It is a mere vision, and embraces no greater commerce than pertains to one-third of the population of this city. He said he did not care if it cost twice the treasure, twice the estimate that was put upon it at the expense of this country so long as we could acquire possession. Then we are to understand that according to his estimates he is willing to spend \$4,000,000 a year to get a treaty with these islands; \$28,000,000 frittered away in seven years for what? At the end of that time that people and those enriched sugar-planters on those islands will turn to you and tell you, when they have had the benefit of your subsidy for seven years, they will endeavor to maintain their independence.

Sir, the Senators on this floor who desire the acquisition of these islands by the ratification of this measure present the only stumbling-block that appears to my vision in the way of that acquisition. We cannot acquire them under this proposition; it is idle to talk of it, and due reflection would bring us to that conclusion.

May I be permitted to say one word in connection with the amendment that has been offered by the Senator from Vermont, and that is in regard to smuggling. There can be no question but what foreign



sugars will be introduced into these islands to the extent of their consumption by all the native population, and perhaps more. Every pound that they can produce will be sent to this country. There you will have side by side with their native production the foreign import, and I ask you when such an inducement as will be held up to them or to their merchants or to those engaged in commerce to adulterate that sugar and adulterate that rice with a foreign product whether they are not likely to succumb to temptation? You can adulterate Sandwich Island sugar and Sandwich Island rice 20 per cent. with the production of India and nobody can detect it, not the most efficient expert that we have in our employ.

Then the Senator from Massachusetts argued that the people there would be interested in preventing this smuggling. Are not the honest people all over this land interested in preventing smuggling? Does not the illegal introduction of smuggled goods into this country immediately conflict with the legitimate profits of your honest trader? Do the efforts of the honest trader in this country prevent illegitimate productions, and will it not do so there? The amendment that has been offered is eminently proper.

This treaty, as it reads in the third article, says:

Under such rules and regulations and conditions for the protection of the revenue as the two governments may from time to time respectively prescribe.

I ask what has this Government prescribed for the protection of the revenue in that case? Can the Secretary of the Treasury, under existing laws, make the needed regulations? I think not.

Mr. SARGENT. He did so under the reciprocity treaty with Canada.

Mr. WEST. There never was any attempt there, that I am aware of, to evade them, and the proposition is idle that because a certain number of honest men are interested in seeing the laws faithfully administered that is an insurance that they will be, without penal provisions for their violation. I think the amendment is eminently proper, and without it you will not only be obliged to pay this revenue to these islands, but you will be defrauded by one-fifth of it at least.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. MORRILL. I merely wish to say that there is a provision in the treaty that the Hawaiian Islands shall not concede similar privileges to any other country. If that should be violated, then it would be in the power of the President to terminate the treaty under my amendment. I think that the time between our adjournment from March and the next succeeding session of Congress might sometimes be too long to wait. Of course Congress can terminate the treaty whenever they please.

The PRESIDENT *pro tempore*. Does the Senator desire action on all the amendments at once?

Mr. MORRILL. No; on the first one by itself, to insert in the first section the power of suspension on the part of the Executive.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from Vermont.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposing to insert additional sections.

Mr. MORRILL. In spite of all that has been said, I do insist that there will be no power to punish fraud that may be committed unless this proposition shall be adopted. I therefore ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to state that on this bill, and, as I understand from my friend from Oregon, [Mr. MITCHELL,] also on these amendments, I am paired with the honorable Senator from New York, [Mr. CONKLING,] who is now necessarily absent from the Senate. I wish to say also while I am up, not to take any time, that while I agree to what the Senator from Illinois [Mr. LOGAN] has said about the desirability of political control or friendship at least with these islands and all others, the gravity of the question as it will ultimately result is in the circumstance that under our particular form of government when any of these islands become a part of the United States it will almost necessarily be followed by their being introduced into the government of the country and they will assist in making laws for the people of the United States, and unless their populations are homogenous with our own and their local institutions are similar to ours, it will be an element of unhappiness and discord and injury rather than of public benefit. I should, therefore, hesitate a long time before I took any step that would look to the incorporation into the American Union of these outlying islands on either side of the continent, for that involves too much for republican liberty dependent upon considerations that have often been mentioned. But on this particular topic, as I have stated, I am paired.

I wish to say also that I do not agree with what has been stated by the Senator from California, [Mr. SARGENT,] that we are under any more obligation to pass this law than we were to agree to the treaty. We agreed to the treaty with the express stipulation that it should not take effect until the legislative department of the Government, the Senate and House of Representatives and the President acting in that character as a check upon legislation, should also pass the necessary laws to carry it into effect. I do not hold, therefore, that we are bound to carry this treaty into effect by law unless in our judgment we believe it right in itself that it should be carried into effect.

There is no point of honor or of public faith, that I can see, that is involved in it. If it were otherwise it would be perfectly useless to incorporate into a treaty such a limitation; and it would be just as absurd to my mind as it would be where an agent is making a contract for his principal without authority to stipulate that the contract should not have force until the principal should agree to it, and then to assume that the principal was bound to agree to it because the agent had made that conditional arrangement.

I am not by any means prepared to say that the President and Senate would not have had absolute power under the Constitution to make this treaty without any such provision for legislation. I am not going into that. But it being in it, it appears to me to be perfectly plain that the legislative branches of the Government are under no obligation except the obligation to do right in respect of the subject.

Mr. STEVENSON. I should vote for the amendment if I did not believe the matter was already provided for by law. I think section 5442 of the Revised Statutes provides for it expressly. It renders it criminal for any false invoice to be made in regard to any foreign merchandise whatever. Believing, therefore, that it is already provided for, I shall vote against the amendment.

I voted for this treaty before; and when the Senate by two-thirds ratify a treaty, while I will not say they are compelled to act upon it, it at least puts us in a false position unless some change in public affairs has taken place after such action of solemn ratification of a treaty not to vote for the legislation to carry it into effect. I shall, therefore, vote for the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] I should vote in favor of the amendment.

Mr. MORTON, (when his name was called.) Some few hours ago, supposing I was going out of the Senate for a while, I paired with the Senator from California [Mr. BOOTH] on this question. He is not now here and perhaps has gone out supposing that I would be absent. If he were here he would vote for the amendment and I think I should vote against it. I shall not vote.

Mr. MCCREERY, (when his name was called.) I am paired on this Hawaiian treaty with the Senator from Iowa, [Mr. WRIGHT.] He favors the treaty and I am against it.

Mr. KELLY, (after first voting in the negative.) On Saturday I paired with the Senator from Virginia [Mr. WITHERS] and as I thought the pair would expire this morning, but he has gone away understanding that he is paired all the session. I shall have to withdraw the vote I gave against this amendment.

The PRESIDENT *pro tempore*. The vote will be withdrawn, if there be no objection.

Mr. KELLY. I understand the Senator from Virginia went home on account of sickness in his family.

The roll-call having been concluded, the result was announced—yeas 7, nays 30; as follows:

YEAS—Messrs. Cockrell, Gordon, Key, Morrill, Norwood, Patterson, and West—7.

NAYS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Cragin, Davis, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Maxey, Mitchell, Oglesby, Paddock, Randolph, Sargent, Sanbury, Spencer, Stevenson, Wadleigh, and Windom—30.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boggs, Booth, Bruce, Cameron of Pennsylvania, Conkling, Conover, Cooper, Dennis, Dorsey, Edmunds, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, McCreery, Merrimon, Morton, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—34.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. MORRILL called for the yeas and nays, and they were ordered.

Mr. GORDON. Mr. President, it was my purpose to have spoken upon this bill at some length. I am physically unable, however, to do so this morning, even if I thought it advisable; but after the last vote, which has so overwhelmingly defeated the important amendment proposed by the Senator from Vermont, the object of which was to protect the interest in behalf of which I intended to speak, it would be a sheer waste of time to attempt an elaborate argument. I shall therefore content myself with protesting against this proposed legislation to carry into effect a treaty so partial in its operations and so unjust to one section or one portion of the people of this country. There were a number of objections to this treaty to which I proposed at one time to address myself. One objection is local; another is general in its character. One objection lies against its policy, another against its principle. It aims a death-blow at important interests in one large section of the country without any corresponding benefit to other sections, and therefore it ought not to pass. It is at least of doubtful constitutional sanction; it places in jeopardy the good name of the Government for fair dealing with other nations with whom we have treaties, and on these accounts ought to be rejected.

But, as I said, I propose simply to offer my protest, and not only



mine, but the protest of the people whose interests are involved, most lamentably involved, by this partial and short-sighted policy. Sir, I know the southern rice and sugar planters, and it is not too much to say of them that no portion of the American people are more capable of self-sacrificing patriotism; and if you will propose a measure which shall admit duty free or upon light duty all articles of foreign manufacture which the people of this country consume, they will yield to it as cheerful a support as the people of any other section. They have inherited by birth and have maintained through their entire lives the doctrine of free trade, or rather the imposition of duties for revenue alone; but, sir, is it surprising that they should antagonize with all their feeble power a bill which proposes to single out from all importations those productions upon which all their prosperity depends? I myself am a free-trader in the sense of a tariff for revenue alone, and whenever there shall be introduced into the Senate a bill to open our ports to English iron, to English steel, to French manufactures, to Great Britain's manufactures, and to the manufactures of all the world, I shall go as far toward its support as is consistent with the security of needed revenues and as far probably as those who now so actively support this partial, one-sided, obnoxious measure.

I am here to vote for general laws, for equal burdens, and equal rights, and I can never, though I should stand alone, give my sanction to any bill which discriminates against the interests of any portion of the American people. It is not just, Mr. President, and begging the pardon of the majority of the Senate who choose to force this legislation at a heavy cost to the people of my section, I must say that it is not only unjust, but it is inconsistent with that mutuality of interest and that equality of burden which was guaranteed by the Constitution and by the very organism of the Union itself.

Is it just to experiment for the benefit of the whole people and for the benefit of a foreign people in the South's productions and the South's cost? Much less is it just or politic or statesmanlike to try that experiment at the hazard of the sole material interests of that portion of the southern people who by the vicissitudes of war have been made poorer than any people in all the history of the past.

Senators tell me that this legislation will not interfere with the interests of the rice and sugar planters. But, sir, when Senators tell me that they are better advised of the interest of these planters than the planters themselves, who are intelligent, cultured, capable—the peers of any who hold seats upon this floor; when legislators thus answer arguments, then debate is useless. I repeat, sir, these planters know their interests, and they feel that upon this bill hangs not only their future interests, but may involve their ability to gather their growing crops. They feel that the passage of this bill may involve the possibility and even the strong probability of having their plantations abandoned on the very eve of their harvest. Yet Senators tell us that they are to be the judges, and that all these apprehensions are groundless. I trust they may be; but I will never consent to legislation which is of such doubtful constitutional support, of uncertain effect upon the general revenues, and which by its discriminations fills with alarm so large and intelligent a body of citizens, whose whole fortunes, already palsied by disease, are to bear all the burden of the change. I do not expect the Senate to heed these admonitions; for it has just voted a proposition to so amend this bill as to make it certain that no other rice or sugar shall be admitted free except that grown upon these islands. Sir, what guarantee have you that there will be admitted into San Francisco and the Pacific ports only the productions of those islands? Is there anything in the law, is there anything in the character of the people with whom you are treating, is there anything in your ability to enforce this law by spies and informers, by ships and cruisers, that guarantees to us that these islands will not become a great funnel through which will be emptied into your ports free of duty the productions of Cuba and India and China? We are not dealing with Canadians or Englishmen; but with semi-savages, whose moral sense would be less shocked by a violation of the treaty than by the loss of the profits which gigantic smuggling will insure. I am not a merchant; but a shrewd trader with capital could organize an establishment in the city of San Francisco, another on the island of Hawaii, and another in Cuba, and another at Hong-Kong, and could pour into your Pacific ports year by year free of duty more rice and sugar, in spite of all your laws, than the Hawaiian Islands are worth or ever will be worth. Will enterprising gentlemen be wanting in such a scheme? How will you prevent it? Are you going to send your men-of-war to enforce your law in these far-off islands, and make this great western ocean Pacific only in name? Is this the price we are to pay for so contemptible results as are promised or can be secured by this treaty? Sir, I am amazed that the proposition submitted by the Senator from Vermont [Mr. MORRILL] received but seven votes in this body. It will not be twelve months before we shall have hogsheads of sugar by the thousand grown on the island of Cuba, tierces of rice by the myriads grown in China, entering our ports with the *frank* of Kink Calico (Kalakaua) upon them.

But, Mr. President, as I said, it is idle to discuss this measure. I will not take the time of the Senate any longer. Let me once again repeat, however, that you are proposing a grave injustice—injustice to the southern planter of rice and of sugar; injustice to the laborer who produces these commodities; injustice even to the West, whose productions of wheat and corn and meat these planters are now able to consume, but which they may no longer be able to purchase when

this bill shall become a law. It cost originally \$100 per acre to redeem these rice lands from the swamps; they have cost since the war \$50 to \$70 per acre to resubdue and refit them, and they now cost from \$10 to \$20 per acre per annum to cultivate them. And when they shall become no longer valuable because the product which has made them valuable becomes itself almost valueless, then these laborers must abandon these fields, and these lands themselves be abandoned to the waters from which they have by the labor of generations and so great an expenditure of money been redeemed.

One word more and I shall close. These planters, intelligent, well-informed, and honest, believe that they are in absolute danger, if this bill shall pass, by reason of the panic which it will create in the minds of their laborers of having their plantations abandoned and their present crops lost.

Now, Mr. President, I appeal to fair-minded Senators to postpone the consideration of this bill until the present crop shall have been gathered. Then, if the panic shall come, let it come when these burdened and paralyzed people shall be better prepared to meet it. But do not bring upon them this disaster after they have engaged their labor and planted their crops upon the supposition this great Government would be incapable of such partial law-making or of making them an exception to its rule of protection. Sir, what would Pennsylvania say if it were proposed to introduce iron free? What would Connecticut say if her products were brought into competition with free imports from some other nation? Georgia, Louisiana, South Carolina, Alabama, and Texas only ask that the consideration which has been shown to other States shall be shown to them; and, if nothing more, that they at least shall be spared this blow until their harvest is ended. I therefore move to postpone the further consideration of the bill until the second Tuesday in December next.

The PRESIDENT *pro tempore*. The Senator from Georgia moves the postponement of the bill until the second Tuesday in December next.

The motion was not agreed to—yeas 8, noes not counted.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] He would vote for the bill, and I should vote against it.

Mr. HITCHCOCK, (when his name was called.) On this bill I am paired with the Senator from South Carolina, [Mr. ROBERTSON.] If he were here he would vote "nay," and I should vote "yea."

Mr. KELLY, (when his name was called.) I was paired with the Senator from Virginia, [Mr. WITHERS;] but the Senator from Arkansas [Mr. CLAYTON] has kindly agreed to pair with the Senator from Virginia for me, so that I am at liberty to vote. I vote yea.

Mr. CLAYTON, (when Mr. WITHERS's name was called.) As has been stated by the Senator from Oregon, [Mr. KELLY,] I am paired with the Senator from Virginia, [Mr. WITHERS.] If he were here he would vote "nay," and I should vote "yea."

Mr. MCCREERY, (when Mr. WRIGHT's name was called.) I am paired on this question with the Senator from Iowa, [Mr. WRIGHT.] He would vote for the bill, and I should vote against it.

The roll-call was concluded.

Mr. GORDON. On this bill I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 29, nays 12—as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Cragin, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Paddock, Randolph, Sargent, Saulsbury, Spencer, Stevenson, Wadleigh, and Windom—29.

NAYS—Messrs. Boggy, Booth, Cockrell, Cooper, Davis, Jones of Florida, Key, Morrill, Norwood, Patterson, West, and Whyte—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conkling, Conover, Dennis, Dorsey, Edmunds, Goldthwaite, Gordon, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, McCreery, Maxey, Merriam, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, WITHERS, and Wright—30.

So the bill was passed.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

A bill (H. R. No. 516) for the relief of Floyd C. Babcock; and

A joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting, in answer to a resolution of the Senate of July 24, 1876, a statement of the number of civil officers employed in the Treasury Department from 1859 to 1875, inclusive; which was ordered to lie on the table, and be printed.



## HOUSE BILL REFERRED.

The bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer was read twice by its title and referred to the Committee on Pensions.

## ORDER OF BUSINESS.

Mr. CLAYTON. Mr. President, for the purpose of submitting a few remarks, which will not take more than ten or fifteen minutes, I move that the Senate now take up the resolution to print the President's message in relation to the Hamburg massacre.

Mr. SARGENT. Cannot the Senator make his remarks on the report of the committee of conference on the Indian appropriation bill?

Mr. CLAYTON. I shall take no more time on the one than on the other, and I may as well make my remarks now.

Mr. EDMUNDS. I wish to appeal to the Senator from Arkansas. I gave notice this morning that as soon as this Hawaiian matter was finished I should again ask the Senate to take up the House resolution proposing an amendment to the Constitution of the United States.

Mr. CLAYTON. I can finish my remarks while Senators are discussing this question, if the Senate will allow me to take it up.

Mr. EDMUNDS. But somebody else may want then to say something on the same question. I hope the Senator will withdraw his motion and let me call up the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

Mr. LOGAN. If the Senator will give way, I will ask to take up a conference report, and he can make his speech on that just as well as on anything else; and it is a conference report that ought to be taken up.

Mr. CLAYTON. Very well; I am willing.

Mr. LOGAN. I move—

Mr. EDMUNDS. I was wishing to make a motion.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor.

Mr. LOGAN. I move to take up the conference report on the subject of artificial limbs for crippled soldiers.

Mr. EDMUNDS. The Senator from Kansas objected to that report to-day.

Mr. LOGAN. I move to take it up; it was reported on Saturday.

Mr. INGALLS. I made no objection to-day.

The PRESIDENT *pro tempore*. It can be taken up on motion.

Mr. EDMUNDS. I hope the motion will not be agreed to, for it will lead to considerable debate; and now while the Senate at this time in the day is somewhat fuller than it is at any other time, I wish to get a straight vote on the question of the constitutional amendment. I shall not occupy the floor myself, if I do at all, for exceeding ten minutes, and I am advised that very little is to be said on the other side as very little could be as a matter of course as everybody understands, and therefore I hope my friend will not insist upon that but will let me get a vote on the amendment.

Mr. LOGAN. I wish to ask the Senator a question. He says the report will lead to considerable debate. I ask him why it will lead to debate?

Mr. EDMUNDS. Because I have understood my friend from Kansas to say that it would, and that it changes the state of the law as it has hitherto been understood to be. It may be a correct change. I say nothing about that.

Mr. LOGAN. I will state what the proposition of the conference report is. The law has been for years that every soldier, sailor, or marine who had lost an arm or a leg in the service of the United States should have every five years either a leg or arm supplied or commutation therefor. The last Congress gave to the soldiers who had lost an arm above the elbow or a leg above the knee \$24 a month pension, and provided that they should not receive commutation for an artificial limb. This bill re-instates that provision that they shall have it, and they ought to receive it more than any other men. That is all there is of it.

Mr. EDMUNDS. Do not debate the merits.

Mr. LOGAN. I am not going to debate the merits, but I am stating the proposition so that the Senate shall understand it. Now I move to take it up, and we shall see whether it leads to debate or not.

Mr. EDMUNDS. I hope we shall not take it up until we dispose of the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The question being put, there were on a division—ayes 24, noes 8; no quorum voting.

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

Mr. EDMUNDS. I may as well give up the constitutional amendment. I can neither get the floor nor a majority of the Senate.

Mr. GORDON. I think if we take the division over again there will be a quorum.

The PRESIDENT *pro tempore*. There is no objection, the Chair understands. The ayes have it, and the report is before the Senate.

Mr. EDMUNDS. I hope the Chair will count the Senate. I do not want to make any disturbance if a majority of the Senate is opposed to taking up the constitutional amendment, but I wish the Chair to count the Senate and see whether there is a quorum present.

The PRESIDENT *pro tempore*, (after counting.) There is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 897) granting a pension to Andrew Evarts.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap;

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

## ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

Mr. LOGAN. I ask for the reading of the report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the first and second amendments of the Senate, as follows:

In line 1 strike out "persons" and insert "officer, soldier, seaman, and marine." In line 5, after "application," insert "or commutation therefor as provided and limited by existing laws."

The House concurs also in the proviso added to the end of the bill with an amendment of the word "not" inserted between the words "shall" and "be" in the first line; so that it will read: "That this act shall not be subject to the proviso of an act entitled 'An act to increase pensions,' approved June 18, 1874."

JOHN A. LOGAN,

J. B. GORDON,

NEWTON BOOTH,

Managers on the part of the Senate.

J. M. RUSK,

A. V. RICE,

JOHN C. BAGBY,

Managers on the part of the House.

Mr. CLAYTON. Mr. President, I favor the adoption of this report. I believe that this Government ought to furnish aid to these disabled soldiers. I am not right sure whether the Government ought not to furnish aid to some of the soldiers who have been disabled since the war in some of the Southern States. I am not right sure whether this Government ought not to furnish aid to some of the widows and orphans who have been made widows and orphans because the Government would not give them that protection which it has given to its citizens in foreign countries; but upon this subject I shall make no further remark. I have risen for another purpose.

Mr. President, a duty which I owe to the State of Arkansas impels me, even at this late day in the session, to refute certain erroneous statements which have been made in this Capitol and elsewhere concerning its State debt. It has been asserted by democratic speakers, democratic newspapers, and within the past few days by an honorable member of the other House, that the debt of the State of Arkansas has been under republican rule increased to the extent of about \$15,000,000. How erroneous these assertions are, I shall now proceed to show. I send to the Clerk's desk a copy of the RECORD of August 10, containing a speech delivered by Hon. THOMAS L. JONES, of Kentucky, and ask that so much of the same be read as is marked:

The Chief Clerk read as follows:

But as the American mind, especially in these degenerate days, is apt to inquire how the money is handled, how collected, and how disbursed, whence it cometh and whither it goeth, and the answer to these questions makes up the verdict of the American people as to the honesty and morality of their public servants or rulers, perhaps no better illustration can be given of the condition of the Southern States and of the character of their rulers than the table which I submit, showing the debts of those States at the end of the war when their governments were in their own hands, and what they were at the end of reconstruction when their governments were in the hands of others.

Virginia.—Debts and liabilities at close of the war, \$31,938,144.59. Debts and liabilities January 1, 1872, \$15,480,542.21.

North Carolina.—Debts and liabilities at the close of the war—principal, \$9,690,500; interest, \$1,261,316; whole amount, \$10,951,816. Debts and liabilities January 1, 1872, \$34,887,467.85.

South Carolina.—Debts and liabilities at the close of the war, \$5,040,000. Debts and liabilities January 1, 1872, \$39,158,914.47.

Georgia.—Debts and liabilities at the close of the war, nominal. Debts and liabilities June, 1871, \$50,637,500.

Florida.—Debts and liabilities at the close of the war, \$221,000. Debts and liabilities January 1, 1872, \$15,763,447.54.

Tennessee.—Debts at the close of the war, \$20,105,606.66. Debts and liabilities January 1, 1872, \$45,682,263.46.

Arkansas.—Debts and liabilities at the close of the war, \$4,036,952.87. Debts and liabilities January 1, 1872, \$19,761,265.62.

Louisiana.—Debts and liabilities at the close of the war, \$10,099,074.34. Debts and liabilities January 1, 1872, \$50,540,306.91.

Texas.—Debts and liabilities at the close of the war, nominal. Debts and liabilities January 1, 1872, \$20,361,010.61.

Alabama.—Debts and liabilities at the close of the war, \$5,939,658.87. Debts and liabilities January 1, 1872, \$38,382,967.34.

Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers, elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than \$284,000,000.

Mr. CLAYTON. Mr. President—



Mr. PADDOCK. I ask the Senator from Arkansas to yield that I may move that the concurrent resolution sent from the House for the adjournment of Congress be taken up. I wish to move an amendment to it.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield for that purpose?

Mr. MORRILL. I hope not at the present time.

Mr. CLAYTON. Very well.

Mr. PADDOCK. I move to take up the concurrent resolution.

Mr. WINDOM. I hope it may not be taken from the table. The Indian appropriation bill has not passed yet, and cannot pass if there be a single objection to it until to-morrow. Certainly it is not expedient to pass the adjournment resolution fixing a time prior to that to which the Indian appropriation bill may be postponed.

Mr. PADDOCK. Do I understand the Senator from Minnesota to say that the Indian appropriation bill cannot be reported this evening?

Mr. WINDOM. It cannot be passed until to-morrow if there be a single objection to it. One objection carries it over. It was reported from the conference committee to-day and a single objection carries it over until to-morrow. It certainly would not be prudent to pass the resolution until we know that that important bill can be passed.

Mr. BURNSIDE. Will the Senator from Arkansas give way to me to move for a recess from half past five until eight o'clock?

Mr. WEST. No, we had better sit it out.

Mr. PADDOCK. On the statement of the Senator from Minnesota, I shall withdraw my motion for the time being.

Mr. WINDOM. I want to say that I reported the bill some time ago and would be very glad to call it up, but an objection has been made and I am unable to do so at present.

Mr. PADDOCK. I wish to give notice that at the earliest practicable moment after the Indian appropriation bill is disposed of I shall call up the concurrent resolution for adjournment, because I believe this Congress ought to adjourn.

Mr. BURNSIDE. Will the Senator from Arkansas yield to a proposition for a recess from five o'clock to half past seven, or whatever time may suit the Senate?

Mr. WEST. That will involve a session to-morrow.

Mr. CLAYTON. After the conclusion of my remarks I will yield.

The honorable gentleman after undertaking to give a statement of the *ante bellum* and existing debts calculated up to January 1, 1872, of ten southern States, winds up by saying:

Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than \$284,000,000.

Now, Mr. President, a gentleman who undertakes to deal in figures affecting the credit of ten States ought to be at least correct in his arithmetic. Let us see whether he is or not. By adding together the amounts stated of the debts of each of the ten States at the close of the war it will be found to aggregate \$88,333,000, and by adding together the entire debt existing, as stated, on the 1st of January, 1872, it will be found to aggregate \$360,661,686.01; deducting the *ante bellum* debt from the entire debt we have what is claimed to have been created under republican rule, amounting to \$272,328,432.63, instead of over \$284,000,000, as stated by Mr. JONES; a difference of about \$12,000,000. If in the simple matter of addition and subtraction the honorable gentleman is so inaccurate, what must we expect from him when he undertakes to ascertain down to the very cent the exact debt of each of the ten States alluded to?

To show that he is as unreliable in the detail of his figures as he is in his sum-total, I need only expose the error in his statement of the debt of Arkansas, which he fixes at \$19,761,265.62 on the 1st day of January, 1872, and of the creation of which he attributes \$15,725,312.75 to republican rule. Mr. President, I hold in my hand a copy of the Little Rock Daily Herald of August 10, 1876, one of the organs of the democratic party in Arkansas, which contains a tabulated statement\* "showing the bonded and floating debt of the State of Arkansas to June 30, 1876," for which the editor states he is indebted to the courtesy of Hen. W. R. Miller, the present auditor and democratic candidate for governor in the State of Arkansas. I find this statement also published in the Gazette, another democratic organ, and vouched for as accurate. In this statement the total debt of the State is given at \$17,306,823.50, being \$2,454,442.12 less than the amount stated by Mr. JONES. It will be seen by reference to this statement that the debt has been increased since 1872 as follows:

\*Statement showing the bonded and floating debt of the State of Arkansas June 30, 1876.

Character of bonds.	Principal.	Interest.	Total.
5 per cent. State Bank bonds 1837.....	\$10,000 00	\$19,750 50	\$29,750 50
6 per cent. State Bank bonds 1838.....	108,000 00	215,400 00	323,400 00
6 per cent. Real Estate bank Bonds 1838, letter A.....	538,000 00	953,815 53	1,491,815 53
6 per cent. Real Estate bank Bonds 1838, letter C.....	45,000 00	85,500 00	130,500 00
6 per cent. funding bonds 1869.....	944,000 00	253,975 00	1,197,975 00
6 per cent. funding bonds 1870.....	2,265,000 00	516,600 00	2,781,600 00
10 per cent. ten-year bonds 1874.....	276,500 00	26,996 00	303,496 00
7 per cent. levee bonds.....	1,986,773 74	625,335 45	2,612,109 19
6 per cent. bonds 1875, (Loughborough Bonds).....	256,000 00	11,760 00	267,760 00
	6,429,273 74	2,709,222 48	9,138,496 22
RAILROAD-AID BONDS.			
	Principal.	Interest.	Total.
Memphis and Little Rock.....	\$1,200,000	\$270,000	\$1,470,000
Arkansas Central.....	1,350,000	366,960	1,716,960
Little Rock, Pine Bluff and New Orleans.....	1,200,000	326,175	1,526,175
Little Rock and Fort Smith.....	1,000,000	288,000	1,288,000
Mississippi, Ouachita and Red River.....	600,000	167,235	767,235
	5,350,000 00	1,418,460 00	6,768,460 00
	11,779,273 74	4,127,682 48	15,906,956 22
Outstanding Treasurer's certificates redeemable with ten-year bonds.....			1,354 65
Total bonded debt.....			15,908,310 87
8 per cent. State scrip.....		21,433 77	
5 per cent. State scrip.....		1,300,389 54	
No interest-bearing State scrip.....		76,689 32	
			1,398,512 63
Total debt.....			17,306,823 50

In September, 1869. Real-estate bonds, No. 1 to 500, inclusive, dated January 1, 1840, amounting, principal and interest, January 1, 1870, to \$1,370,000, were converted into funding bonds, dated January 1, 1870, and numbered 401 to 1860, inclusive.

The indebtedness of the State on these bonds is as follows:

Thirteen hundred and twenty bonds\* outstanding June 30, 1876..... \$1,320,000 00

Interest from January 1, 1872, to June 30, 1876..... 356,400 00

Total due as funded..... 1,676,400 00

Of the above 338 Real Estate Bank bonds, letter A, are held by the Treasurer of the United States in trust for the Smithsonian Institution. Principal... 538,000 00

Interest to June 30, 1876, after deducting amount credited from the 5 per cent. fund and all payments through the State treasury..... 953,815 53

Total..... 1,491,815 53

One hundred and sixty-eight funding bonds of 1870 are held by the Secretary of the Interior in trust for various Indian tribes. Principal.... 168,000 00

Interest to June 30, 1876, after deducting amount credited for keeping United States convicts in the State penitentiary and all payments through the State treasury..... 25,200 00

193,200 00

Total held by the United States as trustee..... 1,685,015 53

Treasurer's certificates, redeemable with ten-year bonds, bear interest at the rate of 10 per cent. per annum.

\* NOTE.—Fifty of the 1370 bonds have been received into the State treasury in payment for swamp and internal improvement lands, leaving outstanding 1,320 bonds.



Ten per cent. ten year bonds, issued in 1874 .....	\$276,500 00
Six per cent. bonds, issued in 1875 .....	256,000 00
Total .....	532,500 00
To this should be added bonds issued in aid of the construction of railroads since 1872 .....	900,000 00
Also the accumulated interest on the State debt since that time, which I find amounts to about .....	3,000,000 00
Making a total increase of debt .....	4,432,500 00
When we add to this .....	2,454,442 12
Which is the difference between the actual debt as shown by the statement just referred to and the amount stated by Mr. Jones as existing in 1872, we find an error in his statement amounting to..	6,886,942 12

In other words, he has simply fallen into an error of about \$7,000,000 in stating the debt of Arkansas alone. The error which may exist in his statement of the debts of other States I will leave for others to say, though I do not doubt that it will be found that they are equally extravagant and erroneous. When we deduct these erroneous figures from the figures given by Mr. JONES, which are \$19,761,265.62, we find the actual debt of the State to be \$12,574,323.50. This was the actual debt at the time he states. Deducting from this amount \$5,051,265.62, which was the *ante bellum* debt, we have \$7,823,057.88, which is the amount of debt contracted under republican rule at the time to which the gentleman refers, a difference of about \$3,000,000 between his statement and the correct figures.

Now, Mr. President, I desire to say a few words in relation to the character of this debt. Over \$5,000,000 of it was entailed upon the people by *ante bellum* democratic administrations, and grew out of the State loaning its credit to two worthless banks which failed soon after receiving the loan. The history of their transactions, if I had time to detail them, would in comparison make the worst case of carpet-bag financiering respectable. Four million three hundred and fifty thousand dollars of the debt of the State arose from the issue of bonds to aid in the construction of railroads under an act of the Legislature which was submitted to the people and ratified by them almost unanimously, only about five thousand voting against it.

Whatever may be said as to the impolicy of issuing bonds to aid in the construction of railroads will apply to other States of the Union and to the United States itself, and in this case the responsibility must attach to the people of Arkansas without regard to party; for they not only favored it, but ratified it with their votes. Under this law the railroad companies were required to pay both the principal and interest, and the people never were taxed one cent for that purpose. While the republican party were in power the railroad companies were made to pay the interest, but since the democratic party have come in power they have been relieved from that requirement by a repeal of the law. This rather saddles this debt upon the people or repudiates it altogether.

Three million dollars of bonds were issued for the construction of levees, and were based upon the swamp lands of the State and made receivable for the purchase of the same, in which manner about one-third of the issue has been liquidated. The people of the State were not taxed one cent for the payment of interest on these bonds.

Of the floating debt of the State nearly one million was created to pay the expenses of the militia which were called into the field during my administration to suppress the Ku-Klux rebellion of 1869. Had the democratic party in Arkansas obeyed the laws under republican rule as we do under democratic rule, this debt would never have been incurred, and much valuable property and many still more valuable lives would have been saved.

Mr. President, it has been charged for several years, and more especially of late by democratic orators and democratic newspapers, that in the States of the South where the republican party has been and is in power the governments have been and are characterized by robbery, peculation, and all manner of fraud and corruption. But I assert as a fact which I think cannot be denied, especially so far as relates to my own State, that since the democratic party has come into power there they have not through their courts been able to fix upon a single republican formerly holding official position the crimes and corruptions they have charged upon them. What is true of Arkansas I believe to be true of other Southern States which were formerly under republican rule and now under democratic.

What does this prove? Either one of two things, that their charges have been false, or that the democratic party does not punish crime. That it does not punish crime in many instances where the criminal is a democrat and the victim a republican I am well assured; but I do not believe that the democratic party in the South would be very loth to punish crime when perpetrated on the people of those States by those they call the thieving radicals.

Now, Mr. President, does it not seem, in the interest of good government, to protect the people in the future against crimes, that if these crimes were perpetrated by republicans in the South they should have been fixed upon their authors, who should have been brought to condign punishment. Are we to believe that southern democrats are so enamored with southern republicans as to shield them from the just punishment of such great offenses? I think not, but rather that when brought to the test they are unable to substantiate the charges they have so industriously circulated.

A few words upon another subject, Mr. President. It is asserted of late, and our democratic friends take great pleasure in it, that

wherever the republicans are in power in the Southern States the condition of affairs is characterized by disorder and lawlessness, and that wherever the democratic party is in power there peace and quiet is the result. Well, Mr. President, I do not admit that this is so. I know that in many instances it is not. But suppose we admit it; what does it show? It simply shows that the republicans in the South obey the laws and respect the existing authorities, whether those laws or those authorities be republican or democratic; while on the other hand it can be shown that democrats do not obey the laws when administered by republicans and do not respect the authorities when those authorities happen to be republicans. I need only cite you to a few cases that have national reputation. Trenton, Coshatta, Vicksburgh, Grant Parish, and lately, Hamburg, to show that what I say is correct. It is true we have quiet in some of the Southern States, my own among the number, that are now under democratic rule, and why? Simply because republicans do not organize Ku-Klux Klans and do not resort to violence, assassination, and murder to secure their political ends; and for that reason you have peace. Mr. President, we should have had no war, all would have been peaceful and lovely, perhaps even to the present time, if it had not been for the fact that the democratic party of the South was called upon to live under republican rule in 1861. Rather than do that they deluged the country in blood, and rather than do so to-day they are ready to resort to such atrocities as characterized the late proceeding at Hamburg, in the State of South Carolina. I wish I could believe that in case the republicans should carry the coming election in Arkansas the democrats would live under our government as peaceably as we have under theirs. The history of the past leaves but little room for such credulity.

Mr. President, much has been said of late about the fact that men who held positions in the confederate army occupy seats in this and the other Chamber. Let me say that in any Southern State where the democrats are really in the majority it is right that they should send democrats to represent them here, and when they do send democrats, I hope they will continue to send here the men who bore the brunt of battle in a gallant attempt to sustain a cause which I believe they thought at the time was just. So far as I am concerned, I would much rather see them here than see the men who when the war swept over the South urged their neighbors to the front but staid themselves at home upon the pretext that they were the owners of the required number of slaves which under confederate law exempted them from military service, men who when the Federal armies marched into the South were Union men and when the Federal armies marched away were confederates. In my experience during the war I saw many such men, and I am compelled to say I have but little respect for them. I say I would much rather welcome men who fought for the flag of the confederacy here representing democratic constituencies than these other men to whom I allude. They fought gallantly and well in a cause which is now lost forever, and which although now known to be a bad one, as before said, they then believed to be just, and no word has ever or shall ever fall from my lips detracting from that gallantry.

So far as I am concerned, I take great pleasure in embracing this opportunity to say here that I make no complaint because southern democratic constituencies have seen fit to send to represent them men who followed the flag which at that time the whole mass of the southern people unfurled.

With these few remarks, Mr. President, I shall not detain the Senate longer.

The PRESIDENT *pro tempore*. The question is on the conference report.

Mr. PADDOCK. I move that at five o'clock the Senate take a recess until half past seven.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate take a recess from five o'clock until half past seven.

Mr. ANTHONY. Say from half past five to eight.

Mr. PADDOCK. I will accept that; half past five to eight.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska that the Senate take a recess from half past five until eight o'clock.

Mr. EDMUNDS. Is this a debatable question?

The PRESIDENT *pro tempore*. It is not.

Mr. EDMUNDS. Then I must ask for the yeas and nays, because of a matter that the public have a good deal of interest in. Senators may not get here in the night.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Christianity, Cragin, Dawes, Ferry, Hitchcock, Ingalls, Jones of Nevada, Logan, Mitchell, Pad-dock, Patterson, and Spencer—17.

NAYS—Messrs. Boggs, Cameron of Wisconsin, Clayton, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Kelly, Kernan, Key, McMillan, Maxey, Morrill, Oglesby, Sargent, Saulsbury, Stevenson, Wadleigh, and Whyte—21.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Howe, Johnston, Jones of Florida, McCreery, McDonald, Merrimon, Morton, Norwood, Randolph, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, West, Windom, Withers, and Wright—33.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.



Mr. INGALLS. Mr. President, believing that the bill upon which the report of the committee of conference has been made was in violation of an existing statute, that it was intended to circumvent a provision of that statute by indirection, and that it was in its provisions discriminating and unjust to classes of pensioners who are not named in the bill, I took occasion when it was before the Senate on its passage to call attention to those facts and to urge certain reasons why the bill, in my opinion, should not become a law. I am in favor of the most liberal pensions to all classes who can properly be held to be within the purview of a pension law; but I am opposed to discrimination, to invidious partiality, and to an attempt by any one whatever to accomplish by indirection what it is deemed impossible to effect by direct methods. This bill proposes to give to soldiers who are unable to use artificial limbs commutation once in every five years. I call the attention of the Senate to the remarks that were made by the Senator from Illinois when this matter was previously before the Senate as to what was the object and intention of the law. The remarks were made on the 22d of July, which was Saturday, and appeared in the RECORD of the following Monday:

Mr. EDMUNDS. How does it differ from the law?

Mr. LOGAN. It does not differ at all except to change from the Secretary of War to the Quartermaster the furnishing of transportation. It is the same bill precisely except these changes and extending to every five years, which was the intention of the law.

Further on the Senator from Illinois said:

I am now willing to make that change—

That is, the change suggested by the Senator from Rhode Island, [Mr. ANTHONY]—

and make it conform to the original law. That is all there is of the bill. The Surgeon-General gives a construction that he cannot re-issue these artificial limbs. The commutation is the same and everything is the same, except the change I have stated.

In the course of the debate I called the attention of the Senator from Illinois to the provisions of the law approved June 18, 1874, which increased the rate of pension to persons who have lost either a leg at or above the knee or an arm above the elbow to \$24 a month. The proviso is:

*Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

The Senator from Illinois, when his attention was called to this act, expressly declared that the bill which is now under consideration was not, and was not intended to be, in conflict with the provisions of that law. I asked him whether the intention of the bill was to give the pensioner increased pension and commutation for a limb that he could not use. He replied:

Mr. LOGAN. There is no such object at all. The law was passed without reference to the pensions. The object is just what is expressed on the face of the bill, to give the man an artificial limb who lost a leg or arm in the service.

I replied to him that he had the right to that now. The Senator from Illinois then said:

Mr. LOGAN. He had the right to it except that the Surgeon-General construed the law not to extend further than the first five years. Hence it cuts him off; and this is only to extend it every five years as the original intention of the law was. That is what the bill means, and that is all it was intended it should mean.

He repeated that statement once or twice more, and the bill was passed, with an amendment inserted upon my motion:

*Provided*, That this act shall be subject to the provisions of an act entitled "An act to increase pensions in certain cases," approved June 18, 1874.

Now, to show that I was right in my construction of the object and purpose of this bill, and to show how disingenuous the advocates of the bill are, it comes back with an amendment suggested by the committee of conference to the amendment offered by me by the insertion of the word "not" between the words "shall" and "be," expressly excluding the bill from the operation of the law of June 18, 1874, showing that the view I then took of it was correct, and that the statements which were made by the Senator from Illinois are not borne out by the facts, and that the object and purpose is as I stated, to accomplish the circumvention or repeal of that part of the law of June 18, 1874 by indirection and to accomplish this by the report of a committee of conference.

I think it is unjust, as I said, because it discriminates in favor of one class of pensioners and against all other classes who are not named in the bill. The bill ought not to pass for another reason, and that is because it is retroactive. It provides that the period at which the commutation shall be given shall date back to June, 1870—more than six years. But if the Senate desire to pass the bill, if they desire to have accomplished by this method what the advocates of the bill are unwilling to submit as a distinct proposition, I have nothing to say. I felt that, as the chairman of the committee having these subjects in charge, being intrusted to a certain extent with the administration of the revenue of the Government in this direction, it was my duty to call the attention of the Senate to the objects and purposes of the bill and to the unfair and incorrect argument upon which the bill is attempted to be forced through.

Mr. LOGAN. Mr. President, I do not know that it is necessary for Senators to defend themselves every time that other Senators think some little advantage has been taken of them. I presume there is no desire to take any advantage of any one; I know that there is not on my part; and I say to the Senator from Kansas now that at the time we were discussing the bill I understood it just as I then stated it,

nor did I know at that time that he or some other Senator or some committee had inserted a proviso in a pension law recently that deprived a part of these soldiers of this apparatus. I did not know that; hence I stated what I did. The House committee that reported this bill may have noticed that. I had not, and until my attention was called to the provision which I will read I was totally ignorant of it. The only distinction I could discover between this bill and the original law was the change that I stated which applied to the Quartermaster-General instead of to the Secretary of War, and that the word "person" was used in this bill instead of "officer, soldier, sailor, marine." These were the only two changes; but on examination I find that the Pension Committee in reporting a bill in 1874 put this proviso to a little short bill. This is the bill:

That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be left in the second class and shall receive \$24 per month.

The proviso is, "Provided that no artificial limbs or commutation therefor shall be furnished to such persons."

That is the proviso which the Senator had reference to that I was totally ignorant of. That is to say, they got a proviso in a pension bill in 1874 that prohibited all persons who had lost an arm at or above the elbow and all who had lost a leg at or above the knee from receiving this apparatus. If there are any soldiers in this country who have been so unfortunate, and there are a great many, as to have lost an arm at or above the elbow or a leg at or above the knee, it does seem to me that they are the ones who should be entitled to this apparatus, as much so as any others certainly. This bill does change the law so that the commutation shall be furnished by the Quartermaster-General instead of the Secretary of War, and it does change the law so as to include these particular persons who are made an exception. All other persons under the law as it exists now can receive this apparatus, except those I have mentioned. That exception being put in a pension law, this bill cures that defect, and my attention was called to it. As I said, the House committee had noticed it; I had not.

When we examined the bill before the Military Committee it was not in reference to the pension law, but in reference to the existing law as to limbs; and this was the only change I saw in the bill, and I so stated. That was the only error there was in the statement; but I say now, although that error was made innocently on my part, yet had I known this exception to exist at that time I would have persisted in the passage of the bill with just as much earnestness as I persist in the passage of it now, because it was right then and it is right now. If the Senator thinks that it is right to furnish an apparatus to all soldiers who have lost a hand, or a foot, or both feet, or both hands, and that it is not proper to furnish them an apparatus if they have lost both legs above the knee or both arms above the elbow, then I am willing to say that his theory ought to be adopted by the Senate of the United States; and that is all there is in this.

The House concurs in all the Senate amendments except this one, and they insert the word "not" in that, and the managers on the part of the Senate agreed to it, for the reason that by examination of the law and a comparison of the law we find that all persons receiving pensions who had lost a limb in the war were entitled to this apparatus except those who were so unfortunate as to lose a leg above the knee or an arm above the elbow, or both. We thought they certainly were entitled if anybody else was.

Now a word as to the proposition the Senator suggests in reference to its being retroactive. The law as it stands, section 4788 of the Revised Statutes, is:

Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, \$75; for arms, \$50; for feet, \$50; for apparatus for resection, \$50.

This, then, re-enacts the law as it stood in 1874. In 1874 all persons had received this apparatus or had received the commutation money; hence this bill does not give commutation to any but those who made the second application. It does not apply to the first application, for that has already been received, but only gives them authority to make the application once in every five years. The law in section 4791 provides that the Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section 4787, and we change this so as to use the words "Quartermaster-General" instead of "Secretary of War."

Mr. INGALLS. Mr. President, the Senator from Illinois is a trifle unjust in the argument that he makes when he attempts to suggest or intimate that the intention of the Committee on Pensions when they recommended the passage of the law that was approved on the 18th of June, 1874, was to exclude certain classes of pensioners from the benefits of the law. The fact is that by that act the men who had suffered the class of disabilities therein named were raised from the third to the second class; the rate of their pension was increased, I think, \$9 per month upon the representation of the Commissioner of Pensions and a bureau of medical officers there that they ought to receive that sum in consideration of the disability which the loss of the leg or arm at the points named inflicted upon them. They were therefore placed in the possession of a much higher pension than they had before, and the object of that was to compensate them for the loss that they had suffered, and the Pension Bureau and the board of examining officers thought that the sum of \$24 per month was a



reasonable sum to pay them, taken in connection with the general standard that had been adopted for various bodily injuries. And at that time, in consequence of the fact that every man who has lost a leg, whether he can use an artificial leg or not, applies either for the leg or for the commutation, the Commissioner of Pensions thought that justice to all these classes of men required that when these men accepted this higher grade of pension they should not be entitled to the commutation for the limb unless they could use it. That was the sole object of the law. There was no discrimination against a given class of pensioners. On the contrary, they were rated in the class above what they had previously been rated at, and the object of the law was to give them compensation which the Bureau said was a reasonable equivalent for the loss they had received when compared with those allowed for other classes of injuries.

Mr. LOGAN. I will ask the Senator, does he believe that because a man is so badly wounded that he cannot use the apparatus he ought not to have a higher pension than the man who can use the apparatus?

Mr. INGALLS. Why, Mr. President, I do not believe that the rate of pension is high enough to make it a proper equivalent in any of these cases. The Senator from Illinois would not lose his leg for \$24 a month; neither would any of us. It is in no sense whatever an equivalent or compensation; but it is the rate that has been established by the Government as the nearest approach to equity when it is taken into consideration with the sums that are allowed for other bodily injuries, such as the loss of a finger or the loss of a hand or the loss of the sight of an eye. This is not an independent, isolated case to be considered by itself. Of course we all admit that the pension of \$24 per month is no equivalent for the loss of a leg; neither is the \$8 a month that is paid to the soldier any equivalent for his total disability; nor is \$50 a month that is paid to those who require the constant care of others any equivalent or compensation for their absolute helplessness; but the Government can afford to pay only so much; they have established a certain rate, and they have apportioned between the different classes of disabilities the different sums named in the pension law, and this is one that was adopted upon consideration and upon what were believed to be equitable grounds, and for the purpose of avoiding the continual claims that are made for artificial limbs or commutation for them by persons who cannot use them. Of course if the man cannot use the artificial leg, if he is so injured that he cannot use the artificial leg, there is no reason why the Government should pay him for it. If the rate of pension that he receives is not high enough, give him more; but do not pay him a pension and at the same time give him an equivalent for an artificial limb that he is not able to use in consequence of the injury he received.

Mr. LOGAN. I have only to say in reference to that that if a man has his arm off at the wrist and you can give him a hand, that is all right; he is entitled to it; he may make use of that; but if his arm is off above the elbow, so that he cannot use it for any purpose whatever, he can only get the same character of pension as others, but he is not entitled to an artificial limb. Why?

Mr. INGALLS. Within the last two years in consequence of that very inequity that the Senator complains of, in consequence of the injustice that he complains of, they have been raised from the third to the second class. That was why the bill was passed.

Mr. LOGAN. I understand that they have been raised somewhat. Some get \$8 a month and some get \$15 and some \$4 a month only, and on up to \$24 a month. Those who can use their arms or legs get \$24 a month. Now you add an apparatus that others cannot use to walk about. If they cannot use that apparatus they get \$75 a leg. That is a little more than \$1 a month additional. Every five years he gets \$75. For the sixty months he gets a little over a dollar a month. That is all. I ask the people of this country if a man is so badly wounded that he cannot use an apparatus to walk around on whether they object to increasing his allowance in this way \$1.25 a month? That is all it means. I do not think this Government ought to be so niggardly as it is in reference to these things. If a poor cripple who cannot walk a step comes into this Hall and asks for a little increase of pension, there is as much noise over it as if it was a one-hundred-thousand-dollar claim.

Mr. CONKLING. Will the Senator allow me to make an inquiry?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. The Senator from Kansas [Mr. INGALLS] was speaking, as I understood him, of men so disabled that they cannot use an artificial hand or leg. I should like to inquire of him or of the Senator from Illinois what, in the view of the Senator from Kansas, would become of cases like this? Here is a man whose arm is off below the elbow; he can use an artificial hand; or his leg is amputated and he can use an artificial leg. That man afterward becomes disabled. He is partially paralyzed, or he is overtaken by disease, or he gets too weak to do manual labor and go about. He would not profit by the higher rate of pension given to men who were originally so disabled that they could not use an artificial limb; nor would he in any way that I can see receive anything as the equivalent for his limb; but he simply would become a loser of so much, owing to the fact that he had become so much more prostrate, so much more helpless. It strikes me that there must be a pretty large percentage of such cases; and I suggest to the Senator from Illinois, in aid of his

argument, that whatever there is in them tends to show that the idea for which he is contending is a just and proper one.

Mr. LOGAN. There are, I will say to the Senator, as I understand—I have not the data so exactly that I can state the number correctly—but I have been informed by those who have inquired—that there are about fifteen hundred persons of this character, called pensioners of the second class, with a leg off above the knee or an arm off above the elbow. It is to them that this applies, and none other. The rest all get this apparatus, or get their commutation, except this fifteen hundred, or whatever the number may be. I understand fifteen hundred have a leg off above the knee or an arm off above the elbow. They are excluded. This bill puts them back and makes some other changes. I think they are more entitled to it than anybody else, and that this provision ought to have been inserted in the law.

Mr. BURNSIDE. I should like to ask the Senator from Kansas if under the present law soldiers who have been crippled in this way can renew the apparatus or get commutation for it?

Mr. INGALLS. By express provision of law they are entitled to artificial limbs or commutation therefor once in five years.

Mr. BURNSIDE. Then I think those who cannot wear them are clearly entitled to commutation.

Mr. LOGAN. That is the point exactly.

Mr. BURNSIDE. If the soldier who can wear it is given the apparatus and then \$9 a month is added to his pension, with a view to recompense that man, but no future issue of apparatus, then it will be fair to give those soldiers who cannot wear it a commutation. If the soldiers who can wear the apparatus are entitled to an arm or a leg every five years, surely the soldiers who cannot wear it are entitled to commutation.

Mr. COCKRELL. Under the first act, which was passed on the 16th of July, 1862, there was simply provision made for the purchase of artificial limbs for soldiers and seamen disabled in the service, to be expended under the direction of the Surgeon-General. The first amendment to that law was on the 28th of July, 1866, and the Secretary of War was then directed to furnish transportation to disabled soldiers to and from their places of residence to the places where they could procure the artificial limbs. In 1868 a provision was made extending the benefits of the law to officers, providing that all officers in the military and naval service should be entitled to the same that the soldiers and marines were entitled to receive. On the 17th day of June, 1870, the law was passed to which reference is made in the bill. That law provides—

That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb, or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this act as the same can be practically [practically] furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the Surgeon-General of the Army: *Provided*, That the soldier may, if he so elect, receive, instead of said limb or apparatus, the money value thereof, at the following rates, viz: For artificial legs, \$75; for arms, \$50; for feet, \$50; for apparatus for resection, \$50.

And this was placed under the control of the Surgeon-General. On the 30th of June, 1870, an amendment was passed to that law providing that the benefits of all the acts then in force should be extended to all officers, soldiers, seamen, and marines; and there is where the words come in which have been put into the bill in the conference committee by amendment instead of simply "officers, soldiers, seamen, and marines." The law of June 30, 1870, was incorporated into the Revised Statutes, and was amended by the law of June 18, 1874.

It does seem to me that justice, equity, and fair dealing, as exhibited in all the legislation of Congress from 1862 up to June 18, 1874, require that the provisions of this bill shall be extended to the officers, soldiers, seamen, and marines, and I do hope that the bill will pass as the conferees agreed to it. I think it is nothing more than simple justice and equity to these soldiers that the provisions of the bill shall be extended to them. It simply fixes the date, the 17th of June, 1870, as the beginning of the period of five years, and during every five years from that date they shall receive an artificial arm or leg, or in lieu of it every five years they may receive \$75 or \$50. This is a very small sum; it does seem to me they are entitled to it; and I hope the report will be concurred in.

The report was concurred in.

#### PARTITION OF REAL ESTATE.

Mr. BURNSIDE. I move that the Senate take a recess from five o'clock until half past seven o'clock.

Mr. MORRILL. I hope the Senator from Rhode Island will allow me to call up a bill which I have tried to get up and which has been read twice.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island yield to the Senator from Vermont?

Mr. BURNSIDE. If I do not lose the floor.

Mr. MORRILL. It is only to alter the date in regard to the pavement of Pennsylvania avenue.

Mr. FRELINGHUYSEN. I wish to make a conference report which the House wish acted upon.

Mr. BURNSIDE. I see no reason why the Senator from Vermont should interpose his bill now. He can have it passed at any time.



Mr. FRELINGHUYSEN. Will the Senator from Rhode Island yield to me to make a conference report?

Mr. BURNSIDE. Yes, sir.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 3168, entitled "An act relating to partition of real estate in the District of Columbia," respectfully report that they have met, and after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with the following amendment:

Strike out all after the word "may" in line 3 of said amendment and insert "in the direction of the court be compelled in any court of competent jurisdiction to make or suffer partition of such estate or estates. In proceedings for partition, all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction. And in proceedings for partition under this act the court may, in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court."

"SEC. 2. That the court, in all cases in decreeing partition, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale among the parties according to their respective rights and interests."

"SEC. 3. That in all such sales, unless the court shall by special order direct or require on good cause shown that the sale be made for cash, the purchase-money shall be payable one-third on day of sale, one-third in one year, and one-third in two years thereafter, with interest, the deferred payments to be secured to the parties, according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court."

And that the Senate agree to the same.

FREDK. T. FRELINGHUYSEN,  
J. W. STEVENSON,  
T. O. HOWE,  
*Managers on the part of the Senate.*  
WM. LAWRENCE,  
SCOTT LORD,  
GEO. F. HOAR,  
*Managers on the part of the House.*

The report was concurred in.

#### REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. MORRILL. I now ask the Senator from Rhode Island to yield to me for the purpose of having the Senate concur in House bill No. 4085. The bill has already been read, and I think there will be no opposition to it. If there is to be any debate, I will withdraw it.

Mr. BURNSIDE. I will yield, if I do not lose the floor for my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876. It repeals all that part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, which provides "that said pavement shall be fully completed and ready for use December 1, 1876."

Mr. DAVIS. Has there been any amendment to the bill since it came from the House?

Mr. MORRILL. It is just as it came from the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PROPOSED RECESS.

Mr. MORRILL. I now ask the Senator from Rhode Island to allow me to take up and pass a bill appointing a joint commission on the silver question, which was proposed by the House to which there was an amendment of the Committee on Finance, in effect the same as the joint resolution of the House but putting it in the form of a bill and appropriating enough money to carry it out.

Mr. LOGAN. I shall object to taking up that bill at this time.

The PRESIDENT *pro tempore*. Objection is made.

Mr. LOGAN. I will not object to taking it up after awhile.

Mr. BURNSIDE. I move that the Senate take a recess from half past five to eight o'clock.

Mr. SPENCER. I ask the Senator from Rhode Island to yield to permit me to offer a resolution.

Mr. BURNSIDE. I hope the question will be taken on my motion now, and then I will yield the floor.

Mr. EATON. I hope my friend from Rhode Island will not press his motion. I have no doubt he has a very good dinner at home, but yet I trust he will not press this matter. Let us go on and finish the business now, without a recess.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate take a recess from half past five until eight o'clock.

The motion was not agreed to.

#### ALABAMA ELECTION INVESTIGATION.

Mr. SPENCER. I desire to offer a resolution.

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

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama—

Mr. COOPER. I object.

Mr. SPENCER. I should like to have the resolution read for information.

Mr. COOPER. I object.

Mr. SPENCER. I have a right to have it read for information.

Mr. COOPER. Not without notice, I take it.

Mr. SPENCER. I think I have a right to have the resolution for information.

The PRESIDENT *pro tempore*. The resolution will be reported for information.

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama for State officers and members of the Legislature—

Mr. COOPER. The resolution cannot be read under the rules, objection being made. I objected and I object now. The reading is not in order.

Mr. SPENCER. You can object to the consideration, but not to the reading of it.

The PRESIDENT *pro tempore*. The Senator can object to the consideration, but the Senator from Alabama asks for the reading of the resolution.

Mr. ANTHONY. The Senator from Alabama can read it himself and avoid dispute.

Mr. COOPER. But can it be read by the Clerk without unanimous consent?

The PRESIDENT *pro tempore*. The Senator from Tennessee objects to its being read at the desk. The Senator from Rhode Island suggests that the Senator from Alabama read it.

Mr. INGALLS. Rule 14 provides that—

When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

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

Mr. INGALLS. It does not lie within the power of one Senator to object.

Mr. COOPER. The point of order I make is this: There is no question before the Senate and a Senator cannot call for the reading of a paper unless there is a question before the Senate, under that rule.

The PRESIDENT *pro tempore*. Does the Senator from Alabama move the reading of the resolution?

Mr. SPENCER. I suppose it is in order for me to give notice that I shall offer on the first opportunity the following resolution:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama, for State officers and members of the Legislature, was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, precincts where large republican majorities existed were not opened for voting, obstacles were interposed to prevent registration, so that a popular majority of more than 10,000 was overcome and in its place was given an apparent but fraudulent majority of more than 40,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas, if these allegations are true, a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

*Resolved*, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to sit during the recess, to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate during the next session of their investigation and findings; and that the said committee be authorized to employ a clerk and a stenographer.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the present consideration of the resolution?

Mr. COOPER. Yes, sir.

Mr. EDMUNDS. I rise to submit on this question of order that under the rules the Senator from Alabama has a right to submit his resolution, but it must lie over for consideration one day.

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

Mr. EDMUNDS. I think he had a right to have it read at the desk.

The PRESIDENT *pro tempore*. He had a right to offer it, but objection was made to its present consideration.

Mr. EDMUNDS. I thought the Chair had been led to acquiesce in the notion that the resolution could not be submitted.

The PRESIDENT *pro tempore*. Not at all. The Chair stated that if objection was made to the reading the question would be submitted to the Senate. There being no business before the Senate, the Senator from Alabama had a right to submit his resolution.

Mr. EDMUNDS. I merely suggest that on being submitted, it being a paper properly submitted, we should have a right to hear it, as a paper which has not incidentally come in, but a thing submitted for the action of the Senate; and for that purpose the Senator had a right to have it read at the desk, and if anybody objected it must lie over for consideration.

The PRESIDENT *pro tempore*. The Senator from Tennessee, the Chair understood, rose to object to its reading, but as the reading was in order, he now objects to its consideration, and the resolution goes over under the rule.

#### COAST SURVEY REPORTS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of reports of the Superintendent of the Coast Survey for the use of the office, to report it without amendment, and I ask for its present consideration. It is the usual resolution which when presented is always passed. There is no provision for gratuitous distribution, but it



merely provides for the printing of copies for the use of the Superintendent of the Coast Survey.

Mr. EDMUNDS. How much will it cost?

Mr. ANTHONY. There are only two thousand copies; I move its present consideration.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

*Resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.*

The resolution was concurred in.

#### ADJOURNMENT SINE DIE.

Mr. HITCHCOCK. I move that the resolution of the House providing for the final adjournment of Congress be taken from the table.

Mr. PADDOCK. I ask my colleague to give way one moment, in order that I may ask the Senate to proceed to consider the bill which I asked to have considered this morning.

Mr. HITCHCOCK. After this is acted upon my colleague can get his bill up.

Mr. ANTHONY. Does not the motion of the Senator from Nebraska [Mr. HITCHCOCK] require unanimous consent?

Mr. LOGAN. In that case I object.

Mr. WEST. The resolution was reported on Saturday.

The PRESIDENT *pro tempore*. The resolution was reported on Saturday and lies on the table. The motion is to take it from the table, which is in order.

Mr. ANTHONY. To pass that resolution now is to decree that we shall give up all the business now before the Senate. We cannot act upon the constitutional amendment, we cannot act upon a very important matter which the President has submitted to us with regard to Indian hostilities, and we shall not transact our executive business. It puts it in the power of any Senator to prevent the completion of any business now before us. We ought to transact our business first, and then pass the resolution.

Mr. PADDOCK. I suppose the idea is to amend the resolution which came from the House and fix a later date.

Mr. ANTHONY. We can fix the date when we finish the business.

Mr. WEST. Mr. President—

Mr. LOGAN. Will the Senator from Louisiana allow me to say a word?

Mr. WEST. Certainly.

Mr. LOGAN. I have but this to say. I do not see what the anxiety of the Senator from Nebraska is. There are some two or three measures here that he has taken a very great interest in during the session. He exhibited considerable interest in the passage of a certain bill that I am very desirous of getting up. It is now on the Calendar and I hope we shall reach it. It is known as the bounty bill, and I hope the Senate will not adjourn until it votes upon that measure. Besides, there are other matters. The conference report on the Indian bill has not been agreed to, and there are quite a number of things. I cannot see why the Senate is so desirous of taking up the adjournment resolution at this time.

Mr. ALLISON. May I ask the Senator from Illinois what the condition of the bill is with reference to Indian hostilities?

Mr. STEVENSON. I understand that the Indian hostilities bill is now on our table awaiting the action of the Senate.

Mr. LOGAN. Yes, sir, it is. There is another matter I desire to call the attention of the Senator from Nebraska to, and it is this: Several days ago, at the suggestion of the President of the United States and the Secretary of War, we passed a bill and sent it to the House authorizing the recruiting of twenty-five hundred cavalymen for the purpose of filling up the ranks of the cavalry to go against the Indians who are perpetrating acts of hostility upon the white settlers on the frontier. That bill has not yet been acted on by the House. I say to the Senator from Nebraska who was very anxious, as both the Senators from Nebraska were, a few days ago to have a resolution passed calling for volunteers, that I cannot understand his anxiety about the resolution for final adjournment.

Mr. PADDOCK. Not a few days ago, but a few weeks ago.

Mr. LOGAN. Very well; a few weeks ago, then. If the House fail to act on the bill authorizing the filling up of the cavalry regiments, I have a resolution in my pocket to offer to the Senate which I will then ask the Senate to pass authorizing the President to call out volunteers; but I do not desire to do that if the House will act upon the other bill.

Mr. PADDOCK. I desire to say to the chairman of the Committee on Military Affairs that I wish he would introduce his resolution at once.

Mr. LOGAN. I propose to introduce it if the House fails to act on the other bill.

Mr. HITCHCOCK. I do not know how long a time is requisite to convince the chairman of the Committee on Military Affairs whether or not the House intend to pass either of the bills for the increase of military forces in the Northwest. I have a recollection of a promise from the honorable Senator, made several days ago, that if the House failed on that day he would before the close of the session of the Senate on that particular day report a bill to allow the acceptance of volunteers by the President.

Mr. LOGAN. Yes, sir.

Mr. HITCHCOCK. I have a recollection, too, that the House did fail on that day to pass the bill, and that the chairman of the Committee on Military Affairs also failed to make that report.

Mr. LOGAN. Now, if the Senator will allow me, I will say that I do not get up here for the purpose of criticising the House or the Senator, but the idea that the Senator should say he had a promise from me to report a bill I do not understand. I am only the organ of the committee. The committee would have to act on it and agree to it. He is making a statement that is going a little further than is necessary. I said then, and say now, that if the House refused to act upon the bill I should introduce a proposition to call for volunteers; but if the House will act on the bill I consider it better than to call for volunteers. Cavalry regiments can be more readily filled up to go against these Indians than to make a call for volunteers and organize them. For that reason I prefer the bill which has gone to the House, and I hope the House will act upon it. If they fail to act, however, we shall take the next best means we can. Inasmuch as the Senator lives on the border and has been so desirous with reference to protection against these hostilities, it does not seem to me that it is the best course for him to ask for an adjournment until the House act upon a measure of so much importance.

Mr. WEST. I must insist that, as I obtained the floor from the Chair, there shall not be a cross-firing here between Senators the whole time. Some other Senators want to say a word. I wish to bring to the attention of the Senate the condition of our affairs here, and to show that it is impossible for us to adjourn to-day unless we have the unanimous consent of the Senate; that any one Senator's objection will continue the session until to-morrow, because the Indian appropriation bill lies on the table. It has been reported to-day, and unless we get unanimous consent to consider it we must sit to-morrow. If we can have an understanding here, under the guidance of the chairman of the Committee on Appropriations, that that bill shall be considered, we shall know that we can adjourn. Otherwise any Senator has it in his power to make us sit to-morrow. Now let us consider that bill, and if there is objection to it we shall have to sit to-morrow.

Several SENATORS. Let us take it up now.

Mr. HITCHCOCK. The Senator from Louisiana says we cannot adjourn to-day. I have said nothing about adjourning to-day. I have simply asked to take up the resolution in order to fix upon some time to adjourn. I believe we can and ought to adjourn to-day.

Mr. WEST. Suppose somebody should object to the bill?

Mr. HITCHCOCK. I do not believe any Senator on this floor will take the responsibility of preventing action on the Indian appropriation bill, which he can do by a single objection.

Mr. WEST. Try it and see.

Mr. HITCHCOCK. If he does I am perfectly willing that he shall take that responsibility. I certainly have no desire to dictate to any Senator on the floor, but I believe that after nine months of weary, almost useless, session—because I believe there has been but little good and a great deal of evil done—the country and the Senate, a majority of them, are ready to adjourn and adjourn promptly. I certainly think a majority of the Senate might be registered upon that question.

Mr. WINDOM. I have been pressed to call up the conference report on the Indian appropriation bill, and I now ask unanimous consent to proceed to the present consideration of the report.

The PRESIDENT *pro tempore*. The Senator from Nebraska has moved to take up the adjournment resolution.

Mr. HITCHCOCK. I will withdraw it for that purpose.

Mr. WINDOM. I ask if it does not require unanimous consent to take up the report?

The PRESIDENT *pro tempore*. It does. The report will be regarded as before the Senate unless there is objection to its present consideration.

Mr. EDMUNDS. I object to its present consideration.

Mr. WEST, (to Mr. HITCHCOCK.) I told you so.

Mr. HITCHCOCK. I renew my motion.

Mr. WINDOM. Is there any way under the rules by which the report can be taken up? I want that understood.

The PRESIDENT *pro tempore*. One objection prevents the report from being considered to-day.

Mr. HITCHCOCK. I renew my motion that the Senate proceed to the consideration of the adjournment resolution.

Mr. EDMUNDS. The idea of our agreeing to any definite moment of adjournment until the business that is indispensable is disposed of, and we know that it is disposed of by the signature of the President to every appropriation bill, not one of which can he sign constitutionally after we have adjourned, is perfectly absurd, as it appears to me. I do not intend to stand in the way of the Indian appropriation bill being considered at the proper time and its due order; but other bills have had the consideration of the Senate, and we have endeavored to get them up from time to time, and they have been laid aside, that are very worthy of great consideration, and I do not intend that anything shall be taken up out of its regular order, reported from a committee to-day, until other matters of at least equal public importance are disposed of. That is my reason for objecting, and until they are disposed of I shall continue to ask that the rules of the Senate be enforced. I am as anxious to go home as anybody else is, but the idea of now agreeing that the resolution of the House with a future time



named, as it must be, of course—it is perfectly competent to take it up, I admit, and amend it—but the idea of fixing any hour until we shall have known that the business which is indispensable is disposed of, is in my opinion entire folly. As soon as the business absolutely indispensable is disposed of, then we can take up this resolution and put the time twenty minutes ahead, and if the House agree to it we are dissolved. They would not wish to agree to it any sooner. They ought to reject a time themselves if we were to send it over now, until we know that essential measures to carry on the Government have received the approval of the President. I hope my friend, therefore, will not insist on pressing this taking up now.

Mr. HITCHCOCK. Question.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska, that the Senate take from the table the adjournment resolution from the House.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 24; as follows:

YEAS—Messrs. Boggs, Cockrell, Cooper, Davis, Eaton, Hitchcock, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Oglesby, Padlock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—21.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—24.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion to proceed to the consideration of the resolution was not agreed to.

RECESS.

Mr. EDMUNDS. I move that the Senate take a recess until eight o'clock.

Mr. OGLESBY. No recess now.

Mr. EATON. I ask for the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 23, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Jones of Nevada, Logan, McDonald, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—23.

NAYS—Messrs. Boggs, Cockrell, Cooper, Davis, Eaton, Gordon, Harvey, Ingalls, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Oglesby, Padlock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—22.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate took a recess until eight o'clock.

#### EVENING SESSION.

The Senate re-assembled at eight o'clock p. m.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia.

#### THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the House resolution for the amendment of the Constitution.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, upon which the yeas and nays have been ordered.

Mr. KERNAN. Mr. President, the Senate, by a majority vote, has substituted the article reported by the Judiciary Committee for the article proposed and passed in the House of Representatives and sent here. The article sent here by the House declared that—

No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

That was the proposed article which had been brought to the attention of the public many months ago by a gentleman of distinction [Mr. Blaine] in the party with which he acted and very well known to the country; and I believe that it met with no considerable opposition in any quarter. It declares that money raised in a State by taxation for the support of public schools or derived from any public fund therefor or any public lands devoted thereto shall not be under the control of any religious sect or denomination, nor shall any money so raised be divided among the sects or religious denominations. Were this before the Senate I would support it.

I should be opposed, if the people of a State were entirely of one denomination, and that the one to which I belong, to placing moneys raised for the support of public schools under the control of that religious denomination.

But there has been another article proposed here and adopted by a majority of the Senate; and as I wish to call the attention of the Senate to this proposed article I will read it. I invite attention to the various provisions of it.

#### ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught; and no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested.

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

I cannot, with my views of what is wise either for the Federal Government or for the people of the respective States, vote for this proposed article. I ask the attention of Senators to the leading principle or idea which the wise men who framed the Constitution of the United States followed in framing it. It was that the Federal Government, which was to be the Government and to act for the people of all the States, should have those powers which were essential to action by that Government on subjects as to which the people of all the States had a common general national interest. It was to be a Government with power to make treaties with foreign countries, to provide for the general defense, to furnish a currency, to regulate commerce, and to have jurisdiction over other matters of like character in which all the States had a common general interest and upon which the people of the several States could not properly act. The framers of the Constitution believed also that it was wiser and better that the people of the several States should reserve to themselves and exercise all those powers of government which related to home rights, if I may use that term, to the internal affairs of the State, to the regulating of the domestic relations, to the title to property, the modes in which it could be transferred; in a word, that the people of each State should have the exclusive power to manage their local and internal affairs as they thought best for their own happiness and prosperity. I think all experience shows how wise this was and is.

It was and is wise in reference to the perpetuity and strength of the Federal Government, which extends over a very wide section of country, over communities living in different States and having different views as to their local matters and State governments. The Federal Government will be strong and the people contented while the people of each State manage their own local affairs and the Federal Government in its action is restricted to general national affairs. But when in reference to these local affairs of a State, these home matters, the representatives from Massachusetts or New York have a voice as to what shall be done in California as to local State matters, the people of Ohio shall have a voice in the local affairs of Missouri, we can readily see that there will not be as much contentment, and I do not believe there would be as much of good government and prosperity, as if the people of each State managed these local affairs for themselves. It makes the Federal Government strong to leave local affairs to the people of the State, because the people of different States then do not come in conflict in the Halls of Congress as to local government and policy, in regard to which they may have very different interests and views. The founders of the Federal Government had the wisdom to perceive the advantage of leaving to the people of each State the control and management of their local State matters.

Believing this to be wise, believing that nothing but evil will grow out of allowing the Representatives of one State to have a voice as to the local affairs of another, I have believed, and all my teaching and experience confirm me, that we should have power in the Federal Government only over those matters as to which the people of all the States have a common, general interest and as to which the people of a State could not act for themselves.

Now, Mr. President, in my judgment this wise principle which has worked so well in the past is violated by the proposed amendment reported to the Senate by the Judiciary Committee, and which is now under consideration.

Mr. MORTON. I should like to ask the Senator this question, whether the amendment as it came from the House does not violate the principle for which he is contending?

Mr. KERNAN. I answer with entire frankness that to some extent it does.

Mr. EDMUNDS. It does to every extent as far as it goes.

Mr. KERNAN. I will answer frankly that I believe that the matter of educating children may be wisely left to the people of each State. I believe that it is a home right; I believe that it will be exercised best in that way. I believe that our experience shows that there is no serious difficulty in its being exercised wisely and well by the people of each State for themselves. But I recognize that moneys raised to support common public schools are a fund to support a system which pervades the Union; this system is regarded with great interest by a large por-



tion of our people; and it is a single subject. Inasmuch as there was danger that sectarian dissensions would arise in regard to the common-school moneys, inasmuch as it was asserted that efforts were being made to divide these moneys between the religious denominations, and there was great danger that the subject of the common schools would be made a political question and sectarian prejudices aroused as an element in political contests, I was willing to adopt the Blaine amendment, in the hope and belief that it would quiet these groundless fears as to the common schools and avert the evils which spring from religious prejudices.

Therefore I say that while I believe that it is wiser and better to leave the people of each State free to maintain their schools as they see fit and I do not believe there will be any diversion of money raised for the support of common schools to other purposes, especially as in many State constitutions, as in that of New York, there are provisions which forbid the application of money raised for common schools to any other object. Yet if it would allay that which I regard as the greatest evil that ever comes among a community, strife and bitterness in reference to religious creed, I was willing to vote for the Blaine amendment, although, as the Senator from Indiana says, it is against the principles I believe to be wise. But I consider the proposed amendment now before the Senate as going far beyond that proposed by Mr. Blaine; and in my judgment, instead of allaying strife and dissension, it will increase them and bring evil to our schools, to our institutions, and to the people of our country.

Mr. EDMUNDS. Will the Senator kindly tell us—

Mr. KERNAN. As I promised to get through in a few minutes, and want to state my views without arguing them, I must decline to yield now, and after I am through, if my friend wishes, I will answer him.

Mr. EDMUNDS. I was asking for light.

Mr. KERNAN. I know my friend wants light, but he has got a fine intellect and he does not expect to get it from me, I fear; but if he does, what little light I can shed will be shed more intelligently by allowing me to proceed quietly in stating what my views are.

Mr. EDMUNDS. Then the Senator declines to allow me to ask him a question?

Mr. KERNAN. Yes, sir.

As I said, I think the proposed amendment before the Senate violates seriously, in many ways, the principle to which I have alluded of giving the Federal Government supreme power only over national subjects; and as to internal affairs, local matters in the States, the people of the several States should exercise the power as they reserved it in the original Constitution, untrammelled.

I have said that, in my judgment, the proposed amendment would be a very wide departure from correct principles. As to the first clause I have no comment to make; this declares that—

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

That provision has my most hearty commendation; but for all that it is not necessary to put it in the Federal Constitution. That matter was discussed in the convention that made the Constitution, and it was not thought wise to put in any such provision, but to leave it to the States; and we have gone on little less than a century, beginning with clauses in the constitutions of many States, making distinctions on account of religious creeds, and I believe they have all disappeared from every State constitution except that of the State of New Hampshire; and I venture to say that will soon be changed. There is a provision in the constitution of that State that no one can be elected governor unless he is of the Protestant religion, and so as to members of the Legislature of the State. But I am willing to trust that to the people of that State, believing that very soon in this age of ours and in this country of ours they will adopt the liberal provisions which are found in the constitutions of the other States on the subject of the sacred rights of conscience. In the constitution of my own State in reference to any interference with a man's conscientious convictions as to religion it is declared:

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind.

It makes no religious test a qualification for any office; and this I believe is true as to other States except New Hampshire. Therefore I assume as to this provision which I have read, the first clause in the article, there is really no need for it. It would be an insult to the people of every State in this Union, New Hampshire included, to say that there was danger that they would begin now to establish a State religion, or begin to prohibit its exercise, or make religious belief a test or qualification for holding office.

I cannot conceive that there is any need of our having a constitutional amendment to guard the people of a State against anything of that kind, and I say it very sincerely, because I realize that if there is a prejudice of that kind perchance it exists most strongly against those with whom I believe in reference to matters of religion.

But I ask attention to what follows:

No public property, and no public revenue of, nor any loan of credit by or under the authority of the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit.

In the constitutions of some of the States the people have thought it wise to insert a provision that no funds or property of the State should be given to any private institution, but should be used only to support the institutions of the Government; but this provision under consideration is not of that character. This seems to be aimed at something else. This leaves the United States Government to vote away any amount of public land to a corporation to build a railroad or do some other work; but the United States Government could not under this amendment give a piece of land to Bishop Whipple for an Indian school or church. I allude to him because I know he is the zealous Episcopal bishop of Minnesota who has taken such an interest in trying to civilize and protect and christianize the Indians. While we may give to railroad jobs under this proposed amendment any amount of public lands, we cannot give him a site out of the public land for his little church or for his mission school, because of course he would teach the Indians the creed of that denomination of which he is a bishop.

Let us go a little further. How are you to get on under this amendment? This Government has soldiers' homes; it has, I believe, some hospitals in this District that it aids to support, and some other good Christian benevolent institutions; but what will be the effect of this amendment? "No particular creed" is the language "or tenet" can be "read or taught" in your soldiers' home or in your school for orphan children or in any other institutions supported or aided by the Government. Take the soldiers' home. A man is there who has gone there and is taken care of there because of the wounds he received or ill-health he incurred in the public service. He may have never belonged to a Christian sect; but the time comes when he does desire religious ministrations. He is on a bed of sickness. He has from the mother that reared him perchance, or from his friends, or from other associations, a leaning to the Methodist denomination and sends for a clergyman of that church and asks that he may be taught that form of Christianity; and yet with this amendment in force, he cannot in that institution be taught that creed. So with an orphan asylum supported in whole or in part by the United States. You may say there are but few such institutions under the Federal Government, and I shall spend no time on them. Come to our State governments. Here are juvenile reformatories. The children are gathered in there, the little waifs whose parents are either dead or from some misfortune or vice do not care for them. They have committed a petty offense, the first step in crime.

In the State of New York we have two or three reformatories for children under sixteen who have committed crime. The State reformatories are supported entirely from the public treasury. Do my friends mean to say that we shall put in the United States Constitution an iron rule to bear upon the people of every State that they shall not permit any Christian creed to be "read or taught" in such an institution to these children? It is at war, it seems to me, with all that is wise and all that is good in the State. Go to States where such institutions exist, and there is no difficulty, if we keep this out of politics and act like wise Christian men, like Christian men where each believes he is right and ought to have the means to practice that which he believes to be his duty in reference to worshipping his Maker and means to allow everybody else to do the same and will be zealous that everybody else shall have the same right. In the reformatory at Rochester, New York, there is no trouble. It is a State institution; the board of trustees arrange that the clergymen of the various denominations can go there and the boys can attend the religious service and teaching according to their faith or that of their parents. We cannot deal with juvenile delinquents so as to reform them except by endeavoring to supply the place of parents, by teaching them some form of the Christian religion; and in a country like ours in these institutions the only way is to allow the children to be won back to the ways of morality and religion by allowing the clergymen of the denomination for which they have a preference, and against which they have no prejudice, to instruct and teach them the creed of their parents. But this amendment would prohibit the teaching them any creed.

Take the State prison. We send men there for reformation; and under this provision, as it is a State institution maintained by State funds, there could be no particular creed or tenet read or taught to a man either in the chapel, where they have one, or in his cell.

A man is under sentence of death in prison. He had a mother of some religious creed who taught him in his boyhood the prayers and the observances of the church to which she belonged. He has committed crime; he is to be executed as a criminal; he is to face his Maker, and the memory of early years comes back, and he asks to have brought to him a clergyman of the denomination to which his mother belonged. The clergyman comes to him and is ready to teach him as he wants to be instructed, in that creed which he has from some cause or other, conviction or prejudice, a desire to be instructed in; and yet under this amendment he cannot read or teach him the religious tenets and creed that he wants to know and the faith in which he wishes to die.

Take your State hospitals and prisons. They are institutions of the State, supported entirely by the public money, and in every one that I ever heard of in our State, in every jail, every reformatory, and every prison, the keeper that would not send for the minister of the gospel of that religious persuasion which the inmate wished and allow him to teach him and read to him and have him unite with him



in the religious service to which the person was attached, or instruct him in that which he wished to be instructed in, would be denounced, and there would be a cry of indignation at such a violation of the rights of conscience by people of every creed. But this amendment forbids the reading or teaching of any creed or tenet of religion in any such institutions.

I happen to have—and I speak of it with commendation to the State of Massachusetts—the law which was enacted in that State in the year 1875, April 15; and yet that law cannot be carried out in their public institutions if this amendment to the Constitution of the United States were in force except as you incur the penalties which Congress may enact under it. I will read that law:

MASSACHUSETTS.

[Chapter 126.]

An act to provide for religious instructions in prisons.

*Be it enacted, &c., as follows:*

SEC. 1. No inmate of any prison, jail, or house of correction in this Commonwealth shall be denied the free exercise of his religious belief and liberty of worshiping God according to the dictates of the conscience within the place where such inmates may be kept or confined, and it shall be the duty of the officers and boards of officers having the management and direction of any such institutions to make such rules and regulations as may be necessary to carry out the intent and provisions of this act.

SEC. 2. Nothing herein contained shall be so construed as to impair the discipline of any prison as far as may be needful for the good government and safe custody of its inmates.

SEC. 3. This act shall take effect upon its passage.

(Approved April 15, 1875.)

A man in one of the institutions named in this act desires to be taught and instructed in the tenets and creed of one of the religious denominations or he desires to have the service of the church he belongs to read to him; they would be reading or teaching the tenets of some creed, and although they would be obeying the law of Massachusetts, it would be violating the Constitution of the United States if this amendment were adopted.

Another law, that I chance to have in my hand, is one recently enacted in the same year, 1875, by Ohio. Allow me to read that and see how the spirit of that law which I submit every Christian man will approve would be crushed out by this constitutional amendment.

OHIO.

A bill to secure the liberty of conscience in matters of religion to persons imprisoned or detained by authority of law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That as liberty of conscience is not forfeited by reason of conviction of crime or by reason of detention in any penal, reformatory, or eleemosynary institution, or any house of refuge, work-house, jail, or public asylum of the State, no person in any such institution shall be compelled to attend religious worship or institution of a form which is against the dictates of his or her conscience; and it shall be the duty of every director, trustee, superintendent, or other person having in charge any such institution to furnish equal facilities to all such persons for receiving the ministrations of the authorized clergyman of their own religious denomination or persuasion, under such reasonable rules and regulations as the trustees, directors, managers, or superintendents shall make; but no such rules shall be so construed as to prevent any clergyman of any denomination from fully administering the rights of his denomination to such inmates: *Provided,* That such ministrations entail no expense on the public treasury.

SEC. 2. This act shall take effect from and after its passage.

That is the spirit of our institutions; that is the spirit in which the people of the States are acting, providing that these criminals even, these outcasts that go to the poor-houses or reformatories, may call upon a Christian minister of the religious denomination which he prefers, and there he shall be allowed to teach and minister to him in the State institution; this would be in violation of this amendment if it were made a part of the Constitution.

But go a little further. We all know that in our communities, and especially in our cities, there are large numbers of children who are gathered by the benevolent and the charitable and the good of every creed in our land; orphan children who have no mother, no father, no one to keep them from running in the streets right into the State prison and becoming a curse to the community and becoming a destruction to themselves. The Protestant ladies appeal to the benevolent and they build their asylums as they have done in almost every city of our State, in some of them more than one. They appeal to the benevolent to help them; they have collections in the churches, they have fairs. The institution is mainly erected and supported with donations. They gather in these children, and occasionally the State gives them aid or the city gives them aid. Upon economical principles they can afford to give them aid, because it is the cheapest way of preventing them from becoming criminals and making them useful members of society; and yet must they go on without teaching those children any religious creed? If it chances to be members of the episcopal denomination who founded and have the charge of such an institution, they teach and bring them up in that form of creed and worship which they themselves believe in. In a word, they make themselves fathers and mothers to the fatherless and to the motherless, and they do by them just what every sincere Christian father and mother would do by their own children; and yet that is to be forbidden. If the institution chance to be in distress, if—as now and then happens—the whirlwind takes the roof off their asylum or the flames destroy it, they cannot receive from the State or city a donation if this amendment is adopted, except on the condition that no religious creed shall be taught the children.

In my own city (and it is a good illustration of what I want to say) there are two orphan asylums that are a credit to any place. They

have gone on side by side in the utmost harmony; the promoters of each think better of the other for what they are doing. One is under the Protestant ladies' board of trustees; the other is under the Sisters of Charity, who look after the Catholic orphan children. There is no prejudice there. If a Protestant lady finds an orphan child whose parents were Catholics she takes it to the institution under the charge of the Sisters of Charity. If the others find destitute orphans of Protestant parents they take them to the Protestant institution and ask them to take them. We have a poor-house; it is a good establishment, and it is the only place the county can send the orphan children to that are paupers. There are no means for education in the institution. More than ten years ago it was suggested, and the board of supervisors of the county ordered, that all the children under a certain age that came to the poor-house should be sent to one of these asylums. The board directed, in the real spirit of doing good, the superintendent to send the children who came there, if of Catholic parentage, to the Sisters' asylum, and to send all the others to the Protestant asylum, and the county pays them less for educating and caring for them than it would cost in the poor-house. Thus we have brought up and educated in these asylums children that would go from the poor-house without instruction, without the habits of usefulness. They readily get places as they advance a little in years. Each of these asylums teaches the children, as children in my judgment should be taught, that religious creed which those having the institutions in charge believe and practice.

Our State has occasionally given them aid, and there has been no jealousy and no trouble. When they have been overburdened there has been inserted in appropriation bills a clause giving each aid; there has been no jealousy, no wrangling, but real good, a great relief to the community from the expense of paupers and from the expense of criminals. But this could not be done under the amendment. Each is under the control of a religious denomination—in each a religious creed is taught.

The best practical principle is to leave all these matters to the State and to the neighborhood. You will there find Christian charity among all. The only strife will be which will do the most good to these little children for the sake of that Saviour who said, "Suffer little children to come unto me."

Take hospitals. Such institutions have to be supported in some degree usually by public funds and in part by contributions from the benevolent. A man in the hospital sick, brought to thoughtfulness by his condition, warned perchance by the nurse or the physician that he will soon have to appear before his Maker, asks them to send for a minister of one of the religious denominations, selecting one for himself. He tells him "I had a little religious instruction in youth, not much; I want to be taught the tenets of your church; explain them to me; teach them to me." It cannot be done; the hospital is supported in part by the State. He does not want a mere general form. He asks to be instructed in that which he wishes to understand.

I submit, Senators, that when you reflect on a few of these things there is no need of doing that which is detrimental to the good that is done in this way. But come to private hospitals, got up as they are by the contributions of the benevolent and charitable members of some church. These hospitals occasionally apply to the State or the city for aid. They are doing good. They are caring for the poor sick cheaper than they can be cared for in public hospitals. Take the hospital in my own city. It is in charge of ladies of a particular creed who give their services because they think it their duty. They started without anything and they have won their way so that they are sustained alike by Protestants and Catholics. Every sick person who is poor and has no place to go to is received without regard to creed; and every clergyman is invited to visit and every patient may send for the clergyman he likes and he comes there and reads and teaches and administers unto him according to the form of worship that patient desires.

In the Protestant hospitals, under Protestant trustees, if there was a Catholic there, though they might not think well of his creed, if he desired the priest of his religion, they would send for him and have him come and read to and teach him and administer to him the rites of the Catholic religion. Yet all that must be stopped because these private institutions very generally get some aid from the public treasury.

This is a land of charitable, benevolent, and Christian people. Say what you please, you will find in every corner of it, in every denomination people who have fervent convictions for their own creed and people who would always give every other person, and especially in an institution, public or private, opportunity of having precisely the ministrations that he desired and which he believed essential to his salvation. If it is a public institution under this amendment, you must shut out all denominations having any creed or any particular tenets. If it be one erected by private benevolence which does a great deal of good and relieves the State from a great deal of pauperism, takes care of paupers better than they can be elsewhere, you may apply to the State, and if the State gives you aid you must at once shut out the ministers of the gospel of every creed, although your patients desire to have their ministrations before they go in their last sickness, to meet their Judge, to account for all they did or omitted to do on earth.

I object to this amendment. It is not, in my judgment, wise; it is



not, in my judgment, in accordance with the spirit of Christian charity as it exists in every denomination of Christians.

But it has been said that it applies only wherein a particular creed or tenet is taught. Each denomination believes that its creed and its forms and its doctrines are true. If children are under their charge, they will so bring them up in that creed. In sickness they will have the patients attended by a clergyman teaching the creed which the patient believes in.

Now, I submit that we should not say that all these institutions which get aid at all from the public funds or which are established by the State must bar their doors against every such thing. In this country where the denominations of Christians differ in form and in tenets of religion to some extent, you can only bring up the child in the asylum; you can reform the criminal only by giving him an opportunity to practice in the institution where he is that creed to which he is attached or as to the truth of which he has convictions.

How does this amendment look to a Christian? In our fundamental law we not only provide that the Federal Government shall give no money for any such purpose, but throughout this broad land in every State we are to put in the Federal Constitution an iron rule that they shall not aid an institution of charity because it is under the control of the Methodist denomination or they teach its doctrines to the inmates. Although they are doing a great work for those who have been criminal, who were and are of their faith, to those who are orphans and of their faith; although they do good and are benefiting the State by bringing them up in morality, by instructing and inculcating and indoctrinating them with the views of Christianity they profess, yet you say we will cut them off, we will shut out Christianity and anti-Christianity. I cannot quite conceive what state of things there is to be in an orphan asylum, a hospital, or a reformatory. These charitable institutions will be founded and they will be managed by zealous hands and active feet belonging to one or the other of Christian denominations. They have their faith, and so believing they do not want to protrude their views upon others, but they gather up their own pauper children, their own pauper sick, their own pauper aged in these institutions. Yet you say the State shall not encourage them in their need by aiding from the treasury according to the will of the people of the State, because they teach that creed that makes them these ministering angels and zealous workers.

No city can aid the institution, no country can do it, no State can do it. While they can give to any other enterprise they shall not help with the public funds these zealous people who give their labors and their lives to this work. All Christian denominations have these zealous men and women, and by this amendment you say neither State nor city shall aid them, although a roof cannot be closed over the orphan children who are being cared for, in a place where they can be brought up and where it is the will of the State they shall be brought up, unless you banish religion and religious teaching.

I trust therefore that we will dismiss this idea. Take the ragged school; take any other school that is gotten up by benevolent people. Take the city of New York, where they have schools for these ragged boys that were running to destruction, and where they teach them in schools under charge of almost every denomination. Our State has thought it wise, where so much has been done by these denominations to relieve the State from pauperism and crime and make good citizens of those who else would be a burden, to aid them, and we have done it and done it very cheerfully. Certainly if it was a Protestant institution I would do it all the more cheerfully, because they were educating those children in the creed which the parents and friends of the children wish them to be educated in. But this amendment cuts them off from aid if they teach the child the religious creed of its parents.

Therefore I am opposed to putting anything in this Constitution that becomes a bar upon the people of the State as to what they may deem wise as to all these institutions. They are home duties; they are home objects; the people will correct if there is any abuse. These institutions reform those who otherwise would go untaught for want of parents, that would go to destruction because the poor boys and girls would learn crime in the way they were left long before they learned anything about that creed and that Savior who died to save them and whose Christian people they should grow up to be.

One further suggestion. The last clause is:

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

If the article stood without this, laws in violation of it would be void. The courts would have to so declare them. But by this you transfer to Congress the questions. Of course I entertain great respect for Congress; but it is not the best body in the world to be legislating on the subject of this amendment.

There will be irritating contention and litigation as to the meaning of this article. It may be claimed that while there can be no appropriation to an institution under the control of one religious sect there may be to an institution under the control of sects united. Then what is the meaning of the term "particular creed or tenets?"

I trust, therefore, the amendment will not be adopted, but that we shall leave the States to manage their domestic institutions as the people in each State may choose. The Federal Government will be stronger; there will be more satisfaction with it, and the affairs of

the State will be better administered than we can do it in Congress, where it is so difficult to legislate much, and where from our not being familiar with the wants of the people of the States it is so difficult to act wisely or well concerning matters which affect them peculiarly.

Mr. WHYTE. Mr. President, Protestant though I am, and sprung from ancestors who belonged to the straightest sect of Irish Presbyterians, and imbibing the prejudices which I must confess attach to such surroundings, nevertheless I fail not to remember that I was born in a State colonized by Roman Catholics, in whose soil the banner of religious toleration was first planted on this American continent. For the obtention of religious as well as civil liberty the Roman Catholics of Maryland, represented by the patriotic Carroll of Carrollton, pledged their lives, their fortunes, and their sacred honors in the revolutionary struggle. Should I, as a representative of Maryland, vote for this amendment, I should deem myself faithless to the spirit of the history of my native State. In my judgment the danger is not present which this article, proposed in response to an ephemeral popular demand, is designed to avert; and it seems to me, to use plain words, nearly an accusation against a large body of fellow-citizens as loyal to republican liberty as we proclaim ourselves to be.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. WHYTE. I am going to speak but three minutes by the watch, and I beg my friends not to interrupt me. I will yield, however, for a question if the Senator desires to put one.

Mr. EDMUNDS. The question I wished to ask was precisely in point to what the Senator was saying, that there was no present danger of the kind to which he alludes, whether he had read the mandate ordinarily called the encyclical letter and the syllabus of errors promulgated by the holy Pontiff in 1864 on this very subject?

Mr. WHYTE. Yes; but 1864 is not 1876 by a long shot.

Mr. EDMUNDS. It lacks twelve years of it.

Mr. WHYTE. And a good many things which people did in 1864 they do not do to-day, I am happy to add.

Mr. EDMUNDS. Does the Senator mean to say that he understands that the principles or declarations of this letter have been changed, or withdrawn, or modified?

Mr. WHYTE. Yes, sir.

Mr. EDMUNDS. I should like to see the proof of it.

Mr. WHYTE. Has the Senator read Archbishop Purcell's recent letter on this very subject?

Mr. EDMUNDS. Archbishop Purcell is not the Pope.

Mr. WHYTE. But Archbishop Purcell, I suppose, would not speak in opposition to the desires of the Pope—

Mr. EDMUNDS. I do not know.

Mr. WHYTE. Any more than some gentlemen here speak in opposition to the will of the republican party.

I was about to say that the first amendment to the Constitution prevents the establishment of religion by congressional enactment; it prohibits the interference of Congress with the free exercise thereof, and leaves the whole power for the propagation of it with the States exclusively; and so far as I am concerned I propose to leave it there also.

Called away from this Chamber, Mr. President, to discharge other duties for my State, and fearing that I may be absent when the vote on this amendment is taken, I desire thus publicly to record my opposition to the passage of any such amendment, whether coming from the House of Representatives or emanating from the Judiciary Committee of the Senate.

Mr. CHRISTIANCY. Mr. President, I have already once called attention to the resolution as it came from the House. That resolution proposed to amend the Constitution of the United States so as to prevent any moneys raised for public schools, or lands dedicated for public-school purposes, from being under the control of any religious sect or denomination, or from being divided among them, and that is all there is of it. It did not propose to prohibit any State or the United States from raising any amount of money by taxation, or from voting any amount of property for the support of any religious sect or denomination, or for any sectarian or denominational school, but the division of money already raised for public schools or the diversion of property already dedicated to the support of public schools is in the most solemn manner by this resolution of the House declared by the House and every man who voted for it a great public evil; not only an evil, but an evil of such magnitude and of such imminence as to call for a constitutional prohibition. Such is the clear declaration which the House have made to us, and every man who voted for that resolution has made to us, of the evil to be guarded against. What is this evil? In what does the evil consist? Certainly it is no greater evil to do this wrong, for the resolution admits it to be a wrong, indirectly than it would be to do it directly. What then is the evil, and what are the principles which would be violated without this constitutional provision? I take it to be this: In a country situated like ours, where the conscience is left free, where religious toleration is universal, where the people are divided into a great number of churches and sects, with a very large proportion, if not a majority, of the population belonging to no church or sect, and where our public schools could never be maintained unless placed upon a footing of substantial equality among all people who may choose to send to them, it would be wrong to raise money by taxation or to appropriate property belonging to the whole people for the support of any one of those denominations. That I take it is the real



principle upon which it becomes wrong to do this very thing which the House proposes to prohibit. The principles, it will be seen therefore, are much broader than the resolution; and what has been an enigma to me is that those who can go so far as to admit the evil stop so far short of a remedy.

Now, Mr. President, is the thing itself any worse when done indirectly, by first raising the money or devoting the property to public schools and then dividing it among the various sects for the support of their sectarian schools, than if the same result were accomplished directly by raising the tax or appropriating the money or property directly for the purpose of supporting the same sectarian or denominational schools? If there be any difference, is not the latter the more obvious and manifest, and the one which would naturally first occur to the mind of any man seeking by a constitutional amendment to provide a remedy? What would be thought of the lawmakers who should provide carefully for the punishment of aiders and abettors in a crime, but leave the principal offenders to go free and unpunished? Able and honest minds, in attempting to provide an enactment against a direct wrong, or one committed by direct means, do sometimes from a failure to foresee the various methods by which the same wrong may be indirectly committed fail to make sufficient provision against it when committed by indirect means. But this is the most notable instance which has ever come under my observation where the author of an important prohibitory provision has so clearly seen and provided against the wrong when attempted *indirectly* and has yet been utterly oblivious of, and made no provision against, the same wrong when done or attempted *directly*. But such is the fact. While this resolution prohibits the division among sects or for sectarian schools of any money first raised by taxation for or property which may have been devoted to public schools, it leaves both the national and State governments at perfect liberty to raise by taxation any amount of money and to appropriate any amount of money or property *directly* to or for the use of any such religious sects or denominations and for any schools or institutions under their control or direction, though the main or entire purpose of such schools may be instruction in and the propagation of the peculiar denominational or sectarian system of religion or religious belief or catechism of such sect or denomination. It does not prohibit even the diversion or division to or among such sects or sectarian schools of any money or public property unless raised by taxation for or devoted to public schools. Now we all know that as a general thing and in most of the States the various church or denominational schools are private schools and not properly included under the designation of "public schools" at all.

I will not charge upon the authors or supporters of this House resolution any wrong motive and am confident that many, if not most, who gave it their support entertained no sinister purpose; but I am compelled to say that if I had been the warmest advocate for sectarian or denominational schools and for taxation and the donation of public property to their support, and could have been base enough to wish to deceive Congress or the nation by a mere sham which should pretend to discountenance or prohibit taxation or the donation of public property for such purposes, but which should leave the power completely intact to continue or perpetuate the same wrong directly which it professes, and only professes, to prohibit being done indirectly, I should not only have given the House resolution a silent but an active support. But I confess I should have felt not a little tremulous lest the trick might be discovered, and lest the figure which I had presented as a veritable lion in the combat against sectarian influence in the schools should, by the ears and hoofs protruding, stand exposed as a very different animal dressed in the lion's skin.

But, Mr. President, believing that neither any church nor any denominational school should be supported or aided by taxation or by appropriation of public property, I have from my youth up steadily advocated this view. It is a principle essential to the success of any system of public education in this country, and is, or at least should be, far above all mere party politics, and I am as intensely desirous as any man can be to place it entirely beyond and outside of the field of party politics, where it may always be safe whatever party may be in power. This is a favorable time to accomplish this desirable end, and I hope we shall avail ourselves of it and ward off at once and forever all the threatened dangers to arise from the violation of this great principle. All this will be accomplished if the resolution reported by the committee shall pass and become a part of the Federal Constitution.

I can see no possible reason, resting upon any true or just principle, why all men who are in favor of an entire separation of church and state, in favor of full religious toleration and freedom of conscience and of perfectly equal rights among all churches, sects, and societies should not support this substitute offered by the committee.

The only ground on which the House resolution can be justified at all rests upon a fundamental principle which justifies and requires all the provisions of this substitute; and the principle itself can only be effectually secured by such a constitutional amendment as this substitute proposes. When this is done the question is taken out of politics, but not before.

Mr. President, I certainly did not think, and I am not yet convinced, notwithstanding the able argument of the Senator from New York, [Mr. KERNAN,] that the meaning of this substitute is such as he has attributed to it in reference to hospitals and institutions of

that kind. I certainly had seen no difficulty of that kind, and I am quite satisfied that the fair construction of the substitute proposed by the committee will not justify the remarks made by the Senator from New York; but on that point the chairman of the committee who presented the amendment will undoubtedly answer for himself.

Mr. MORTON. Mr. President, the resolution as it came from the House embodied every objection upon principle which it seems to me can be raised to the amended resolution as reported by the committee, but it was imperfect. I presume by inadvertence, I assume not by intentment, it was imperfect, and would have amounted to but very little. It simply prohibited a State from diverting a fund raised for public schools, set apart for public schools, to the support of sectarian schools. It prohibited a State from diverting a fund raised by the sale of land or by taxation or from any other source, avowedly and originally a school fund, from being afterward changed from this original purpose to the support of sectarian schools, but it did not prevent a State from levying a tax directly for the support of sectarian schools. It would not prevent a State from appropriating money out of the general treasury for a sectarian school; it simply protected a fund already made and set apart originally as a school fund from being afterward diverted to the support of sectarian educational institutions.

Now, does it require argument to prove that that resolution is imperfect and will amount to scarcely anything when any State in the Union without violating it can lay a tax of five mills or ten mills for the support of sectarian institutions? The principle contended for by the Senator from New York is that all such matters should be left exclusively to the State. If it is proper to interfere and prevent States from diverting school funds created for that purpose to the support of sectarian schools, if it is proper to interfere with a State in that respect, is it not equally proper to prevent a State from levying an original tax for the support of sectarian schools? I think the argument of my friend from New York upon that point was imperfect, for he admits that it is proper to prevent a State from taking an original school fund and diverting it, but the House amendment allows a State to levy a tax for the same purpose.

Then the amendment as it came from the House violated every general objection that can be offered. The Senator from New York took the ground that the Constitution of the United States should not interfere with a State upon the question of schools or religion, and my friend's argument amounts to this—and if I do not state him correctly I wish he would correct me—that the States should be left free if they see proper to establish sectarian schools by public taxation, and that if the State of New York desires to levy a tax and collect money of the people to establish, if you please, Protestant schools on the one hand or Catholic schools on the other, should be left free to do that, and we should not interfere by a constitutional amendment to prevent her. That is my friend's argument, that the States should be left free to establish a religion or to establish sectarian schools; in other words, to give the power to give a particular religious sect the advantage of the government and support by public taxation. That is my friend's argument I think, and if I do not state it correctly I want him to correct me, because it is a very important point.

Mr. EATON. In other words—

Mr. EDMUNDS (To Mr. MORTON.) That is not the friend you called for.

Mr. MORTON. No, it is not.

Mr. EATON. I hope the honorable Senator from Vermont will call on me by and by.

Mr. EDMUNDS. I never shall, you may be sure.

Mr. KERNAN. I said that it was violating what I believed to be the true principle to put in the Constitution restrictions on the States in reference to schools. Now, having answered frankly, permit me to say another thing. I am and always have been entirely opposed to favoring one sect rather than another by any appropriation. Hence, even as to these charities, I argued in our constitutional convention of 1866 that I was in favor as to these institutions in the State, if the people found there was any abuse, of having a provision which would require when they gave to these hospitals, orphan asylums, and things of that kind, that they should either give each *pro rata* according to the number they supported or eat them all off. My principal point is that I do not think it is wise as a principle, though I was willing to waive that for the purpose I stated, to put in the Federal Constitution restrictions on States in reference to these domestic institutions.

Mr. MORTON. I am glad then to find that I was right. My friend says that he would be opposed to having a State legislate for the benefit of a particular sect. I certainly understand that to be his feeling; but that is not the point. It is not a question of what his preference is or my own might be. The point I make is that my friend insists that each State shall be left free, if she sees proper, to establish and support at the public expense denominational schools, Catholic schools if you please, or Protestant schools; that the State shall not be deprived of the power to establish that kind of a school if a majority of her people are in favor of it. That is the important point upon which I am glad to find that my friend admits that I stated him correctly.

Mr. KERNAN. You do not understand me to say that I favor that?

Mr. MORTON. O, no; my friend does not favor it; he is opposed



to that kind of legislation certainly, but he does favor this: he favors the idea that New York should be left free whenever such a thing occurs, if she sees proper, to establish Catholic schools and have them supported by public taxation, or to establish Protestant schools and have them supported by public taxation. There is where the great danger comes in. This admission made by my friend covers the whole ground of this proposed constitutional amendment.

My friend says there is no danger. Well, Mr. President, in my judgment there is danger. That cloud is looming above the horizon; it is larger than it was a few years ago; and I might ask my friend if there is not danger in his own State; I might ask him if there have not been abuses in his own State.

Mr. KERNAN. There never has been the least danger in that State, and I do not think there has ever been any abuse of any serious character.

Mr. MORTON. I ask my friend if there have not been large amounts of money given for the support of denominational institutions in his own State, given out of the public treasury or raised by public taxation?

Mr. KERNAN. Money has been given to institutions of this character, hospitals, orphan asylums, conducted by various denominations; but never in my judgment was there any serious abuse. I believe there has been a good deal of fairness in the division among the various sects.

Mr. MORTON. I shall not go into a history of the legislation of the State of New York. I have been reading and hearing very much on that subject for some years past. It is in my opinion an essential principle of American liberty and one upon which the perpetuity of our Government depends that we shall have perfect freedom of religious worship, that there shall be no established church, no religion established by law that is taught by law, and that so far from the States being left free to establish a church if they see proper, or to establish denominational schools at public expense, I believe that the safety of this nation in the far future depends upon their being deprived of any such power. I believe that the example of one State establishing a religion, or doing what amounts to the same thing in principle, establishing denominational schools to be supported at public expense, endangers the perpetuity of the nation. The support of a school by public taxation is the same thing in principle as an established church. If we can appropriate money to establish, if you please, a Catholic school, it involves the whole principle of supporting the Catholic Church at public expense, or if you please a Protestant school and the support of a Protestant Church at public expense. The power to educate children in a particular faith at the public expense involves the same principle as the support of that church at public expense, and the one inevitably leads to the other.

Now, sir, that there should be perfect freedom of religious opinion in our country is essential to our life as a nation, and we cannot have that and we cannot have perfect equality except upon the condition that religion shall not be maintained at public expense and that denominational schools of religion shall not be maintained at public expense. Every sect is left free. The Catholics may have as many schools as they see proper and teach their religion, and so may Protestants—no abridgment of their freedom. They have the largest liberty; but when it is done at public expense and all are taxed for their support, then the principle of equality is gone.

Mr. President, I have heard some talk to-night about hospitals and orphan asylums. My friend from New York has said something on that subject. I do not intend, so far as I am concerned, to be diverted from this great question by what is said in regard to orphan asylums and hospitals. There is a great principle underlying this amendment, and it seems to me it is one that should receive the support of all parties. It may not be perfect in its phraseology; perhaps it is susceptible of improvement in that particular; but I am speaking of the general and broad principle. If the phraseology does not suit my friend, let him offer to improve it, let him suggest where it can be corrected, but his objection goes to the whole amendment. That brings me back to the great admission made by my friend that each State should be left free, if she sees proper, to establish a church and to establish denominational schools and support them by public taxation, and that there should be no interdiction of such a thing in the Constitution of the United States. There is the broad principle on which we separate. I regard that doctrine as being fatal, if carried out, to the liberties of my country.

My friend from Maryland spoke about the history of Maryland, that Maryland was colonized by Catholics who established religious toleration, and that, as I understood, he would insult them if he voted for this amendment. Perhaps I did not understand my friend correctly.

Mr. WHYTE. I said I should be voting against the spirit of its history.

Mr. MORTON. Why against the spirit of its history? Are not the Catholics left free as ever in Maryland? Are they interfered with more than Protestants? Certainly not. How then is it against the spirit of Catholic sentiment and toleration in Maryland? If Maryland is prohibited from establishing Catholic schools and supporting them at public expense, and if Protestants are prohibited from doing the same thing, are they not still on an equality, and I ask how the spirit of Catholic toleration can be violated? If there is that spirit prevailing among all denominations in Maryland, should they not

embrace the great doctrine that religion shall be left to the individual? They may support it, they may teach it, but they shall not force it upon their neighbors through the schools or in the church. The principle is precisely the same; the right to establish a denominational school and support it at public expense as the establishment of religion and paying the officiating clergyman out of the public treasury. The fact is the first would be the most effective in the accomplishment of the purpose.

Now, Mr. President, if there are objections to this phraseology, I hope our friends will point it out. If this amendment can be improved in its language, let us have it done. Do not let us stand criticizing phraseology to-night. The question is too great, it is too far-reaching. I hope my friends will object to the phraseology, if they do not like that; but my friend from New York did not put it on that ground; he put it on the broad, great principle that every State should be left free, if she sees proper, to establish a church or establish denominational schools and support them at public expense. There is a principle we can all understand. We can all be on the one side or the other side of that question. I am glad to have it brought here to-night. If this resolution is broken down or if it shall fail to receive the two-thirds majority, the country ought to know the ground upon which it is placed.

It is very important to have this resolution specific. In framing constitutional amendments the objection is that they are too general in their character. The fourteenth and fifteenth amendments which we supposed broad, ample, and specific, have, I fear, been very much impaired by construction, and one of them in some respects almost destroyed by construction. Therefore I would leave as little as possible to construction. I would make them so specific and so strong that they cannot be construed away and destroyed by courts.

This is not a new idea. The idea of free schools not denominational but general, the idea of a free church not supported by the government or maintained by the government is an original one in American liberty. It has always prevailed in this country. Now it is proposed to give it form and put it in the Constitution. It has been in the minds of our people for one hundred years; but circumstances have occurred in the last fifteen or twenty years proving that there is danger and that the time has come when this idea which has been somewhat nebulous in its character should receive distinct form and enunciation and go into the fundamental law. There can be no danger in putting it into the Constitution, in saying that no State shall establish a church or establish a religious school supported at public expense. What danger is there in it? Why should any man oppose it, unless he wants the State to do that in a particular case? If any one believes that a particular church ought to be established by law or that children ought to be educated in peculiar doctrines at public expense, then he ought to oppose this amendment. But if he thinks that all such education should be at private expense and that that given by the public should be general in its character, if he believes that no church should be established, why oppose this amendment? It is no more for Protestants than it is for Catholics. It is no more against Catholics than it is against Protestants; it puts all on the same level precisely, takes from one church precisely what it takes from the other. It is not a measure of favoritism. Let my friend bear it in mind that this is offered in a country where to-day the majority in every State are Protestants. It is offered in what may be called a Protestant country. But I trust that men of all parties, of all religions, and of every kind of education recognize the importance of maintaining this as a free country in which there shall be no established religion, and religion shall not be taught by law at public expense.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. EATON. My friend from Indiana used this language, if I have him down right: "Circumstances have shown that there is danger." I use his own words. Will he be kind enough to say to the Senate in what the danger consists?

Mr. MORTON. Well, Mr. President, my friend perhaps would like me to go into some particular history of the last fifteen or twenty years; but my friend knows perfectly well, without giving names here to-night, that there is a large body of people in this country, sincere, earnest, and pious, I have no doubt, who believe that our public schools in which religion is not taught are infidel and wicked, and who are not in favor of any school that does not teach religion. Does he not know that the public-school system of this country has been condemned and has been interdicted? I am not arraigning the sincerity of any man or any class of men in this country; I believe in the general sincerity of all men, and I am a believer in the goodness of men. My friend cannot be ignorant of the fact that there is a large and growing class of people in this country who are utterly opposed to our present system of common schools, and who are opposed to any school that does not teach their religion. I ask my friend if that is not a danger.

Mr. KERNAN. Allow me to say that I assure my friend in entire sincerity that those people who believe that it is their duty either in the family or in the school to have their secular education accompanied with instruction in their faith, yet do not want that done at other people's expense, not any of them in my judgment, and certainly not myself or those I represent. All they say is if our Protestant friends prefer to have schools where there is no religion taught,



it is their right; we concede it to them; we would not take it from them; but we feel it our duty to bring our children up in our own faith. I state it as clearly and as fairly as I can, and I assure my friend that when he expresses the idea that those to whom he alludes would take from Protestants the right to have their children educated just as they see fit, he does them great wrong. We hold it to be their right and their duty to have their children educated in the way they think right and the way they think best, and we only ask that we should be allowed to educate ours as we think best, in all kindness, without the slightest unkind feeling or dissent about it.

Mr. MORTON. I do not call in question the sincerity of my friend or his liberality; but he admits in his statement the main point, that there is a large body who are opposed to schools in which religion is not taught.

Mr. KERNAN. No; they are opposed to such schools for their children, not that they would interfere with their neighbors.

Mr. MORTON. My friend will see—

Mr. KERNAN. Free education we want.

Mr. MORTON. My friend says they are opposed to schools for their children in which religion is not taught; therefore they are opposed to the present system of free schools because religion is not taught in them, because that is not made the primary purpose, that which gives color and direction to all the education that we give. That is the point. Therefore my friend would have no schools at all unless religion is taught. He would have the school fund divided.

Mr. KERNAN. No.

Mr. MORTON. If you raise a school fund say of a million dollars, then he would have an enumeration of the children made, so many of one denomination, so many of another, and divide the fund. But he is opposed to general taxation for the support of schools in which religion is not taught. Am I not correct about that?

Mr. KERNAN. No. We recognize what is practical. In a country like ours we cannot have all our children taught irrespective of creeds. Where free public schools are taught for all, there they must be free from any religious teaching at all. They must be when at the public expense just like a school to teach mechanics, where we all send, and then we say that those who cannot adapt themselves to that must go elsewhere because it cannot be done practically, teaching the children there any creed. We believe—I certainly do, and in our own State I have often talked of it—that the public schools must be, as they are by our Constitution, schools to which every child in the State can go and get secular learning without there being anything offensive to the creed of any one. Those who cannot get along with them must educate their children in private schools. We have not made any attack to overthrow the system.

Mr. MORTON. If that is the position of my friend from New York and of those whom he represents, we have no difference whatever. That is precisely what we are for, that there shall be public schools at public expense in which there shall be no particular creed taught. That is just what this amendment is intended for. But that does not change the great fact that whatever my friend's views may be, there is a large, powerful body of men in this country, increasing in number, who are opposed to being taxed for that kind of school at all. They will not send their children to it because they believe that religion should be a part of education from the very beginning, and when those people get the power in any particular State or in any particular city human nature perhaps would have to undergo some change—

Mr. KERNAN. Will not my friend allow me? I can assure him that if those to whom he refers of the people in this country, prizing all the justice and mercy which they enjoy, if they should get the power, would never attempt out of public funds, if there was one person who did not want it done, to support their own schools. The thing is not practicable at all, and they would not seek to wrest public moneys for such a purpose out of those who might not believe with them, no matter how small the number, and attempt to say "We will have schools where our children can be taught according to our notions, and yours you cannot send conscientiously." But, on the contrary, in the public schools practically the only way is not to teach any particular creed, and then have that which is distasteful to the conscience of the Hebrews or others, though it is no particular creed. To make them really just, as I have said, they must be like schools where you send your boy to learn mechanics, and those who want him taught anything but mechanics must have him taught at their own expense, and not out of the public treasury.

Mr. MORTON. I can only say that if I understand the spirit and the purpose and the sincerity of the people that I allude to, where they have the power they would never tax themselves one cent to establish a school to which they would not send their children. That I understand to be the ground of the objection now, that they are taxed for the support of schools to which they will not send their children. They will not send their children to the public schools because they are non-sectarian, simply because they are not sectarian, and do not teach the religion that they believe in. There comes the point. I do not question their sincerity at all; but their doctrine is that they must not send their children to a school in which their religion is not taught from the first, and is not made the primary object. That idea carried out is fatal to our common schools, as everybody knows. It requires no argument to prove that.

Mr. President, I have been drawn into saying more than I intended to say.

Mr. EDMUNDS. Mr. President, the fundamental question which has been opened by the honorable Senator from New York [Mr. KERNAN] is one which he surrenders himself. He says that he is opposed to any interference with State-rights respecting schools, but he is in favor of the amendment of the Constitution proposed by the House of Representatives. That is the attitude, the singular position which seems to be taken by the whole body of our brethren on the other side of the Chamber. At every stage of this proposition which was sent to us by the House after a long period of consideration and reflection, while our friends on the other side here are to a man opposed to the principle of any amendment at all, they are in favor of the practice of adopting the proposition of the House of Representatives.

Mr. RANDOLPH. I beg to correct the Senator from Vermont. I stated very distinctly on Friday night last in this Chamber that I had anxiously worked for the amendment adopted by the House of Representatives. And yet the Senator says that all on this side of the House, without exception, are opposed to any amendment.

Mr. EDMUNDS. Mr. President, I am very glad to be corrected. I will except my honorable friend; and if any other Senator has been unduly treated in this respect, I should be glad to have him stand up and "swear off," as the saying is.

Now, let me take my friend from New Jersey for a moment. He is in favor of the House proposition and not in favor of the Senate proposition. He is in favor of the principle, then, of not having public money that is raised for free schools, devoted to sectarian instruction; but he is not in favor, if he speaks to the House amendment, of having any other public money that is not specifically raised for that purpose kept from being used in exactly the same way.

Mr. RANDOLPH. I do not think the Senator from Vermont has any right to put into my mouth words that I have not uttered, or to try to extract from my head ideas that he perhaps knows nothing about. I do not propose that the Senator from Vermont shall undertake to state my proposition; I am quite capable of doing it myself.

Mr. EDMUNDS. Now, if my friend is through, I will agree with him again. Mr. President, I shall never attempt to extract ideas from my friend's head. I shall never attempt to put words in his mouth. He is the sole master of his individual liberty in both those particulars, and I should be presumptuous in applying in either of these respects. Now, I repeat that if my honorable friend is logical and consistent, as we all know he is—I took that for granted before—when he says he is in favor of the House proposition, which declares that—

No money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

When he is in favor of that and nothing more, being logical and intelligent, while he is willing to protect the particular money that is raised for a particular purpose in a particular way, which I can demonstrate in a moment to be the sheerest moonshine that was ever brought to a man's attention, he is still in favor of leaving the same State to raise money by general taxation and put it into its treasury, and then give it to any sectarian school that it likes.

Mr. RANDOLPH. By what authority does the Senator state that?

Mr. EDMUNDS. I state it by the authority that I must impute to the Senator some little degree of logic and consistency in his proposition.

Mr. RANDOLPH. If the Senator from Vermont will allow me—

Mr. EDMUNDS. Certainly.

Mr. RANDOLPH. I will say, first, that whether I am logical or not is not for him to determine; and, next, that inasmuch as the House amendment did not treat of that particular phase of the subject I was not called upon to make any expression of opinion one way or the other about it. I will say further that if the House amendment had contained the very provision of which he speaks, I should have voted for the amendment just as cheerfully as the Senator from Vermont. And now, if he will permit me to interrupt him a moment further, I have felt from the beginning, whether right or wrong, that the whole purpose of the Judiciary Committee was to delay, to thwart, to stop, and not to permit to pass that amendment to the Constitution, which most men believe is effective and quite good enough.

Mr. EDMUNDS. I am very much obliged to my honorable friend for that. He has shown the same amount of consistency in that opinion as he has in supporting the House amendment as it stands. Now I come back again to the point.

Mr. RANDOLPH rose.

Mr. EDMUNDS. The Senator will permit me to have my opinion about his logic, though he may not think it to be good. If he can sit still and bear that we can both go on in peace.

Now, Mr. President, I repeat that the inevitable logic, that no man has denied or attempted to deny, of this House proposition is, simply treating of this particular subject, to say that special moneys raised for a special purpose shall not be diverted from that purpose to a religious control; and it stops right there. It leaves you to appropri-



ate the general revenues of a State to the support of a sectarian private school or a sectarian public school, and only professes to protect what the House is supposed to believe ought to be protected, public schools supported by the general revenues of a State, from sectarian doctrines, denominational control; and yet the Senator says if a little more had been put into this amendment he would have gone for it with equal pleasure.

What is the duty of a Senator? I had always supposed it was that according to his belief and his faith he would contribute his opinions and his motions to improve and perfect legislation either in the form of amendments or laws that are brought before him for his action.

Mr. RANDOLPH. Any attempt to amend will defeat the whole matter.

Mr. EDMUNDS. Exactly. If you alter a letter of this delusive and deceptive performance that was sent to us, it would defeat the whole matter, because it would expose the extreme shallowness of the performance. That is it. The Senate, then, must go on the idea that the thing that was sent to us was almost intended to be a delusion, or, if not, it was so inadequate, and coming from a body itself that was so inadequate to the occasion, that it would not do for any member of this body to propose to correct it in any particular. That is rather an extraordinary idea to legislate here. I give to the honorable Senator from New Jersey the benefit of the invention.

Now if I can be allowed to come back to this extraordinary thing again for a moment, I will do so. This House proposition involves the principle that it is unfit that public revenue, that all men and all creeds are obliged to contribute to according to property, shall be devoted to promoting the religious creed or tenets of any denomination to which it may or may not belong; in other words, that this is a land of equal rights, and that it is not consistent with republican liberty, as our fathers even in Maryland understood it, that any aid in any form, whether by established churches or schools or hospitals or asylums, should be given to the doctrines of any church, or that any man should be made to pay for supporting the conscience of some other man, except so far as the conscience of some other man might say that he would not suffer himself to be taxed to build a public highway unless images of the Holy Virgin should be set up once a mile to mark the length of it or unless a Protestant church with its Episcopal spire and cross should be built at every cross-roads. The liberty of conscience does not go quite so far as that. We must have public institutions; we must conserve the public interest by instructing the youth of this country in those things essential to the preservation of the Government itself, essential to understanding the true principles of liberty and individual conscience and freedom of opinion, upon which alone a republican government can rest. But when any man undertakes to set up his conscience between his paying taxes to support a public highway or a public asylum or a public school, on the ground that his conscience does not permit him to believe in highways or asylums or schools, then he is asking too much of others upon his conscience.

The liberty of conscience, while it is universal in every church but one, is not a liberty of conscience to stand in the way of these great and necessary acts to which I have referred; but it does stand in the way (and the security of the Republic is bound up in it) of imposing upon any man or set of men public burdens to promote the religious opinions particular to sects and denominations of any other set of men. That is the proposition that the Judiciary Committee has reported, and that is the proposition that every democrat in this body opposes in every step in its progress. It gives me great grief to say it. I had hoped, I had believed that, for once in this Chamber, an amendment so catholic, in the highest and best sense of that term, so democratic, in the highest and best sense of that term, so republican, in the highest and best sense of that term, would have met with universal approbation in respect of the principle upon which it was founded, and, if the phraseology reported by the committee should have been found to be the subject of just criticism, that we should have had the friendly propositions and observations of gentlemen upon it in order that this great and fundamental principle might go into the organic law with the prayerful good-will of all men of all parties. But for some reason we find that this mere delusion, this scrap of moonshine that has been sent to us, is hugged as if it were the very heart of love by all our friends, and one and every proposition to embody the principle in an effective form is resisted in every way possible.

Mr. President, the public schools of this country are dear to the hearts of almost all American citizens. They have seen in them for a hundred years the very life-blood of intelligent and progressive republicanism. I do not mean party republicanism, as it is now called; I mean that republicanism that gave the name of a republic to this nation. They have seen in that system the fountain-spring of the wonderful and marvelous material prosperity of this country. They have seen in it the growth of manufactories, the growth of farms, the enterprises of railways, the telegraph, and the steamboat. They have seen in it, too, more, and, better than all, the tolerance of opinion that grows from a respect for equal rights; and, so seeing its great fruits, they will not consent to see it ridden down by any hierarchy or by any party; and the moment they feel the whiff of danger they will, as they have done in State constitutions and otherwise, defend this fundamental ground-work of the Republic, and no amount of the dialectics of sophistry can beat them out of it.

But, Mr. President, my honorable friend from Maryland [Mr. WHYTE] has said—which is rather apart from this discussion, but still we ought to do something for the truth of history—that Maryland, founded by the adherents of the hierarchy to which I have referred, was the first to plant religious toleration on this continent. Mr. President, with all deference to the distinguished citizen of that State, I beg to suggest that he is mistaken. The religious toleration that began with the beginning of Maryland was a toleration that was inaugurated as well by Protestants as by Catholics. There were immigrants and settlements in that State of both denominations; and in the face of a common danger, and far away from any common support or fountain of aid, like wise and true men they agreed on all hands that each should be at liberty—as everybody else should who should come to them—to worship God and to teach His religion according to the dictates of their own consciences. There is no special right, therefore, in the Catholics of Maryland to claim that they are the authors of religious toleration in that State. I am sorry that my friend from Maryland has left the Chamber; because I am sure if he were here I could recall to his mind the early events in that State, which would convince me, if he meant to be understood otherwise, that I am correct.

But, Mr. President, the fundamental difference shown in the discussion between the Senator from New York and the Senator from Indiana is that there is a feeling well grounded, as far as any feeling can be well grounded, in its present attitude, that there is a particular sect that believes, in all sincerity undoubtedly, that the public schools of this country as at present conducted, non-sectarian, or if sectarian, if there are any such—if there are I do not know it—by other sects than one, are not justified by the principles of religion; that they are wrong, and that it is the duty of a well-ordered state to teach in its public institutions the particular tenets of a particular denomination. If they believe that to be the duty of the state, if they are consistent and true men, when they get the power in a state the particular tenets of that denomination will be taught, and ought to be taught in the logical sense. There is no escape from it. If I believed it was the business of a free state to teach episcopacy, the particular creed to which I happen to adhere, if I had the power of the state, I should not be honest if I did not put that power in motion to teach episcopacy. So, if there be any power in this world that reaches into this matter or exists in it that believes it to be the duty of the state to teach catholicism when that power controls that state, it necessarily follows that catholicism must be taught, and that public schools will be compelled to teach that particular doctrine.

Mr. President, to convince you that I am right in what precisely this issue is, I beg the Secretary to read some extracts which I have made from the encyclical letter of the Holy Father, dated the 8th of December, 1864, and the syllabus of errors which he condemns, which follow.

The Secretary read as follows:

The encyclical letter of Pope Pius IX.

To our venerable brothers, the patriarchs, primates, archbishops, and bishops of the universal church having grace and communion of the apostolic see.  
Pius P. P. IX. Health and apostolic benediction.

And those our predecessors, who were the assertors and champions of the august Catholic religion, truth and justice, being as they were chiefly solicitous for the salvation of souls, held nothing to be of so great importance as the duty of exposing and condemning, in their most wise letters and constitutions, all heresies and errors which are hostile to moral honesty and to the eternal salvation of mankind, and which have frequently stirred up terrible commotions and have damaged both the Christian and civil commonwealths in a disastrous manner. Therefore those our predecessors have with apostolic fortitude continually resisted the nefarious attempts of unjust men, of those who like raging waves of the sea foaming forth their own confusion and promising liberty while they are the slaves of corruption, endeavored by their false opinions and most pernicious writings to overthrow the foundations of the Catholic religion and of civil society, to abolish all virtue and justice, to deprave the souls and mind, of all men, and especially to pervert inexperienced youth from uprightness of morals, to corrupt them miserably, to lead them into snares of error, and finally to tear them from the bosom of the Catholic Church.

Now, although hitherto we have not omitted to denounce and reprove the chief errors of this kind, yet the cause of the Catholic Church and the salvation of souls committed to us by God, and even the interest of human society, absolutely demand that once again we should stir up your pastoral solicitude to drive away other erroneous opinions which flow from those errors above specified, as their source.

These false and perverse opinions are so much the more detestable by how much they have chiefly for their object to hinder and banish that salutary influence which the Catholic Church, by the institution and command of her divine Author, ought freely to exercise, even to the consummation of the world, not over individual men, but nations, peoples, and sovereigns, and to abolish that mutual co-operation and agreement of counsels between the priesthood and governments which has always been propitious and conducive to the welfare both of church and state—Gregory XVI, *Encyclical*, 13th August, 1832.)

Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the Government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor Gregory XVI (lately quoted) the insanity, (encyclical, 13th August, 1832) (*deliramentum*), namely, that "liberty of conscience and of worship is the right of every man; and that this right ought, in every well-governed state, to be proclaimed and asserted by law; and that the citizens possess the right of being unrestrained in the exercise of every kind of liberty, by any law, ecclesiastical or civil, so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of per-



dition, (St. Augustine, Epistle 105, al. 166,) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth, and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christian wisdom ought to avoid this most mischievous vanity." (St. Leo, Epistle 164, al. 133, section 2, Boll. edition.)

Amid so great perversity of depraved opinions, we, remembering our apostolic duty, and solicitous before all things for our most holy religion, for sound doctrine, for the salvation of the souls confided to us, and for the welfare of human society itself, have considered the moment opportune to raise anew our apostolic voice. Therefore do we by our apostolic authority reprobate, renounce, and condemn generally and particularly all the evil opinions and doctrines specially mentioned in this letter, and we wish that they may be held as reprobated, denounced, and condemned by all the children of the Catholic Church.

#### PIUS PP. IX.

Given at Rome from St. Peter's this 8th of December, 1864, the tenth anniversary of the dogmatic definition of the immaculate conception of the Virgin Mary, mother of God, in the nineteenth year of our pontificate.

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical, and other apostolic letters of our most holy father Pope Pius IX.

45. The entire direction of public schools in which the youth of Christian states are educated, except (to a certain extent) in the case of episcopal seminaries, may and must appertain to the civil power, and belong to it so far that no other authority whatsoever shall be recognized as having any right to interfere in the discipline of the schools, the arrangement of the studies, the taking of degrees, or the choice and approval of the teachers. (Allocution in consistorial, 1st November, 1850. Allocution quibus luctuosissimis, 5th September, 1851.)

47. The best theory of civil society requires that popular schools open to the children of all classes, and generally all public institutes intended for instructing in letters and philosophy, and for conducting the education of the young, should be free from all ecclesiastical authority, government, and interference and should be fully subject to the civil and political power, in conformity with the will of rulers and the prevailing opinions of the age. (Letter to the Archbishop of Fribourg, Jura non sine, 14th July, 1864.)

48. This system of instructing youth which consists in separating it from the Catholic faith and from the power of the church, and in teaching exclusively or at least primarily the knowledge of natural things and the earthly ends of social life alone, may be approved by Catholics. (Id., ibid.)

77. In the present day it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship.—Allocution *nemo vestrum*, 26th July, 1855.

78. Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.—Allocution *aerbiastimum*, 27th September, 1852.

79. Moreover it is false that the civil liberty of every mode of worship, and the full power given to all of overtly and publicly manifesting their opinions and their ideas, of all kinds whatsoever, conduce more easily to corrupt the morals and minds of the people, and to the propagation of the past of indifferentism.—Allocution *unquam fore*, 15th December, 1856.

—Pastoral letter of Archbishop Spaulding &c., &c.

Mr. EDMUNDS. You will perceive, Mr. President, that in this letter of the Holy Father he points out in general the principles upon which the doctrines of that church proceed, and he then appends a syllabus of the errors of our own time, among which are stated to be the precise proposition that the House amendment advances; and that is that public schools so far as public money goes should not be the subject of sectarian control, and in many other respects that I will not take up your time to refer to.

The Senator from Maryland said that this had been changed; that it was eleven or twelve years old. I should be glad, more than glad, to have any Senator stand up and show the Senate that this is not now the official doctrine of the Roman hierarchy; and I pause for a reply. The supposed infallibility of the Holy Father would be a sufficient refutation of the suggestion of the honorable Senator from Maryland, for it is the greatest maxim of executive affairs in that hierarchy, *semper eadem*—it never changes; and, so far as I am informed, as a fact these dogmas and commands put forth in 1864 are at this moment the earnest, effective, active dogmas of the most powerful religious sect that the world has ever known, or probably ever will know—a church that is universal, ubiquitous, aggressive, restless, and untiring. I do not speak of it as impugning the right of any man to believe all this; it is just as much his right to believe it as it is mine to believe in the duty of preserving public schools from that sort of domination; but as any other man believing this believes it to be his duty to entirely revolutionize our systems of public instruction, it is also, by the same sign, my duty and yours to resist it by every constitutional amendment and by every law in our power. It is a broad issue and one which cannot by any party device or moonshiny trick of ineffective constitutional amendments be kept out of the sight of the intelligent people of this country; and if we in all our State constitutions, in the Constitution of the United States, and in our practice of a hundred years, have been right in supposing that the very foundation of republican liberty and republican progress was in freedom from just such control as this demands, then, I take it, it is a part of our duty to take every step possible to preserve that freedom. And yet we find here by a strange coincidence of accidents, or something else, that the great body of a party whose very name implies the opposition to notions of this kind persistently resists any step in respect of preserving the fundamental principles upon which the Republic was founded. I do not know why it is. As I have said, I am amazed and sorry that it is so; but I cannot at this late stage occupy your time in dilating upon that branch of the topic.

I now will come to some of the criticisms made by the honorable Senator from New York upon the substance of this amendment itself.

He did not criticise, neither have any of our friends upon the other side criticised, the form in which the House of Representatives sent us this resolution, which was this—

That the following be proposed to the several States of the Union as an amendment to the Constitution, namely—

when the Constitution itself declares that every amendment of this character shall be specifically submitted either to the Legislatures of the several States or to conventions to be called in the several States to act upon it. Therefore, if we had taken the blind adoration that our friends on the other side have seemed to have for this House proposition and put it through, we should have had an amendment that would have been absolutely void upon its face, not submitted to any tribunal that the Constitution of the United States authorizes to act upon it; for, as I have said, the Constitution in this particular is absolutely specific. The fifth article says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The House of Representatives proposed to send this amendment to the States without proposing either mode of ratification. I have no doubt that this departure from the constant form of the Constitution, which from the first amendment adopted to the last one has been used, following the form named in the Constitution, was purely an oversight, one of those accidents which of course will happen. But I pass from that.

Now, I come to some criticisms which the Senator from New York has made upon this phraseology. He says that we cannot teach the particular tenets or creed of a religious denomination in an orphan asylum. That is perfectly true. Why should we? If the principle that we stand upon is right, why should we teach congregationalism or episcopacy at his expense in the orphan asylum in the town where my honorable friend lives, if he does not believe that that kind of religious teaching is the true one? If the principle is right that one man shall not be taxed for another man's religion, why are you to except orphan asylums from that great principle? The Senator gave us no reason except that they were orphan asylums and that orphans ought to be taught. So they ought. They ought to be taught religion. So they ought; and let me say to my honorable friend that orphans and prisoners and everybody can be taught religion without being taught the particular tenets or creed of some denomination. There is an old saying, perhaps it puts it too broadly but it is a very good saying for the practical operations of this world, that somebody has put into the form of a verse that, I have no doubt, my friend, as I did, learned when he was very young:

O, brother-man, fold to thy heart thy brother;  
Where pity is, the peace of God is there;  
The noblest worship is to love each other;  
Each smile a hymn, each kindly deed a prayer.

That sort of religion can be taught in an orphan asylum, I take it, without violating either the Senator's creed or mine. The duty of man to man, the obligation to truth and personal purity, charity, virtue, intelligence, cleanliness, honor, all those can go into the orphan asylum. The great and golden rule that is in his creed and mine, that you shall do unto others as, under similar circumstances, you would wish them to do to you, and that charity covers a multitude of sins, can enter the open door of the prison or the asylum still. I do not think that the good of the young is very largely bound up while they are in the asylum, in being compelled to decide between contending priests whether the true theory and doctrine of the gospel is that of a trinity or a unitarian doctrine, or whether in the holy sacrament the elements show the real presence or only the symbolic and the memorial one. There can be still taught the homely virtues and the right-minded truth and purity that belong to the personal teaching of all creeds, can there not? Why, Mr. President, it seems almost a mockery and an insult to your understanding to stand up here and undertake to counteract the criticisms of that character which were made on this amendment. In the prisons in the State of Vermont as well I have no doubt as in those of the State of New York, some clergyman of some denomination, no matter what, conduct services every Sabbath or every day; and yet he teaches no creed. Do we not here, in this public Council Chamber of the nation, whose members probably represent all Christian creeds, daily from your desk hear prayer to Almighty God, not the prayer of creed but the prayer of man imploring the beneficent protection of his Creator. Yet the Senator, with a species of dialectics which I should characterize, if I characterized it with the happiest phrase that would come to me, in a way that might be thought to be offensive, and I will not do it, but with a species of dialectics which is worthy of the Middle Ages and the school men, undertook to convince you and the people of this country that this prohibition against organized sectarian institutional teaching of denominations and creeds is to shut out from the dying prisoner the last offices of his own church. This amendment bears no such construction. Ingenuity cannot push into it any such construction. Ingenuity may skillfully discuss words and plaster over the simple truth and plainness of this proposition with a convenient varnish that will deceive some man's eyes in the country perhaps and



frighten him out of his faith in the great principle that lies in this. No, Mr. President, this sort of opposition will not succeed. The real substance of the question is whether the people of this country desire to protect themselves and each other for all time to come against the factions of partisan creeds in the several States by declaring that there shall be an absolute and universal equality, and that no man's religion shall be promoted at the expense of his fellow-man who does not believe in it. That is the proposition, whether it be in school or in prison or asylum, wherever it be, where an institution is carried on, borne by the general burdens and supported for the general benefit of the body of the people. That is the proposition and the only proposition upon which Senators are called to vote. Let those who do not believe that to be a sound proposition vote against it. Let those who do vote for it.

Mr. STEVENSON. Mr. President, I was one of the Committee on the Judiciary who did not concur in this amendment. I should not have voted for it if I had been present in the Chamber when it was adopted. I have seen no necessity for it. While I impugn no man's motives here, a religious discussion, appealing to passions which do not in my judgment belong to a deliberative body, at the end of a long session of Congress, seems to be out of taste and to be accompanied by no practical good.

I am not a Catholic; I am a Protestant from head to foot; but I will tell the honorable Senator from Vermont what the doctrine of the democratic party is on this subject. Long before this Constitution was formed, Mr. Jefferson, who more than any other man deserves the credit of being the father of the democratic party, was the author of that act of religious freedom in the State of Virginia adopted in 1785. He would have indorsed all that the Senator from Vermont has said, but he would have accomplished it by a different mode. Friend as he was of religious freedom, he would never have consented that the States, which brought the Constitution into existence, upon whose sovereignty this instrument rests, which keep it within its expressly limited powers, should be degraded and that the Government of the United States, a Government of limited authority, the mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their religion; and had the speech of the honorable Senator from Vermont been uttered before Mr. Jefferson, he would have told him that he did not know what free government was.

No, sir; this power is not in the Federal Government. Kentucky does not want New England and other States to dictate to her what her schools shall be or what her taxes shall be, and least of all what her religion shall be; and whenever any religious denomination undertakes to interfere with this great right of religious freedom the free people of every State will find themselves potential enough and willing enough and able enough to crush it. There is our safety. But when you undertake to bring to the Federal Government the power of making the States hewers of wood and drawers of water you destroy the whole foundation-stone upon which this Government was reared and upon which only it can be preserved.

No man can mistake the object of this debate. We all see where it tends. But I hope the great issues of this campaign will not be covered up, however, in such system as this, of in this nineteenth century attempting to go to the Pope of Rome to scare the people of the free thirty-seven States of this confederacy that they cannot manage their schools and their religion and their various instrumentalities within their States and which was reserved to themselves when the Constitution was formed of managing in their own way.

Mr. BOGY. Mr. President, it was not my intention to have said a word in this debate; but I find myself drawn by a current which is irresistible, and I feel it to be my duty to say something in reply to the speeches which have been made by several Senators on this floor. The subject discussed is a most singular one for the American Senate, and I have doubted whether we were in the Senate of the United States or whether we had not been carried by some mysterious power to the ancient city of Rome, and there by that same mysterious agency placed in the Vatican council, presided over by the Pope himself, and with all the cardinals discussing those great religious subjects that were discussed there some years ago. I fancied that my distinguished friend from Vermont [Mr. EDMUNDS] could well play the part of an infallible Pope, for if there be a member of this body who does play that part with more self-complacency than my friend from Vermont I really do not know him. Infallibility is a part of his nature; and of this fact he appears to be profoundly convinced. Hence, sir, upon all subjects which may be brought before this body, local or general, constitutional or statutory, private or public, reports of conference committees or the reports of other committees, the infallible Senator from Vermont puts in his infallible opposition; and this has been continued from day to day in this body for nine long months. Now, if he did not believe honestly that he knew a little better than all of us together, he certainly would not have undertaken to amend and improve and change and modify every law that has been proposed by any member of this body or comes from any committee of the body. If he were not convinced of his own infallibility, certainly he would not have the courage to do a thing of that kind. Hence I have fancied that I have been carried, myself and all of us, by some mysterious power back to the old city of Rome, standing upon those old seven hills made immortal by the great men who have written about

them, and that we were all members of an ecumenical council and also all cardinals. [Laughter.]

Mr. President, seriously I think this discussion is much to be deplored. I think I know the motive and the animus which have prompted all this thing. I do not believe it is because of a great devotion to the principles of religious liberty. That great idea which is now moving the modern world is used merely as a cloak for the most unworthy partisan motives. The African race has played its part in this country; the negro is for party purposes in a manner dead; and these gentlemen, knowing that this thing is played out, and that "the bloody shirt" can no longer call out the mad bull, another animal has to be brought forth by these matadores to engage the attention of the people in this great arena in which we are soon all to be combatants. The Pope, the old Pope of Rome, is to be the great bull that we are all to attack.

My friend from Nebraska [Mr. PADDOCK] gives me an idea. I think he is unjust to my friend from Vermont. He alludes to him as a cardinal. Now, I wish to look upon my friend from Vermont as the Pope, because I imagine he thinks of himself in that light, and I am not willing to think less of him than he does himself. He certainly has been the Pope of this body for nine months, doing what he pleases, opposing what he pleases, reporting from his committee what and when he pleases, and what does not please him he does not report. This is the Pope; who is infallible! And if in the course of events my friend had been a Roman Catholic, and placed in the papal chair, he would have been the most tyrannical and arbitrary Pope that ever swayed the mighty scepter of the Roman Church. This spirit is in him, [laughter,] and I say this in all kindness and truth, believing that I speak the common voice of this Chamber.

Mr. President, as I said a while ago, it was not my intention to have participated in this debate, and I regret that I am compelled to abandon my first intention. We have heard much about religious freedom, and freedom of conscience, and separation of church and state. Who in this day and in this country would oppose either or any or all of these great ideas? Who in this country is in favor of uniting church and state? Who in this country or in this age of the world is opposed to religious freedom? Who is opposed to those great principles that are now moving the modern world with a power which human language cannot describe? There would be no civil liberty without religious liberty. There would be no liberty, according to modern ideas, without entire separation of church and state. And when the gentleman from Vermont places before the mind of this nation what is called the syllabus of the Pope and his encyclical letter, he does it with the intention of arousing a feeling of opposition to the principles therein contained, believing that those principles are in opposition to religious liberty and to the separation of church and state, when in point of truth and of fact when well understood they are the very corner-stone of those great principles. The Pope of Rome is a religious officer, if I may use the term, and in that capacity he proclaims the truth to the church of which he is the head; and what minister of the gospel does not do the same thing even in this country? What minister, high or low, connected with any church, Jew or Gentile, but what does the same thing, if he be an honest minister? But does he speak as a temporal king? Does the Pope of Rome speak to the Catholic world as the king of Rome? He speaks to the Catholic world as the bishop of that church, speaking to them alone in the religious aspect, and in that aspect he has laid down the great principles of human government, telling all people that human government cannot exist without acknowledging the fact that as man springs from God, human society is of God, man himself is the creature of God, and that all human governments must understand that they move and exist and perform their high functions in this world for the good of mankind, subordinated to the great Being who created this world and all the other worlds; that there is a great divine Power superintending all creation to which all human governments, like all men, are responsible. Sir, to deny these great truths is to go back to the days of paganism; and indeed the tendency of to-day is to deny these truths and retrograde again to the paganism of the time when Jupiter from high Olympus governed the world, as believed by the men of that period.

Mr. President, so far from these amendments in my estimation at all affecting what some gentlemen think on this floor to be the views of the Catholics of this country, according to my understanding of them, they are in exact accordance, every line of them, not only with the convictions of the members of that church, but with the true interests of the Catholic body; and they carry out the view expressed by them upon the subject of education throughout the United States. I will read:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof.

Who will take the negative of that? Who is in favor of a State establishing a religion or prohibiting the free exercise thereof? Protestant or Catholic? No; not one in this broad land of any sect or denomination, or whether he has any religion at all or not.

I will read further, namely:

And no religious test shall ever be required as a qualification to any office or public trust under any State.

Who will take the other side of that question? Has it ever been applied? Yes. It does exist in the State of New Hampshire at this



day, where no Catholic can hold office; but with the exception of New Hampshire there is no test of any description whatever existing in any State, and I would ask who is in favor of a religious test?

Again, I will further read:

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught.

I do not know that I exactly approve of this thing, and I doubt very much if there be a man in this Chamber who does, because there are so many disjunctive and conjunctive conjunctions and verbs and adverbs and passive cases and objective cases, all mixed promiscuously together, that although I know my friend from Vermont is a great deal better grammarian than myself, yet I doubt if he was brought now before us as a class, to parse this sentence, whether he could do it successfully. I doubt it very much, and I believe it would be worth trying now to bring the Senator out and let him parse it for our instruction. [Laughter.] I am speaking seriously. There is an idea in this thing, I presume; but when you start with the words, "*No public property, and no public revenue of, nor any loan of credit by, or under the authority of,*" by the time you have got through with it the idea that you had at the start has left you, vanished like a dream, and by the time you get down to the period, and pass over all the colons and semicolons and dashes in this long sentence, there is no idea left on the mind, all is lost in words; I cannot make it out. I do not know that it could be enforced; for indeed I do not think it could be parsed by any grammarian. But let us try; let us make an effort in good faith.

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State—

I am lost already. [Laughter.]—

Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect—

If a sect is not religious is it correct to say it is anti-religious?—organization, or denomination, or wherein the particular creed or tenets of any—

Creed or tenets. I think one of these terms is a little broader than the other, and are not exactly synonymous—creed or tenets of any religious or anti-religious—

This is simply verbiage and ought not to be incorporated in the Constitution.

Now the term "*creed of an anti-religious sect*" or the tenet of an anti-religious sect I do not understand. While I do not know that my friend from Vermont has ever been a schoolmaster, I am satisfied he has been at school, and I furthermore well know that he is a good grammarian, which I do not profess to be. But, Mr. President, I would not object to this thing as far as I can understand it. Admitting I do not understand it very well, I am not in favor of appropriating property, public or private, nor any loan of credit for, on, or, by,—these cases are mightily mixed. [Laughter.] The explanation is plain. This thing was drawn by my friend after dinner. [Laughter.]

Mr. EDMUNDS. It is quite evident that this thing is drawn after dinner. [Laughter.]

Mr. BOGY. Mr. President, my friend from Vermont put his pen to paper, he admits, [laughter,] after a good dinner. This is, indeed, very plain; yet it is not in accordance with the old maxim *in vino veritas*; but let that be as it may, it is ambiguous, and wordy, and full of verbiage, and I think ought to be recommitted to the committee, and if it should be, from my experience we shall not get a report back for a good while. [Laughter.] I know very well that we submitted to that committee a bill months ago for the establishment of an additional circuit court of the United States in my State, I think five months ago, and we have never heard a word of it from that day to this, although it had passed the House. The committee or my friend has squelched it. [Laughter.] Now, Mr. President, I seriously do not object to this; in other words, I am not in favor of voting public property in that way.

But this has been argued particularly by the gentleman from Vermont as if the Catholics, who, as he says, believed in the syllabus of the Pope, were opposed to the principles laid down in this amendment. I tell him that he is mistaken. He is as much mistaken about this as he is mistaken with regard to the history of Maryland, and as he was mistaken some time ago with regard to the history of his own section. I heard him proclaim here with all the assurance of an infallible Pope that the battle of Plattsburgh was fought in September, 1812. Yet the history of his own section will tell him it took place in 1814. This gentleman, infallible as he may be in his own estimation, yet committed this mistake.

Mr. EDMUNDS. But Plattsburgh, let me tell my friend, is not in the State of Vermont.

Mr. BOGY. Plattsburgh is not in his own State, but he was speaking of the troops that went from his State and were present at the battle of Plattsburgh, in the State of New York.

Mr. LOGAN. From Otter Creek.

Mr. BOGY. Otter Creek, I will let my friend from Illinois know, was a part of the discussion in relation to the river and harbor bill. I remember that discussion very well, and I think he of Vermont

showed a great deal of infallibility on that subject. [Laughter.] Well, he was mistaken with regard to that little historical incident. He is mistaken with regard also to the history of Maryland. No man ought to deny at this day that the Catholics of the old colony of Maryland were the first men in the New World to unfurl the great banner of liberty and of religious freedom; and history sustains what I here say. The gentleman may say what he pleases about it, they were the first in the New World to proclaim it; not as a compromise and a concession, as he says, but in accordance with their honest convictions. This is the history of Maryland, and as written it will go down the ages. My friend from Maryland [Mr. WHYTE] was right when he spoke of it awhile ago. But, sir, this subject has been argued by certain gentlemen upon the idea that in this country the Catholics were opposed to religious freedom because they perhaps were opposed to this amendment. I say it is not correct. In this country and in other countries too at the present day they are in favor of perfect religious freedom; and, what is more, a proper understanding of the syllabus, as it is called, will show that it contains nothing inimical to the great principles of liberty founded on what all enlightened men should acknowledge, "the divine law." All governments must have that broad foundation to exist at all, and he who denies that saps and destroys the very principle that sustains liberty and all good government among men. So far from these amendments being inimical to the Catholic Church in the United States, I as an unworthy member of that church say now what I believe from the first day I read these propositions, that they are protective of that church in every line and word as far as they can be understood.

The Catholics of the United States have been opposed to free schools, as stated by my friend from Indiana, as organized some years ago. And why? For the reason that they were sectarian. Even the very Bible which was used in the schools was a sectarian book, without going into a discussion whether the Protestant or Catholic Bible be the correct one. These schools were more or less sectarian, and, this being so, there is nothing strange or astounding or very remarkable that those who believed in their religion should not willingly sanction their children going where their religion was not only untaught but where they were really taught to believe it was not correct. There is nothing strange in that. Hence the Catholics have opposed throughout the United States the levying of public taxes for the purpose of maintaining public schools organized on sectarian principles, because they could not participate in the education conferred by them; not that they were opposed to education, not that they were opposed to free schools, but only because they were opposed to paying taxes for sectarian schools.

Now, Mr. President, the principles laid down in this proposition are in exact accordance with the view of the Catholics in the United States and with the position of the archbishop of Cincinnati as published a few days ago, and the effect of this would be in exact accordance with their wishes; that is, that no public tax shall be collected to maintain any school or any institution to which they themselves cannot send their own children. It is the very thing they want and what they have asked from the beginning. How far a thing of this kind can be carried out, I do not know. What is, strictly and logically speaking, sectarian teaching, I am not able to tell. What is religious teaching, it is very hard to say. To tell a child that there is a God is religion. To tell him that the Son of God was born and, as God, was crucified for the redemption of a fallen world, is religion. Yet the Unitarian would tell you that it is not true, as he does not believe in the Trinity. We have prayer here every morning; and no one listens to it with more reverence than I do; for I believe in prayer. I believe in expressing our wants and our wishes and our dependence upon the great Sovereign Creator of us all, and I pray with as much humility and reverence as my nature allows me every day. But is that sectarian teaching or not? Who can draw the distinction? What and where is it? We know that the gentleman who prays for us does belong to and is the minister of a church. He is sectarian, as a necessity which cannot be avoided. But where are you to draw the line? To tell the child that there is a God, the Creator of the universe, and that he must be obedient to that God, and that he will be responsible to Him when he dies, and that he will rise from the dead, are all great truths that have their foundation in religion and revelation. Where will you stop? Sir, you have got to go back to the days of pure paganism or teach the Christian religion which is necessarily divided into many sects.

The attempt is made to arouse feeling against the democratic party, and make it appear that it is dependent upon the support of the Catholics for success. I would ask where will the members of that church go after such sentiments as have been proclaimed on this floor? The puritan sentiment, enlightened and educated as it is, will not only not brook opposition, but will incessantly struggle for supremacy.

To oppose it is to bring about the conflict now going on in this country upon all questions, religious, political, social, and educational.

When this Government was formed it found States existing perfect in every respect. The autonomy of each was complete; and each one, the smallest as well as the largest, was as complete and as perfect in every respect as is the mighty government of Britain to-day. The Federal Government was formed from States thus pre-existing, where all the relations that necessarily exist in organized communi-



ties between the individual man and the government were known and regulated, and the object of the formation of the Federal Government was only to make from these pre-existing States a confederation, an indissoluble Union, and leaving the individual relations between man and government to be regulated by the States. And among the most sacred of these rights, lying at the very foundation of all liberty, was that of freedom of conscience and the right to worship God according to the dictates of each one's individual conviction. That was left to the States, and was not placed in the hands or under the control of the Federal Government. The attempt here to exercise this power takes from the States that right and gives it to the Federal Government. If the Federal Government has a right by amendment to say you shall not do a particular thing, it has the same right to say you shall do it. If you give the right here to the Federal Government to say you shall not establish a State religion, the same power that can prohibit can also create, and the day may come when a majority in the Federal Government may provide for one. The extent of power is the same. It was not intended by the framers of the Constitution that that power should ever be exercised by the common Government.

I will say to my friends who profess to be so much astonished at the position of the democratic party on this subject that it is owing to these well-understood fundamental ideas that the democratic party, true to them and to the rights of the States, cannot vote for this proposition, which is a concession of power denied by all its members. I for one am as much opposed to the proposition which passed the House a few days ago as I am to this amendment, for the reasons just given. For one hundred years the States have existed; and for all this time they have had the power of legislation on this subject; and who can rise in this Chamber and say that within that long period of time any one of them has in any way whatsoever attempted in the most distant manner to trample upon the rights of conscience?

Sir, the States will cease to have control of the subject if this amendment is adopted, and the Federal Government will be able to say you shall establish this or that religion, as the majority here may decide.

Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

Under this clause there is no telling what might be done and what power might be exercised.

Mr. President, the safety of this Government is in the denial of all such powers to the Federal Government. Keep it where the fathers placed it, in the States, and maintain it there. As a State power it never has been abused in one hundred years, and, relying upon the patriotism and the intelligence of those who will come after us, I cannot believe it will be less safe hereafter than it has been heretofore.

Mr. President, it was not my intention in the beginning of this discussion to have said a word, and what I have said now has been without any preparation whatever. I have given expression to my views and long convictions. I am opposed to this amendment because, as I said, it takes from the State that which belongs to it, and for no other reason. I am opposed to it as a public man, as a citizen, and as an American Senator.

Mr. MORTON. Mr. President, I desire to occupy the attention of the Senate for a very few minutes. I have been greatly entertained, as we all have, by the wit and humor of the distinguished Senator from Missouri; but the Senator made several statements and made a declaration here which is of very great importance in elucidating the spirit of the opposition to this amendment. The Senator stated very frankly that he indorsed fully the Pope's encyclical to which reference was made by the Senator from Vermont. He said it contained the true foundation of religious liberty. Now, Mr. President, without intending to enter into any argument as to the merit of the Pope's encyclical, I desire to call the attention of the Senate to a passage from it. In fact the whole of it is of the same character. I shall read this extract without making comment upon it. This encyclical was uttered in 1864. He says:

Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons (schismatics and others) do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government, they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor, Gregory XVI. (lately quoted,) the insanity, (Encyclical, 13 August, 1832.) (*deliramentum*), namely, that "liberty of conscience and of worship is the right of every man; and that this right ought, in every well-governed state, to be proclaimed and asserted by the law; and that the citizens possess the right of being unrestrained, in the exercise of every kind of liberty, by any law, ecclesiastical or civil; so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of perdition, (St. Augustine, epistle 105, al. 166,) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christian wisdom ought to avoid this most mischievous vanity."

I have no comment to make upon that passage. If the opposition to this amendment is to be found in the spirit and letter of that passage, comment is not required. At the end of this encyclical the syllabus of errors was published; it belongs to it:

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical and other apostolic letters of our most holy father Pope Pius IX.

These errors are stated and numbered, beginning one and running down to eighty. I have not time to read many of them, but I will call attention to one or two things that are denounced as errors and are under anathema:

Every man is free to embrace and profess the religion he shall believe true, guided by the light of reason.

That is pronounced an error under anathema. I might read many more. I will read another, numbered 77 in the list:

In the present day, it is no longer expedient that the Catholic religion shall be held as the only religion of the state, to the exclusion of all other modes of worship.

That is the seventy-seventh error. Now I read the seventy-eighth:

Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.

That is the seventy-eighth error. There are others of the same character, and it is all in the same spirit.

Mr. BOGY. Only one word, if the Senator will allow me. Although I said a while ago we might have been transported by some mysterious agency to Rome and to the Vatican council, yet I think we have got back and are now in the Senate of the United States. I do not rise to vindicate or explain. This is not the occasion, nor is this the place. Many of those things referred to there are what logicians call fundamental errors, and my friend from Indiana is too well versed in philosophy not to know that problems of that kind are not to be discussed in a question of this character. It is very hard to explain, very hard to vindicate these things, which when well understood have received the approbation of the enlightened Catholics of the world as not being subversive of the rights of conscience, as not being subversive of the true liberty of man, but they must be understood in the sense in which they emanated from the Pope, who is the head of the church. He goes no further there than the Queen of England would go; he goes no further there than the head of any church would go in proclaiming what he believes to be the essential truth of that church. It is hard to explain; I do not rise to do it myself. I will only say that this is not the occasion to explain it. But many of those enunciations have received the sanction and approbation of the enlightened lovers of liberty, enlightened Catholics all over the world.

Mr. MORTON. The language that I have quoted is not susceptible of any explanation; that is to say, it is clear and explicit. It is not enigmatical and it does not require construction to get at the meaning. It is just as plain as the English language can be made. I do not wish, of course, to place my friend from Missouri in any delicate or false position; but my friend has indorsed in the Senate of the United States the doctrine of the encyclical letter on the subject of religious liberty. It is right for the world to know what that doctrine is. My friend asked in the course of his speech, "Who are opposed to religious liberty?" I will answer that in general terms those are opposed to religious liberty who are opposed to securing or giving to religious liberty constitutional guarantees.

Mr. BOGY. I say we have that guarantee in the States; and this is subversive of liberty.

Mr. MORTON. That brings me right back to the point made by the distinguished Senator from New York. He says we have that guarantee in the States. What guarantee have we in the States? A majority of the people of a State can change the Constitution of that State and according to the doctrines we have heard here to-night, doctrines I think that will startle this nation, we are told that the States must be left free, if they desire to do so, to establish a church, to establish denominational schools, and maintain them at public expense. Although the distinguished Senators say they are opposed to it, as I have no doubt they are, yet the fatal proposition is that the States shall be left free to do this. We are told that, if we do not leave the States free to do this, we are interfering with religious freedom, just as if religious freedom required that a State should have the power to establish a particular church, and to exclude all others, and to have the doctrines of that church taught in schools that are maintained at public expense. That is the whole doctrine of the opposition to this amendment in a nut-shell; it cannot be explained away; and I must say that it is in striking harmony with the Pope's encyclical.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution.

Mr. EATON. Mr. President, I have a word or two to say on this matter. I propose to correct some errors that my honorable friend from Indiana [Mr. MORTON] has fallen into. The opinion of the honorable Senator from Indiana appears to be that unless a certain amendment to the Constitution, which he believes to be right, is adopted, the converse of that is to be done by the States. Sir, there never was anything more absurd or nonsensical uttered on the floor of this Senate. Let us look at this for one moment:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

Who doubts that? No man. There is not a man living within the limits of this broad land who doubts it. Is that any reason why it should be placed within the Constitution of the United States? Let me make another suggestion. Suppose the honorable Senator from Vermont should say that no man hereafter should pick a pocket or commit burglary, who here disputes the propriety of that sentiment? Nobody. But would you put it into an amendment to the Constitu-



tion of the United States? It is an absurdity to talk about it. There are five thousand things that my honorable friend can draw in the shape of an amendment to the Constitution of the United States, the principles of which no man would object to; but that is no reason why they should become a part of the Constitution of the United States. My view is this: I would not amend in any particular the organic law of this land unless there was an absolute necessity for doing it; and I hope my friend from Indiana will understand me when I say so. After the results of the late terrible civil conflict it became necessary in the opinion of those holding power that there should be certain amendments to the Constitution of the United States. Previous to that war slavery existed. By the logic of the war it was destroyed, and therefore it seemed to be proper that there should be certain amendments to the Constitution. They were adopted and have become a part of the organic law of the land.

What is the necessity here for this amendment? No man yet has given any reason for it. I ask for a reason. No reason has been given and no reason can be given. My honorable friend from Indiana says the man who does not vote for this amendment is opposed to the principle. That is not so; it is not logical. The difference between the honorable Senator from Indiana and myself is this: The States possess this power to-day, and he knows it. He knows that no public money can be taken and that no State can pass any law respecting religion or prohibiting the free exercise thereof. He knows it in his own heart.

Mr. MORTON. If my friend will permit me?

Mr. EATON. Certainly, with a great deal of pleasure.

Mr. MORTON. The Senator says I know the States cannot do this thing. What is the reason the States cannot do it? He will say that in most of the constitutions there are provisions preventing them; but my friend knows very well that the majority who made those constitutions can unmake them. Therefore he leaves it in the power of any State by a change in its organic law to make an established church.

Mr. EATON. Majorities do not make constitution in my State; it takes more than a majority.

Mr. MORTON. I do not think that the Senator's State, perhaps, can be considered as a standard.

Mr. EATON. Nor yours.

Mr. MORTON. O, yes, the majority makes the constitution in my State.

Mr. EATON. I am sorry for your State; it ought not to be so.

Mr. MORTON. Perhaps it ought to require something more than a majority in my friend's State to make the constitution; but in other States I imagine the constitution is made by a majority of the people. I never heard of a two-thirds vote being required in a State to amend its constitution. Does my friend insist then that in his State constitution that is required?

Mr. EATON. A two-thirds majority? My dear sir, you could not get through with a short session of my Legislature without a two-thirds majority twice.

Mr. MORTON. If my friend will permit me, he asserts that the majority of the people of a State cannot change the Constitution of that State. He says they cannot in his State.

Mr. EATON. I have not said that.

Mr. MORTON. I understood my friend to say so a few minutes ago, and I think the record will show that he did.

Mr. EATON. Is my friend through?

Mr. MORTON. For the present.

Mr. EATON. My friend says, Can they not do it? I might as well say, Why cannot my friend from Indiana commit burglary or murder or robbery? Because it is against his character, his reason, and his sense. When you tell me that the State of Indiana can legalize murder, can legalize robbery, can legalize a system of religion, I say it is as absurd as it would be for me to say that my friend from Indiana can commit murder. Of course he can; but will he? Will any reasoning man in a community do a thing of that sort? This whole business is absurd. Let us go a step further.

No public property, and no public revenue of nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation shall be appropriated to, or made or used for, the support of any school, educational or other institution.

For one moment look at this. The State of Connecticut, small I agree, representing her humbly, as I agree I do—and I hope I shall not injure my friend's feelings when I say the sovereign State of Connecticut is not to be permitted to give a thousand dollars to an educational institution unless my friend from Indiana and the honorable Senator from Vermont say she may do it. I have no patience with such an argument. In my city of 50,000 people, small I agree it is, there are two asylums for children, one a Catholic asylum and the other a Protestant asylum. There are in those two asylums five hundred children, and the city of Hartford, my city, by this amendment cannot give a thousand dollars a year to each of those two asylums although by doing it they should save \$20,000 a year. It is absurd. I have great confidence in the intelligence of my honorable friends from Indiana and Vermont, but I beg to say to them both that Connecticut can take care of its own schools and its own religions without their assistance. We do not require it, and in my judgment it will be a good many years before we shall. That is my opinion.

I am glad of one thing. My friend from Missouri [Mr. BOGGS] said

that the negro was about played out. It looks to me as though there was to be another new thing; that there was to be injected into the coming presidential election this question of whether Connecticut, and Indiana, and New York, and Vermont, and South Carolina, and Arkansas should take care of their own schools, of their own prisons, of their own reformatory institutions. Let it come; the quicker the better. This report of the Judiciary Committee is the particular act I am talking about; I am not now speaking about any other amendment. When any other one comes up I will talk about that. I have not said that I shall vote for any. I would cut my arm off before I would vote for this, because I would disgrace my manhood and my State if I should vote for it. When we come to any other amendment I will talk about that. Has it come to this, that there is to be a new issue in the next Presidential election whether Indiana and Vermont shall govern New York and Connecticut; whether New Jersey, Florida, the Carolinas, Tennessee, Kentucky, and Massachusetts shall govern themselves? Is that to be the question? If it is, let us meet it here, anywhere, at all times, and in all places.

My friend from Missouri said what I shall not say or admit. He said that there was left to the States this right. I do not use that language? I say this right belongs to the States. It was not left to them; it belongs to them, and they have not given it to any other government. That is the way I put it. It is a State right for Connecticut to determine what she shall do with regard to this matter. She has not given it to the Federal Government. It is hers, one of her sovereign rights. I represent in part the State which was represented in the federal convention by Roger Sherman and Oliver Ellsworth. They said in that convention that the State of Connecticut was sovereign, and I shall not myself, to use a modern but common phrase, "go back" upon what they said. The argument is a false one. I do not use the term "false," as my friend from Indiana well knows, for the purpose of irritation; but the argument is a false one when any Senator asserts that a Senator who is not in favor of this proposition is in favor of the opposite of the proposition. "That won't do," as my friend from Ohio [Mr. THURMAN] says; that won't hold water; there are "too many holes in that skimmer."

I simply say with regard to this proposed amendment that I am opposed to it because it interferes with the rights of the States; that is all. The States will determine when they come to legislate upon this matter. When any man says that I am in favor of the converse of this proposition because I will not vote for it he says what is not true. It will not do for any Senator to say it in my presence, because I am opposed to any State making a law respecting an establishment of religion. In my State I will take care that they do not make any such law; and I do not want the honorable Senator from Indiana to take care of Connecticut. I will take care of that myself. Let him take care of his own State. I think he will have as much as he can do to take care of it during the coming election.

Next, no State is to make any law prohibiting the free exercise of religion. Where is the Senator who dares to stand on this floor and say to me, or any other Senator, that because I oppose this proposition and oppose the giving of this power to the Federal Government I am in favor of the States doing that? It will not do. I am opposed to any State making a law establishing religion; I am opposed to any State prohibiting the free exercise of any religion; and I do not require the Senate or the Congress of the United States to assist me in taking care of the State of Connecticut in that regard. We have got on for a hundred years without it, and I beg leave to say that we shall get along for another hundred years without it. I am very much inclined to the opinion, and therefore being inclined to the opinion I must express it—I hope I am wrong about it—that this whole matter is brought up as an election dodge.

Mr. HARVEY. Will the Senator permit me to ask him where this question comes from?

Mr. EATON. I do not know, nor care.

Mr. HARVEY. Did it not come from the House of Representatives?

Mr. EATON. It came from James G. Blaine. Did you ever hear of him?

Mr. HARVEY. Did it not also come from the democratic House of Representatives?

Mr. EATON. Not this "creetur." This whole business originated with Hon. James G. Blaine. Did you ever hear of him? It was one of his dodges to get a nomination, and I wish he had got it. I have been sorry ever since that he did not; and you have been glad ever since.

Mr. HARVEY. Was he able to dictate to the democratic House of Representatives?

Mr. EATON. I am not able to say what Mr. Blaine could or could not do. He has done a great many things in this world that I do not want to talk about.

Mr. HARVEY. This measure comes to us with the sanction of the House of Representatives.

Mr. EATON. No; I beg your pardon. This comes to us from the honorable Senator from Vermont. I am not talking about anything else. I will come to that by and by. I am talking about what the honorable Senator from Vermont has brought into the Senate.

Mr. HARVEY. The very language on which the Senator has just been commenting is in the original resolution.

Mr. EATON. Is it possible! Very likely. I have not read it; I am glad my friend has.



Mr. HARVEY. I had the impression that the Senator had not read it.

Mr. EATON. This came from my friend from Vermont. It is very good reading, but I have not got through with it yet.

And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect—

we have not any of those in my State—

organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution.

I should like to ask which Bible; whether it is the Bible of James I or what is called the Douay Bible? This whole business is a partisan trick put upon the Senate of the United States. There is not a single member of the Senate—I do not except my friend from Kansas, I do not except my friend from Indiana, I do not except my friend from Vermont—there is not one single Senator on this floor who entertains the slightest idea that any State in this Union has any intention to originate a system of religion. No Senator dare rise in his place on his personal responsibility as a Senator and say so. If he will, I should like to hear him. Is there any danger that Indiana will do it? Is there any danger that Vermont will do it? Is there any danger that Massachusetts will do it? Is there any danger that North Carolina, or Delaware, or Tennessee, or Florida, or New York, or New Jersey will do it? Not one single Senator dare rise in his place and say any such thing. If there is one, I would be very glad to have him do it now, and I will yield the floor. No such gentleman has presented himself on this floor; and if he does hereafter, hereafter we can talk about it. Nobody has yet; and therefore as no one has, I will assume that I am right; and if I am right, then why is this thing here? It is here to do a little political business that it cannot accomplish. I am very glad to see it for one; I am very happy to see it. My honorable friend the Senator from Alabama [Mr. SPENCER] will be very apt to go with me on this question. As he will not be able to get telegrams from the two republican chairmen of committees in the State of Alabama, I think he will vote with me on this question.

My friend from Vermont says that every democrat opposes this proposition. Why should not every democrat oppose a proposition of this character? No reason has yet been given for supporting it. When one is given I will try to answer it. No reason has yet been given by the honorable Senator from Vermont, who is the putative father of this child, why it should be adopted. If any Senator can give a reason I should like to hear it. Every democrat certainly will oppose it, because he opposes it on democratic grounds, and those grounds are that this whole business belongs not to the Federal Government but to the States of the Union. Whenever any Senator gives a reason for this, I will try, if nobody else does, to answer that reason.

One word and only a word more. My honorable friend from Vermont is out of his seat. He asserted a certain fact. That fact which he asserted has been denied. I desire to re-assert that fact, that the first proposition which was ever made on this continent for the free exercise of religion was made by Charles Calvert in the colony of Maryland, and Charles Calvert was what I am not, a Catholic. That is the truth, and that is the history of the country. I came from Connecticut, what is called a puritan State, and that is no particular reason so far as I know why I should not tell the truth.

I did not rise here to-night to talk about the respective views of and differences between the Protestant and Catholic religions. Permit me to say, Mr. President, what you as a Michigan man know better than I, that the religion of our Lord was carried all through the Northwest by Catholics. Starting from Quebec and Montreal, all through the Indian tribes one hundred and fifty years ago the religion of Jesus was taught by the disciples of Rome. The puritan taught the religion of God as he understood it in New England; the Catholic as he understood it in Maryland; another class in New York; and another still in New Jersey, and the Catholic again in Louisiana. God forbid that I should rise here in my place as an American Senator to talk about the differences between the religious denominations and the religious creeds. I scorn to do it. No good has come to the people of the world by doing that. I shall never forget, whatever the errors of the Catholic Church are or may have been, that for fifteen hundred years it was the only form of the Christian religion known to man; and, right or wrong—I do not speak of it in that way; I should scorn myself to make an argument about it—upon it depends the salvation of many hundreds of millions of human beings. It will not do for the Senator from Vermont to tell me or to tell anybody else that the Catholic religion is to be stamped under foot by the people of the United States. I am not a Catholic; my ancestors were not such; but I thank God for one thing, and that is this: I recognize the great good that the Catholic people have done in my own town, in my own State, and therefore I stand here, a representative of puritan Connecticut, to defend the action of the Catholic religionists in my State. They have done well. I have nothing to do with their religion. They will take care of that, and I will take care of mine. I do not ask them to support me; they do not ask me to support them. Let us not have any quarrel on this subject; and therefore I would hope almost to a man that we should vote down this amendment of the honorable Senator from Vermont; and when we

come to another amendment it will be time enough to talk about that.

Mr. MORTON. Mr. President, if anybody has attacked the Catholic religion here to-night I have not heard it. The Senator's defense of it I think was entirely gratuitous, and I doubt whether he will get many thanks for it even from them. But it is a little extraordinary to hear my friend from Connecticut charging the presence of this proposition here to-night as a republican trick, a partisan trick, a thing that we have brought in here, lugged in by the heels, for the purpose of making a new issue. How did this get here? A resolution came from the House of Representatives, which has nearly a two-thirds democratic majority, and it received in that body 166 out of 171 votes.

Mr. EATON. I beg to suggest to my honorable friend that I know that fact; but that he is not entitled to speak of the action of the House of Representatives here.

Mr. MORTON. I am entitled to speak of it. I am entitled to speak of the fact that this resolution came here from the House of Representatives, having passed nearly unanimously, and that we were bound to consider it. We could not lay it upon our table and say we would not consider it. It was our duty to consider it whether we wanted to do it or not, and if we were bound to consider it, the question was whether we should consider it with a view to perfect it, if it required perfecting in our opinion. We have amended it; and notwithstanding this comes here now in this way my friend forgets all about it; he slaps his friends in the House in the face and says the whole thing is wrong from beginning to end, and lays the responsibility upon us.

Mr. EATON. I have not said one word about that, and I think the gentleman ought not to misrepresent me. I will take care of the other when I come to it. What I said was this: That I was now dealing with what the Senator from Vermont has offered us. I will take care of the other matter when I come to it.

Mr. MORTON. I have come to the other matter.

Mr. EATON. This is not the House resolution at all.

Mr. MORTON. It is not the House resolution, but it is an amendment of it.

Mr. EATON. O, no; not an amendment.

Mr. MORTON. I will yield to my friend from Connecticut if he has any thing to say. When it has been brought here in this way my friend forgets even that there is a House. In his great anxiety to assault the republican party he says we are responsible for the whole thing; and he says he bases his opposition to it upon democratic grounds; that the whole business belongs to the States; that we have not anything to do with it; right in the face of the fact that nearly every democrat in the House voted for the resolution, denying the States the power to take the school fund and give it to sectarian schools.

Mr. EATON. One moment. They have done no such thing. The States have done no such thing, and the Senator from Indiana knows it.

Mr. MORTON. I did not say the States.

Mr. EATON. The House has advised that a certain amendment to the Constitution should be made; that is all, and that it should be submitted to the States.

Mr. CHRISTIANCY. That is just what we have done.

Mr. MORTON. That is about all. We have shown what the House had done. I did not say that the States had done it. My friend is slightly mixed in his assertions.

Mr. EATON. Not much; he is not.

Mr. MORTON. The House sent us a resolution denying to the States the power to take the school fund and appropriate it to sectarian purposes. We have amended it, and say they have not only no right to do that, but that they shall not levy a tax for that purpose and shall not make an appropriation.

Mr. EATON. Will the Senator allow me once more?

Mr. MORTON. Certainly.

Mr. EATON. The House have denied no such power to the States. The Senator from Indiana is a lawyer, and the Senator knows they have not denied it. They have simply submitted to the States that they should adopt a certain thing; they have denied nothing.

Mr. MORTON. I suppose my friend is about right. We have not denied it to the States and we shall not until it comes to be adopted; but we have proposed to the States an amendment to the Constitution which does deny to them these powers. The House says that the States shall not have the power to take the school-fund and use it. We propose to extend it and say neither shall they have the power to levy a tax for that purpose, and go into some further detail, perfecting it and carrying out the same idea. My friend from Connecticut says it is all wrong; that the whole business belongs to the States; that it is a mere republican trick which has been brought here for partisan purposes. My friend says we want to make a new issue. He ought to have said that his democratic friends want to make a new issue. It stands just about this way: that for the purpose of meeting a strong feeling throughout the nation, for the purpose of allaying a great fear, a proposition is made to amend the Constitution which, at first glance, seems to accomplish the purpose, but on examination it is found not to accomplish the purpose, but is in effect a fraud and a sham, and when we try to amend it and make it a thing of substance and to cover the whole ground we are told that it is all wrong; that the whole matter belongs to the States.



Mr. RANDOLPH. May I ask the Senator a question?

Mr. MORTON. Yes, sir.

Mr. RANDOLPH. Who decides that the amendment offered by the House is a fraud and a sham?

Mr. MORTON. Does my friend want an answer?

Mr. RANDOLPH. Yes, sir.

Mr. MORTON. For one I will undertake to decide it, so far as I am concerned. That is to say, I give my opinion that the effect of it is a mere sham; that while professing to protect the public against sectarian schools or the appropriation of public money to carry them on it simply prevents the application of a school fund raised for that purpose and leaves each State at liberty to levy a tax for that purpose. In that respect it is a sham.

Mr. EATON. If my friend will allow me, I agree with him. I think that is a sham and all the others frauds.

Mr. MORTON. The Senator agrees that it is a sham?

Mr. EATON. And all the rest are frauds.

Mr. MORTON. The Senator from Connecticut has brought me to it, and now let me state this thing very fully. This resolution as it came to us is for political purposes. There is not a doubt about it. It is to meet a strong feeling existing throughout the United States, but it is to meet it by false pretenses. While pretending to guard the nation against this great danger it does not in effect do it. It simply keeps the States from taking an established school fund, but leaves them to tax the people from year to year for the purpose of supporting sectarian schools. We might as well understand this thing. I did not intend to say so much, but my friend has been so persistent in saying that it is a republican trick, a sham, that I prefer now to state the matter very fully and strongly. It was manufactured and sent here for a political purpose, and that was to make the impression that our democratic friends were in favor of free schools and of protecting them in their public character. It was intended to make that impression, but when it is shown that it does not have that effect and we bring it out in its true character and expose this attempt which has been made, then we are told that the whole thing belongs to the States; that we have no business with it; that we are robbing the States of their rights. How robbing the States? This cannot become a part of the fundamental law unless three-fourths of the States agree to it. We cannot take the power from the States by passing it here. Three-fourths of the States have to agree to it, and when they do it, it becomes the law. Our Constitution provided that we might amend the Constitution by the consent or approbation of three-fourths of the States, and this is simply following the line prescribed by the Constitution itself. If the States agree to it and give up this power it is all right. They have nobody to blame but themselves. If three-fourths of them agree to it, then it becomes the law of the land, just like any other constitutional amendment. Why talk about robbing the States? Robbing them of what? Robbing them of the power to tax the people of the State for the support of sectarian schools? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. Robbing them of the power to establish a church? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. My friend said we wanted to do it.

Mr. EATON. If the gentleman will permit me, he ought not to misrepresent me. Will he permit me to set him right?

Mr. MORTON. O, certainly.

Mr. EATON. I have said this over and over again: that the States shall determine, not that you are to determine it; not that the States will or will not be robbed, but that it is not your business as one of the Senators from Indiana to talk about this matter at all. While I am up, as the Senator gave me the floor, I beg to ask him if every one of the republican Representatives did not vote for the very amendment that he is now talking about.

Mr. MORTON. I presume they did. They voted for it in the shape in which a democratic committee presented it to the House; but the Senator himself, in his desire to hit the republicans, is hitting his own political friends. This is in keeping with the practice of the democratic party throughout the country. Here is a proposition that comes to us by the action of the democratic House. We are bound to consider it; but when it comes here it is thrown up to us that we brought it here, that it is a republican trick. It is just like the talk about the debt and about taxation. These things were brought about by the rebellion; they are the consequences of the action of the democratic party; but they are held up as being a crime and the consequence of republican action.

Mr. EATON. I do wish the Senator would not mix up the rebellion with this matter.

Mr. MORTON. My friend said we wanted a new issue. My friend from Missouri [Mr. BOGGS] said the nigger was killed. I think that was his language.

Mr. EATON. Dead.

Mr. MORTON. No; he said he was killed. Well, they have killed a good many of them, but they have not killed them all.

Mr. EATON. No matter; he came pretty near it; but he said dead. It is the same as killed.

Mr. MORTON. I think the desire to change the issue perhaps belongs more to the other side. Allow me to state what I understand to be the whole question. The House sends a resolution here which

if it becomes a part of the law prohibits the States from taking a school fund, already dedicated and set apart, and appropriating it to the support of sectarian schools. We amended that by also prohibiting the States from levying a tax for that purpose or from appropriating money out of the general Treasury for the same purpose, and going into some details for the purpose of perfecting it. We are trying just as we would upon any other measure to perfect a proposition. We assume that it came here in good faith. We wanted to make it better and cover the ground. My friend admits, and he cannot help admitting, that as it came here it is grossly imperfect; it amounts to but very little. We have tried to improve it, but now the opposition to-night comes upon the broad ground that the whole matter belongs to the States, coming as strongly against the House proposition as against the amendment of the Judiciary Committee. My friend from Missouri announces a doctrine here to-night in good faith and full of intelligence which strikes at the very basis and existence of the principles of the nation. There can be but one reason that I can understand for opposing this amendment, and that is that the States shall be left with power if they see proper to establish a church and tax the people for the support of sectarian schools. The amendment only prohibits them from doing that thing. Is it right, is it good policy, is it consistent with American liberty to prohibit the States from doing that thing? I think that it is. Those who oppose it must do it upon the ground that the States ought to have that liberty, that it may be their interest, it may be their feeling, some time, to exercise that power. I feel that in this matter we are entirely right, and that our opponents, as they have been upon every one of these constitutional amendments, are entirely wrong.

My friend said a while ago that the logic of the war was to destroy slavery, and then it was natural and proper that we should put an amendment to the Constitution abolishing slavery. So it was; but that was opposed by the democratic party from the hour of its introduction here up to this very time. It was right; it was proper; but it was opposed, just as this thing is opposed; and so was the fourteenth amendment, and so the fifteenth. This is just as clearly right as either of those three amendments, and there can be no argument or debate against the justice of this amendment. It simply places religious liberty in this country and education upon impregnable grounds. It is no blow upon the Catholic Church. The idea seems to be to appeal to the sympathy of the country as though it were an attack upon catholicism. It protects catholicism as it protects protestantism. It is just as much for the one as for the other; just as much against the one as against the other, and it is perfectly idle to talk about this thing being an attack upon the Catholic Church. It seems to me that the opposition to this thing gets down to a very small proportion when it is charged with being simply a republican trick, just as if it was devised here and gotten up for the occasion.

Mr. SAULSBURY. Mr. President, I desire to occupy the attention of the Senate not more than three minutes. I do not intend to discuss this question. I am sorry the discussion has taken the turn that it has; but what I rose to say particularly was that my friend from Indiana seeks in his closing remarks upon this debate to make the impression that the democratic party is responsible for any agitation that may arise in the country from a discussion of this character. That Senator knows, and every other Senator knows, that at the very commencement of this session the President of the United States, the head of the republican party, brought this question here in his annual message. They know, and know full well, that prior to that time the head of the republican party, in the city of Des Moines, opened the campaign last fall upon this very issue. They know full well that one of the leading republican candidates for the nomination for the Presidency at the commencement of the session of Congress introduced almost the precise resolution which the House of Representatives sent to the Senate.

I do not express any opinion either in favor or against the proposition, for I do not mean to discuss the resolution as it came from the House, or the resolution as it has been amended by the Senate; but I wish to say this: that the democratic House of Representatives, actuated doubtless by the highest motives that could govern a deliberative body, when they saw a deliberate purpose and intention on the part of one of the great parties of this country to bring into the presidential campaign this year, evidenced by the action of the President of the United States himself, the chief of his party, evidenced too by the action of a prominent aspirant for the presidential honors in introducing this very resolution—when the House of Representatives knew that that animus actuated the republican party they did wisely to adopt a measure to eliminate from the political discussions of the present campaign a question of such fearful import. When I listened to-day to the debates upon this question, when I heard the appeals that were made by Senators to the religious prejudices and passions of mankind, I trembled for the future of my country. Has not history a voice? Does it not speak with an eloquence that ought to appeal in living language to the heart of every Senator? Have not religious persecutions and appeals to religious prejudices stained the earth with blood and wrung from the hearts of millions the deepest agonies? Yet I see springing up in my own country for the base purpose of party, to promote a presidential election, a disposition to drag down the sacred cross itself and make it subservient to party ends. I appeal to Heaven to thwart the purpose of all such partisans! While the Christian world is to-day praying for the peace of Jerusa-



lem, there are men in this country caring nothing for religion who would subvert their party ends if they could by crucifying the Son of God afresh if he were on earth, or what is little better, who attempt to disturb the peace of the church and to array the Christian brotherhood in deadliest hate against each other.

I appeal to the American people, standing here in my place, to be deaf to all such appeals. Let not the worst passions of mankind be invoked in this campaign; but let the peace of the church flow on as it has in the past, and the great mission of Christianity accomplish that good for which it was sent. Let not politicians make the cause of the Redeemer subservient to base party ends. I protest against it in the interest of Christianity and the peace and happiness of mankind.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when Mr. BARNUM's name was called.) I wish to state that my colleague [Mr. BARNUM] is paired with the Senator from Massachusetts, [Mr. DAWES.] One would vote one way and the other the other. [Laughter.]

Mr. EDMUNDS, (when Mr. HAMILTON's name was called.) The Senator from Texas [Mr. HAMILTON] is detained at his rooms by illness. He is paired with the Senator from Virginia, [Mr. WITHERS.] The Senator from Texas would have voted in favor of this amendment, and the Senator from Virginia, as I understand, would have voted against it.

Mr. HITCHCOCK, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. WHYTE.] He would have voted "nay," and I should have voted "yea."

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Wisconsin [Mr. HOWE] and the Senator from Kansas, [Mr. INGALLS.] They would vote "yea," and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired on political questions with the Senator from Pennsylvania, [Mr. CAMERON.] I did not think at the time I made the pair of this question, and I presume he was not expecting it. In his absence I do not feel at liberty to vote. I would vote against the proposition.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If present the Senator from Delaware would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. GORDON. I wish to state that the Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from South Carolina, [Mr. ROBERTSON.] If they were here the Senator from Pennsylvania would vote "nay," and the Senator from South Carolina would vote "yea."

Mr. ALLISON. I desire to state that my colleague [Mr. WRIGHT] is paired with the Senator from Maryland, [Mr. DENNIS.] My colleague would vote "yea," and the Senator from Maryland would vote "nay."

Mr. PADDOCK. Without a very strong stomach for this sort of legislation, I vote "yea."

The result was announced—yeas 28, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christianity, Clayton, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—28.

NAYS—Messrs. Boyv Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Randolph, and Stevenson—16.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Cameron of Pennsylvania, Conover, Dawes, Dennis, Decey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Merrimon, Ransom, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Wither, and Wright—27.

The PRESIDENT *pro tempore*. Two-thirds of the Senators present not having voted to agree to the resolution, the same is not passed.

#### MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employes recently permanently discharged from the service of the Bureau of Engraving and Printing; and

A bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

#### REPORTS OF COMMITTEES.

Mr. WINDOM. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, which takes precedence.

Mr. WADLEIGH. I wish to make some reports.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire making reports?

The Chair hears none.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (S. No. 147) to refund to William Watts, of the county

of Boone, and State of Kentucky, the sum of \$5,610, illegally taken and received from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth Kentucky district, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of manufactured tobacco, on the 28th day of June, 1864, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 355) for the relief of James Millinger, of New Jersey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

#### COMMITTEE ON CONTINGENT EXPENSES.

Mr. JONES, of Nevada. I desire to offer a resolution.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nevada offering a resolution, the Senator from Rhode Island having moved that the Senate proceed to the consideration of executive business? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved, That the Committee to Audit and control the Contingent Expenses of the Senate have leave to sit during the recess of Congress.

Mr. LOGAN. I ask the Senator from Rhode Island if he will give way for a moment that I may call up a bill of very great importance, which will not cause any delay in his executive business.

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the consideration of the resolution?

Mr. DAVIS. Let it be read.

The Chief Clerk read the resolution of Mr. JONES, of Nevada.

Mr. DAVIS. I believe that is usual.

Mr. MORRILL. That is always usual.

The resolution was considered by unanimous consent, agreed to.

#### ORDER OF BUSINESS.

Mr. LOGAN. Now I appeal to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. Will the Senator from Rhode Island yield to the Senator from Illinois?

Mr. WINDOM. I hope the Chair will put the question on the motion of the Senator from Rhode Island or else on the motion which I made.

The PRESIDENT *pro tempore*. The Chair is entertaining business by unanimous consent. The request of the Senator from Minnesota is in the nature of an objection.

Mr. LOGAN. If the Senator from Minnesota will allow me to explain, I will state the reason why I ask him to give way. It seems to me that through courtesy I should be allowed to explain.

Mr. WINDOM. I suppose the business before the Senate is the motion pending made by the Senator from Rhode Island. I do not know that an appeal can be made to me at present on that subject.

Mr. CONKLING. I hope I may be allowed to make a suggestion. It is now one o'clock. The Indian bill is a voluminous bill, so that it will take a long time to enroll it. I can see in the case of that bill a reason why we should stay here and pass it. I cannot see in the case of any private bill, especially one to which no objection will be made, why we should punish ourselves by staying here all night when we are going to be here to-morrow in any event. I suggest to Senators, without meaning to interfere with anybody, that therefore the Senator from Minnesota has an obvious reason for wanting the Indian bill to be acted on to-night, so that the clerks may have an opportunity to enroll it. That reason does not apply to any other bill that occurs to me now, none that is proposed. Therefore I suggest that the Senator from Minnesota be allowed to take up the conference report and have action upon it, and then we adjourn till morning and not wear ourselves out by sitting here all night.

Mr. WINDOM. I hope the Senator from Rhode Island will allow me to present the conference report.

Mr. ANTHONY. In consideration of the fact stated by the Senator from New York and the Senator from Minnesota, the necessity of enrolling this voluminous bill, I withdraw the motion to proceed to the consideration of executive business; but I must state that after that matter is disposed of I shall renew the motion, and if it does not prevail then, I shall renew it as soon as we meet to-morrow morning, and I shall keep on renewing it with the same persistency as my friend from Illinois insists on his bounty bill, and I hope with more success; for unless we shall transact some business in executive session, we shall be called together after the adjournment of Congress.

Mr. SARGENT. We must have an executive session.

Mr. LOGAN. May I be permitted to say just one word, and it is very hard to get an opportunity to say anything? It is not necessary for the Senator from Rhode Island to allude to the bounty bill. If he was as willing to get up the bounty bill as sometimes he pretends to be, there would not be so much trouble about it. I rose, however, to state that a bill has just come from the House in reference to the organization of troops in the Indian country, which I think is about as important as any matter before this Congress. I



desired to have an opportunity to say that much, and to ask that the bill be taken up for immediate action.

Mr. CONKLING. May I ask my friend from Illinois a question?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. I ask does it make any difference practically whether that bill passes now or waits until eleven o'clock to-morrow?

Mr. LOGAN. I think it makes a great deal of difference for this reason: I do not think the bill which the House have sent to us will pass; I propose to offer a substitute for it so that there must be a conference between the Houses to settle the question, if the Senate agree with my views. If not, the bill as the House passed it can be agreed to.

Mr. EDMUNDS. Will the Senator allow me to suggest that we can do both in fifteen minutes?

Mr. MORTON. Let us go right on.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist on his motion?

Mr. HITCHCOCK. I ask unanimous consent to make a single remark. I ask that the chairman of the Committee on Military Affairs be allowed first to present the report of his committee upon the bill to which he refers. It will certainly take no time.

Mr. WINDOM. I have no sort of objection to allowing the Senator from Illinois to present his report.

Mr. HARVEY. I join in that request. It is certainly of great importance.

Mr. HITCHCOCK. It will not delay the business.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Minnesota does not object.

Mr. LOGAN. I beg to say to the Senator from Nebraska that I have no report from the committee. I was going to ask the Senate to take the House bill up, and I have a substitute which I propose to offer myself upon my own responsibility.

Mr. PADDOCK. That is the most important measure which we can consider to-night.

Mr. HITCHCOCK. If the honorable Senator will offer his substitute we can treat it as the report of the Committee on Military Affairs.

Mr. WINDOM. I yield to the Senator from Illinois to take up his measure provided it does not lead to debate. If it does I shall ask the Senate to proceed to the consideration of the conference report on the Indian bill.

Mr. LOGAN. If I can have the floor after the Senator is through with his conference report I have no objection, but I do not want the Senate to adjourn without action on this proposition. ["All right."]

#### INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Minnesota, who now moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 15, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 56, 58, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of \$100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokee and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, \$250," and in line 16 strike out "nine" and insert "six," and at the end of line 3, page 6 of the bill, add the following: "and for gilling-twine for nets, \$1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, \$400;" and at the end of line 15, page 7, add "and for gilling-twine for nets, \$400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 24, page 20 of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people," in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 21, after the word "designate," insert the following: "And the further sum of \$20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and in-

sert "twenty-five," and after the word "dollars," in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty," and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"Provided, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and \$300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "Provided" down to and including the word "but," in line 8, and insert the word "That;" and in line 10 strike out the word "and" where it first occurs, and strike out the words "and others," and in line 11 strike out the word "and" where it first occurs, and strike out "and for no other purposes" and insert "and for paying employees: And provided further, That amounts now due employees for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"Sec. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians."

"Sec. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: Provided, That the purchase of supplies for sixty days may be made in open market: And provided further, That to meet any emergency of the service purchases may be made in open market to an extent not to exceed \$2,000 at any one time."

And the Senate agree to the same.

WM. WINDOM,  
JOHN A. LOGAN,  
FRANCIS KEERNAN,  
*Managers on the part of the Senate.*  
SAM'L J. RANDALL,  
A. M. SCALES,  
S. A. HURLBUT,  
*Managers on the part of the House.*

The report was concurred in.

#### SUPPRESSION OF INDIAN HOSTILITIES.

Mr. LOGAN. I ask now that the Senate consider the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

The PRESIDENT *pro tempore*. The Chair will lay the bill before the Senate.

The bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities was by unanimous consent read twice, and considered as in Committee of the Whole.

Mr. LOGAN. I move to strike out all after the enacting clause of the bill, and to insert in lieu thereof the following:

That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as in his opinion may require the same. *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the twenty-five thousand authorized by the act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877," and the following sums are hereby appropriated for recruiting and maintaining the same:

Recruiting 2,500 cavalymen .....	\$50,000
Pay per annum .....	390,000
Subsistence .....	200,400
Clothing .....	206,000
Regular supplies .....	216,000
Purchase of horses .....	337,500
Transportation, (wagons, &c.) .....	\$4,800
Transportation by rail, &c. ....	150,000

Making in all .....

1,634,700

Mr. MORTON. What is the appropriation in this amendment?

Mr. LOGAN. It is \$1,634,700.

Mr. STEVENSON. How much is it in the House bill?

Mr. LOGAN. "One million dollars, or so much thereof as may be necessary." I desire to say to the Senate that it is impossible to execute the House bill. I can demonstrate in five minutes its utter impracticability and show that preference ought to be given to the proposition suggested by the President and heretofore adopted by the Senate. The President's suggestion to the Senate was to recruit twenty-five hundred cavalymen, that is, twenty-five hundred privates. Their pay would be \$13 per month. The pay of twenty-five hundred men for one year at \$13 per month would be \$390,000. The pay of five thousand under the bill as agreed to by the House would be the same, because they are recruited for six months. That applies to the private soldiers. The twenty-five hundred men can be recruited and absorbed in the existing companies without appointing



a solitary officer to command them; but the commissioned officers alone in the bill from the House will cost \$314,615 at the pay fixed by the law as it now stands. There is, then, an addition of \$314,615 made by the House. The necessary clothing for the five thousand would be just double, because the clothing is necessary, no matter whether they are to serve for six months or twelve months.

Mr. EDMUNDS. It is just the same.

Mr. LOGAN. It is just the same. I will show in two minutes that it will cost over \$1,000,000 to execute the bill as passed by the House, and that there is not half money enough appropriated by it. The pay for cavalrymen, as I stated, for one year is \$390,000. That is exactly as I figure it, and I made the calculation here myself and I know it is correct. The subsistence of twenty-five hundred men would be \$200,400. Subsistence of twenty-five hundred men then for one year and for five thousand for six months would be just equal, so that there is no difference in that item. The clothing for twenty-five hundred men would be \$206,000. For five thousand men it is just double; any one can make the calculation. Regular supplies, that is, the rations for these cavalrymen for twelve months for twenty-five hundred or five thousand for six months would be exactly the same. The number of horses for the five thousand of course would be double the number required for the twenty-five hundred. The horses for the twenty-five hundred will cost \$337,500, and you have to double that number to supply five thousand, which doubles the calculation. Transportation, wagons, &c., for twenty-five hundred private soldiers would cost \$34,000, and you have to double that to supply five thousand men. The forage for the horses is just the same precisely, twenty-five hundred for a year and five thousand for six months. It makes no difference and it is not necessary to calculate that. Now as to the commutation allowed volunteer cavalrymen, forty cents a day, it is \$730,000 for commutation.

Mr. OGLESBY. That is for the use of the man's horse.

Mr. LOGAN. Yes, sir. Just add these items up and you will see the difference between the two measures. There is a difference in the cost of \$2,500,000 for six months; and yet the appropriation in this bill is only \$1,000,000. The \$1,000,000 appropriated in the House bill will not organize the five regiments. You cannot organize them with the money, cannot get the horses, the rations, and the clothing to save your souls for the amount of money that is appropriated. So the House, without speaking in disrespect, have either acted without due consideration in reference to this thing or do not intend that any proposition shall pass for the purpose of organizing troops for fighting the Indians, one or the other. The twenty-five hundred cavalrymen can be organized very soon; it only requires the enlistment of private soldiers to fill up the companies already officered and provided for in every way, and all that is necessary is to feed them and clothe them and give them their sabres and guns, and they are ready to mount their horses and go; but in organizing these regiments they must be officered, must be clothed, must be rationed; they must have transportation, and everything provided for an army, and besides that they have to be drilled. The idea of taking five regiments of raw men of cavalry to go in now and fight Indians without drill, no man but a crazy man would attempt any such thing. I leave it to any one, I leave it to my friend from Texas, [Mr. MAXEY,] who is a soldier and has been a soldier for a long time, and he will agree with me that the proposition is perfectly absurd.

Nor is there economy in it. I have tried, as far as I was concerned, and I have insisted on raising troops to fight these Indians on the most economical plan. I want to fight them with good men, and with men who will understand it. Any man who has ever been a soldier knows that if you take raw recruits and raw officers you must drill the men, drill the horses, drill everything connected with them; but if you take a trained company that has its officers and has a portion of its men, and raw recruits are distributed among them, they will be drilled in a week so that they can fight. Take men in that way, distribute them in regiments, and they are soldiers in a very short time; but when you take a whole regiment of raw men it takes a long time to make them good soldiers. This is the advantage of the amendment.

I have tried to defend this from a proper stand-point, from the stand-point that will make good soldiers, and from the stand-point that will raise them on the most economical plan; but this proposition is demagogery, and nothing else, let it come from House or Senate or where it will. When we have plenty of regular troops, plenty of organized force, all that you have to do is to fill up with men. No man but one who is a demagogue or desires to be extravagant will wait for a time when the Indians have a chance to massacre as many as they choose, to make any such proposition as this.

Some of my friends have complained of me because I did not insist on having volunteers. I did not insist on it, for the reason that I know the expense attached to raising troops and organizing them and preparing them and fitting them for going into battle. I do not wish to do it merely to make people think that I want to give them a chance to volunteer. My desire is to have it put on a fair basis, a proper, soldierly basis, and an economical plan.

Mr. CLAYTON. May I ask the Senator whether he is aware of the fact that during the war many of our volunteer regiments furnished their horses?

Mr. LOGAN. I am aware of that.

Mr. CLAYTON. If he is, can he state the amount paid them per month for the use of their horses?

Mr. LOGAN. Forty cents a day.

Mr. CLAYTON. Twelve dollars a month.

Mr. ALLISON. Seventy-two dollars for six months.

Mr. CLAYTON. What price did the Senator put on the horses in his estimate?

Mr. LOGAN. I estimated them at \$100 apiece. They cost more than that.

Mr. CLAYTON. You must estimate more than that, because I see you make the amount over \$300,000.

Mr. LOGAN. That was the estimate of the War Department, \$337,000 for twenty-five hundred horses, and double that for five thousand.

Mr. CLAYTON. They cannot be purchased for \$100.

Mr. LOGAN. I offer the substitute.

Mr. PADDOCK. I should like to inquire of the chairman of the Committee on Military Affairs if this substitute he has now offered is not the same measure that was passed by the Senate and sent to the House and by the House rejected.

Mr. LOGAN. *Verbatim et literatim.*

Mr. EDMUNDS. They did not reject it.

Mr. LOGAN. No.

Mr. PADDOCK. As a practical question it seems to me that the offering of it here the second time is an absurdity.

Mr. LOGAN. Very well, we shall see whether it is or not.

Mr. SARGENT. It brings us to a conference between the two Houses, the only possible way of reaching a result.

Mr. PADDOCK. I do not want to consume time, but I disagree *in toto* to the sentiments expressed by the chairman of the committee.

Mr. MAXEY. I will say, in response to the question put me by the Senator from Illinois, that it is the experience of the Mexican war, as it was of the last war in both armies, that the enlistment of volunteers for a short period of time is bad policy. We have only to look at the history to see that that is the fact. The cavalry is now disposed of at the proper points according to the best judgment of the General of the Army. The recruits that are obtained for cavalry service are sent on at once, so soon as gathered, to their proper points of destination and assigned their companies and their regiments. They are there mixed up with the companies already organized and already drilled, and therefore become effective far more readily than they would if you attempted to get an entirely new cavalry force. My candid judgment is that you cannot organize this cavalry force of five thousand men, volunteers, drill them, put them into the field, and make them effective in the six months. I therefore think the amendment is proper.

Mr. HITCHCOCK. I suppose the object sought is to put down the Indian rebellion. Now, what the Senator says in regard to the organization of military force, in regard to the advantage of organizing a military force for service in ordinary military operations, is entirely correct; but to fight Indians I want to tell the Senator that that theory will not apply.

Mr. MAXEY. Will the Senator from Nebraska permit me to add one word which I omitted? I only want to add that in my judgment, from observation and experience, this is going to be one of the worst Indian wars ever fought in this country, and, therefore, we must be active, ready, and prompt in what we do.

Mr. HITCHCOCK. I want to tell the honorable Senator that the men to fight Indians are the men who know the Indian habits and the Indian character, the men who are on the ground; and there are plenty in the immediate vicinity of these Indians who not only are acquainted with the Indian habits and character, but have had military service in the field heretofore.

Mr. LOGAN. I will say to the Senator that the twenty-five hundred we propose can be taken from that class of men.

Mr. HITCHCOCK. No, sir. I want to say to the honorable Senator that that class of men are not the class of men to enlist as privates in the regular Army. You cannot enlist those men as privates, because they are not the class of men.

Mr. LOGAN. Perhaps they would prefer to enlist as officers.

Mr. HITCHCOCK. Recruits for your regular Army are enlisted in the streets of our great cities; they are men who have never seen Indians; they are men unaccustomed to ride; they are men who have to be trained; but in the immediate vicinity of these Indians, five thousand men, if necessary, can be enlisted, who can furnish their own horses, and we can enlist those five thousand men, I venture the assertion, if the necessity arises, in one-half the time that twenty-five hundred men can be enlisted in the regular Army.

Mr. LOGAN. And I suppose, after we had enlisted them with their own horses, for the next fifteen years we should be passing bills to pay for the loss of horses? That would be about the result. That is the experience everybody has had in matters of that kind.

Mr. HITCHCOCK. I do not know about that. I do not think any measure of this kind has ever been passed by the American Congress. The trouble is, and will be in this instance if we pass no bill, that if a disaster comes to General Crook, if we have to organize in our own way without the forms of law, as we may have to do, then the Congress of the United States in the years to come will be called upon very naturally to pay, and we shall expect them to pay, and they



will have to pay, very much for the irregularities which will be consequent upon such a measure. But what I seek, and what we of the Northwest seek, is some practical safeguard against the peril which threatens us if Congress adjourns without giving us some measure of protection. I believe if the Senate fails to pass the bill which the House has sent to us, nothing will be done. If such a calamity should happen, I want to wash my hands of any responsibility. I hope that we shall have a vote of the Senate on the adoption of the substitute. While I should be quite willing that the twenty-five hundred regular troops should be given, I very much doubt whether we can obtain that. I very much prefer, because I think it is much safer, that the bill as received from the House should be adopted, and I shall call for a yea and nay vote on that question.

Mr. HARVEY. There is a great deal of truth in what the Senator from Nebraska [Mr. HITCHCOCK] has said and in what the Senator from Texas [Mr. MAXEY] has said. There is a great Indian war impending; and it is well that we should resort to the most efficient means to put it down. It is due to the citizens of the United States living in the Territories adjacent to where the hostilities are now taking place that the most efficient and rapid means of putting an end to this war should be taken, and I should like to ask the chairman of the Committee on Military Affairs if it is known that in case his substitute should be passed the men could be enlisted to fill up these regiments?

Mr. LOGAN. I have never seen the time when you could not enlist as many cavalry as you wanted. I would take the contract to enlist all these men in forty days, if it was left to me.

Mr. HARVEY. If the raising of volunteers is provided for, there are a great many men in the vicinity who would take the contract to raise the regiments at the shortest notice, and, as the Senator from Nebraska [Mr. HITCHCOCK] says, very efficient men too, good soldiers, good for Indian service or any other kind of service. But so far as I am concerned I do not care which way is taken, so that it is the most efficient.

Mr. LOGAN. I want to say to the Senator from Kansas—I did not wish to say it before, but I will say it now—that the eagerness of some on the border to raise volunteers I do not have any objection to; but I say now that if you pass this House bill to-night you will not get a solitary regiment, for there are regiments enough in the great cities now already raised and organized that will supplant you, the very kind of men you are talking about.

Mr. HARVEY. I do not know anything about the eagerness of the people of the border States to volunteer. The people of the border States are generally ready to take part in the defense of their fellow-citizens, whether on the border or anywhere else, in the interior or in a foreign country, if it be necessary to go there.

Mr. LOGAN. That is true.

Mr. HARVEY. What does the chairman of the Military Committee mean?

Mr. LOGAN. I mean that in the cities where they have these organizations they would be offered sooner than your people could raise the regiments.

Mr. HARVEY. I do not care where they come from if they are where they are needed at the earliest possible moment.

Mr. LOGAN. If you do not care where they come from, very well; but the object is to get the officers of these regiments, which will cost nearly \$500,000 at first.

Mr. HARVEY. It is for the protection of our people. There is no other object that we have in view. We have no feeling about this matter at all; we only desire to see the best method taken. So far as I am concerned, I am sure I have no feeling in the matter any more than to see that the people to whom we owe protection have it.

Mr. SPENCER. I appeal to Senators to let us vote.

Mr. HARVEY. I am ready to vote.

Mr. CLAYTON. I do not think we quite understand this question yet. I think the Senator from Illinois [Mr. LOGAN] has not made correct estimates in this respect; he calculates that it will cost double to clothe volunteers for six months that it will take to clothe one-half that number for a year. That is a mistake, I think. My recollection is that clothing is issued twice a year to soldiers. Therefore it would cost just the same, because you issue one suit of clothing to the volunteer for six months to the five thousand, and you would issue two suits to the twenty-five hundred for one year; so you just equalize it.

Mr. LOGAN. I will say to the Senator that in the calculation I made I made no estimate for accouterments; I made no estimate for saddles, no estimate for sabers, no estimate for a great many things that he as a soldier knows have to be used. The thing is perfectly patent.

Mr. CLAYTON. I am not speaking about those points now, but about this particular thing. In addition to that, you pay a premium of \$2 for every enlisted man that is brought to a recruiting agency. That of course is a small matter, but it is something. I do not regard this question of pay as one of so much importance as the question of efficiency. I think the Senator is mistaken when he says you cannot get a volunteer force that will be as efficient as an enlisted force. I believe you can get these five thousand volunteers from men who are trained soldiers. I believe nearly every man of them will be a trained soldier, some of the best soldiers of the world, the men who have passed through the late war; and I believe when you send those

men into the field to operate against Indians the results that will be obtained from that class of soldiery will so far outweigh the results that will be obtained from enlisted men gathered in the slums of the cities that it will far overbalance the difference of cost and expense. There is no question that it will cost more to organize a force of that kind.

Mr. LOGAN. I could add a million dollars to the estimate I made, and in five minutes show the necessity for it.

Mr. CLAYTON. I will concede the point of cost.

Mr. LOGAN. Each company has to have a wagon. There are ten wagons to a regiment. There are fifty wagons to start with, with the harness and mules. Those I did not put into the estimate at all. If you absorb these troops into the companies that already have wagons, you save all that expense.

Mr. CLAYTON. You must make some allowance for the value of these horses at the close of the operations. It is not to be supposed that all the horses are going to be killed. A horse is good for a number of years.

Mr. WEST. The Senator from Illinois made his calculation on the basis of the volunteers owning their own horses and the Government buying theirs.

Mr. CLAYTON. I admit the volunteers will cost more; there is no doubt about that, although I think the increase of cost is not so large in proportion as the Senator from Illinois indicated, but in that I may be mistaken. I do honestly believe that what we want in dealing with these Indians is to make the war short and decisive. That is the most humane way, it is the cheapest way. We want to adopt a policy that will be quick and certain, and I believe in order to secure that policy you had better take a different class of men from what you can gather together in the ordinary recruiting stations in this country.

Mr. HITCHCOCK. There is one point that I want to call attention to. This bill leaves it entirely to the discretion of the President whether he will call for any volunteers. Now he may call for one regiment or he may call for none. I hope General Crook will be successful and that we shall need none.

Mr. LOGAN. The other is as discretionary.

Mr. HITCHCOCK. He may call for but one regiment, and may need it but a month or two.

Mr. WEST. The substitute providing for enlisting regulars—

Mr. HITCHCOCK. It provides for regular enlistment into the regular Army.

Mr. WEST. Not to exceed twenty-five hundred men.

Mr. HITCHCOCK. But this provides that in case of disaster there, in case the President finds it necessary that the force there should be increased, he may, at his discretion, call out volunteers, not to exceed five thousand, to serve not longer than six months. I think it is safe for our friends here to trust the President with that discretion. I do not think this is necessarily such an expensive matter that the Senate of the United States should hesitate at this time, just on the eve of adjournment.

Mr. MORTON. I should like to make a suggestion to my friend from Nebraska. As I understand the bill of the House, it is for volunteers for six months. That time runs from the date when they are mustered in. If you undertake to organize new independent regiments of cavalry, you cannot get those regiments fit to go to the field much before the 1st day of December, and then the weather will be so cold in the mountain where they are expected to operate that man can hardly live there. Hence those men cannot commence active operations until next spring and by that time their time will be nearly out.

Mr. HITCHCOCK. The very time when General Crook hopes to strike his decisive blow against the Indians is during this winter.

Mr. CLAYTON. The enlistment of enlisted men would be still more slow. We know that it takes a long while to fill up the companies by enlistment. It is a very slow and tedious process to wait for individual enlistments day after day; one man comes in to-day and another to-morrow. They straggle in. It is a very slow and tedious process to fill up companies and regiments by enlistment.

Mr. MORTON. I have understood that men could readily be enlisted for the cavalry.

Mr. HITCHCOCK. Take the hardy men of that section of country, familiar with the country, familiar with Indians, accustomed to the climate, and they will make short work of these hostile Sioux.

Mr. BURNSIDE. Mr. President, I think we should adopt the plan that is recommended by the men who are in the field and the men who are in communication with the officers in the field; and that is the plan which is proposed by the Senator from Illinois. The generals in command in the field recommend that plan. The Lieutenant-General of the Army recommends it, and the General of the Army recommends it. It must be patent to every man that five regiments of cavalry cannot be raised this fall and made efficient for field service certainly till long after Christmas. I know the fact that our country is filled with trained soldiers; they are in all parts of the country; but I also know the fact that frontiersmen are not what frontiersmen were twenty years ago. The State which the honorable Senator from Nebraska represents is made up of emigrants from foreign lands and emigrants from the East, and they are not the well-trained frontiersmen that the Kentucky hunters of the last century were.

Mr. PADDOCK. If my friend will allow me to make a statement,



I will say to him that in the State which my colleague and myself have the honor to represent here there are at least to-day 15,000 ex-soldiers of the Union Army who served throughout the war, and who are ready at any time to protect those frontiers or any other frontiers of the country.

Mr. BURNSIDE. I am quite sure of that, but the regular Army seems to be necessary to protect the frontiers of that very State.

Mr. PADDOCK. If the Senator will allow me still further, speaking of the recommendation of General Sheridan and General Sherman and others, I will say that within a day we have received from General Sheridan a telegram in which he advises, in the event of a failure to authorize enlistments in the regular Army, the calling out of volunteers.

Mr. BURNSIDE. Certainly we must either authorize enlistments in the regular Army or the calling out of volunteers; but, if we authorize volunteers, the bill should be remodeled. It is very crude in all its parts. The appropriation for raising these volunteers should be increased. We should proceed with it in a judicious, fair way, and not attempt to impress the people with the idea that these five regiments can be raised and supported for six months on a million dollars. It cannot be done. The Senator from Illinois has demonstrated that to my satisfaction, and I should think to the satisfaction of every Senator here. He has knowledge in these matters. I say myself very plainly, without going through the figures, that he has gone over with so much care, that I saw at once the folly of talking of raising these regiments, and subsisting them, and drilling them, and equipping them with that amount of money. I say, as General Sheridan says, if you cannot increase the regular force by enlisting twenty-five hundred men and putting them where they will be immediately under the command of skilled officers, then let the President have authority to call out volunteers. We should certainly do something; but the wise way, in my opinion, is to give the President authority to enlist twenty-five hundred men, to be shoved out at once to the frontier, put under the command of skilled officers, mixed with well-drilled soldiers already in the field and in the presence of the enemy; and they will be soldiers in a very short time, as the Senator from Illinois and the Senator from Texas have remarked. To me it seems very unwise indeed to attempt at this late day of the season to organize five regiments of cavalry volunteers for service against the Sioux, no matter how many skilled soldiers there may be in the State of Nebraska.

Mr. PADDOCK. I say to my friend that they can be organized in ten days.

Mr. BURNSIDE. That is an impossibility. It cannot be done. I know it cannot be done.

Mr. MORTON. If we are to take volunteers, the time ought to be increased to a year unless sooner discharged, or until the end of the war, some phrase which would give the President the right to discharge them sooner if their services are not required. I have had some experience in raising troops. I do not believe that a cavalry regiment can be raised and put into a condition to go into the field in four or five months, and by that time the period will have nearly expired.

Mr. FRELINGHUYSEN. If we just pass this bill, this whole subject will be before a conference committee covering both sides of it, and they will dispose of it better than we can. I hope we may have a vote.

Mr. PADDOCK. Let us have a vote on the House bill.

Mr. EATON. Mr. President, I regret that my friend, the Senator from Ohio, [Mr. SHERMAN,] is not in his place. A day or two ago I had the honor to say that the democratic candidate for the office of President of the United States was entirely right in his statement that during the last eleven years \$4,500,000,000 had been taken from the people of the United States in the way of Federal taxes. Gentlemen are inclined to laugh.

Mr. PADDOCK. We cannot hear the Senator from Connecticut.

Mr. EATON. I will try to make them hear. All I care to hear me is the reporter. [Laughter.]

I showed by taking the table of expenditures that the people of the United States had been taxed \$4,607,574,202.23. The honorable Senator from Ohio objected because he said that the figures should not be taken from the table of expenditures and from the table of taxation. He introduced certain tables, a copy of which I hold in my hand from him, in which he says that the entire amount of taxation for the eleven years spoken of by Mr. Tilden was \$1,192,633,801.34. I showed by my table that the Senator from Ohio was mistaken more than \$200,000,000. He insisted that I was wrong; that I had taken the tables of expenditures, and not the tables of taxation. Now I have got those, and nobody knew it better than the Senator from Ohio. I desire the attention of the Senate, and I only regret that the Senator from Ohio, the chairman of the Finance Committee of the Senate of the United States, is not here. He said that I was wrong in my figures. Now let me show how he has been wrong.

The amount of customs duties paid in gold for eleven years, from 1866 to 1876, both inclusive, was \$1,973,589,621.26. These tables are from the Treasury Department of the United States. Now, I take the amount of the difference in value between gold and paper in the customs collected for the eleven years from and including the years 1866 and 1876, \$431,596,327.78. From that sum I deduct what is to be found in the table introduced by the honorable Senator from Ohio

as premiums on loans and sales of gold coin, \$167,037,384.39. I take that because in his tables that amount of premiums on gold is allowed. Therefore it does not belong to my estimate. That leaves \$264,558,943.39. The Senate will understand that I have deducted the entire amount which is in the table of the Senator from Ohio as premiums on loans and on gold sold, of over \$167,000,000, calling it a premium on gold when it is not a premium on gold. It is partly a premium on loans. I deduct the whole, and the result is that the taxes paid by the people of the United States in those eleven years were \$4,457,192,744.73. That may be laughable to my friends here. It is not laughable to the men who pay the taxes. The question is this, the honorable gentleman—I say honorable gentleman—who has been nominated as the candidate for the Presidency by the democratic party said that the taxation of the people for the last eleven years had been \$4,500,000,000. I now show by exactly the tables of the Government that the amount which the people have paid for these eleven years is \$4,457,192,744.73. In order that I may not be unfair, I take the premium on loans and sales of gold coin and deduct the whole of it, \$167,037,384.39. How much of it was for premiums on loans I know not, and therefore I give the adversaries of Mr. Tilden this advantage of this entire amount as premium on gold.

Mr. LOGAN. Do you think Sitting Bull will understand these figures? [Laughter.]

Mr. EATON. No. I will indulge my laughable friend by and by. If it was a premium on loans it ought not to be deducted at all. I call it a premium on gold and deduct the whole; but in my judgment if I could get at it it would be only a small portion; but I cannot get at the amount of gold premiums precisely. From this standpoint Mr. Tilden varies \$42,907,256.27. With the other item not deducted he is \$125,930,028.12 below the actual truth in his statement. I put this before the people and let it go for what it is worth.

Mr. CONKLING. Now, Mr. President, on that state of facts can we not vote?

Mr. PADDOCK. I hope the amendment of the Senator from Illinois will not prevail. I think it is a mistake decidedly to undertake to pass it. The House has already passed upon it, and it will be utterly hopeless.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

Mr. HITCHCOCK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Eaton, Edmunds, Ferry, Frelinghuysen, Jones of Florida, Kernan, Logan, McMillan, Maxey, Mitchell, Morrill, Morton, Oglesby, Patterson, Sargent, Spencer, Stevenson, Wadleigh, West, and Windom—29.

NAYS—Messrs. Boggy, Clayton, Cockrell, Cooper, Davis, Gordon, Harvey, Hitchcock, Paddock, Ransom, and Saulsbury—11.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hanlin, Howe, Ingalls, Johnston, Jones of Nevada, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Randolph, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—31.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to increase the cavalry force."

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the resolution of the Senate to appoint a joint select committee to prepare a suitable form of government for the District of Columbia.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 897) granting a pension to Andrew Evarts;

A bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 4085) to repeal part of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

#### CLERKS TO COMMITTEES.

Mr. SPENCER. I desire to offer the customary and usual resolution on the last day of the session:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the clerks of the several standing committees of the Senate their usual per diem compensation for the month of August instant.

Mr. SARGENT. I object. It is contrary to law. The law expressly says the pay shall be during the session.

Mr. SPENCER. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The motion was agreed to.



## PAY OF PAGES.

Mr. CONKLING. I move that the Senate do now adjourn until twelve o'clock to-morrow.

Mr. WEST. I ask the Senator to withdraw that motion for a moment that I may offer a resolution.

Mr. CONKLING. Offer it to-morrow.

Mr. WEST. One objection will carry it over then.

Mr. CONKLING. Very well.

Mr. WEST. I offer the following resolution:

*Resolved*, That the Sergeant-at-Arms is hereby authorized and directed to retain in the employ of the Senate until the 1st day of September, 1876, all pages now employed, and that the usual per diem compensation be paid to them until that date.

Mr. DAVIS. Let that go to the committee.

Mr. CONKLING. Very well. One objection carries it over. It will be in order to-morrow. I move that the Senate adjourn until twelve o'clock to-morrow.

Mr. LOGAN. I move that the Senate take up House bill No. 58, so as to have it the order for to-morrow morning. Then I shall be willing to adjourn.

Mr. CONKLING. What has become of my motion?

Mr. LOGAN. I hope the bill will be taken up and then I shall not object.

Mr. EDMUNDS. Debate is not in order.

## HOUR OF MEETING.

The PRESIDENT *pro tempore*. The hour having been fixed for eleven o'clock, it will require a separate motion to change the time.

Mr. CONKLING. I move that when we adjourn it be to meet at twelve o'clock to-morrow. We must have some sleep.

The PRESIDENT *pro tempore*. The Senator from New York moves that when the Senate adjourn it be to meet at twelve o'clock to-morrow.

The motion was agreed to.

Mr. LOGAN. I now make my motion.

Mr. CONKLING. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the bounty bill, pending which the Senator from New York moves to adjourn.

Mr. CONKLING. It is not very important, but I moved to adjourn without any reference to taking up any bill and before any such motion was made. I do not want to antagonize any bill, but I want to go home and get some sleep, so that we may come here and do some business to-morrow.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate adjourn.

Mr. LOGAN and Mr. PATTERSON called for the yeas and nays; and they were ordered and taken.

Mr. PATTERSON. I ask permission to offer a resolution.

Mr. EDMUNDS. You cannot offer any resolution now.

Mr. PADDOCK. I hope the bill—

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

The result was announced—yeas 16, nays 17; as follows:

YEAS—Messrs. Anthony, Bogy, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Gordon, Jones of Florida, Jones of Nevada, Kernan, Maxey, Saulsbury, Stevenson, and Windom—16.

NAYS—Messrs. Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Ferry, Harvey, Hitchcock, Logan, McMillan, Morton, Oglesby, Paddock, Patterson, and Spencer—17.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Mitchell, Morrill, Norwood, Randolph, Ransom, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Wallace, West, Whyte, Withers, and Wright—33.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, but there is no quorum voting.

Mr. LOGAN. Now, I move—

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. DAVIS. I believe it is in order to adjourn.

Mr. LOGAN. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois moves a call of the Senate.

Mr. PADDOCK. I am sure we ought to take up this bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 21, noes 14; and (at two o'clock and ten minutes a. m., Tuesday, August 15,) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, August 14, 1876.

The House met at twelve o'clock m. Prayer by Rev. JOSEPH L. TUCKER, rector of Christ church, Rochester, New York.

The Journal of Saturday last was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with an amendment,

in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2230) providing for the sale of saline lands.

## ENROLLED BILL SIGNED.

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

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

## LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent as follows:

To Mr. HURLBUT for the remainder of the session, on account of serious illness in his family; and

To Mr. CASWELL indefinitely.

## WITHDRAWAL OF PAPERS.

Mr. VANCE, of North Carolina, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of J. R. Harrington.

## POST-OFFICE DEPARTMENT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the acting Postmaster-General, transmitting certain papers referred to the Post-Office Department; which was referred to the Committee on the Post-Office and Post-Roads.

## SOUTH PASS OF THE MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the 29th ultimo, a communication from the Superintendent of the Coast Survey, together with a map of surveys of the South Pass of the Mississippi River; which was referred to the Committee on Commerce.

## NATIONAL SAVINGS-BANK OF THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* also laid before the House a letter from the treasurer of the National Savings Bank of the District, transmitting the annual statement of that institution in conformity with the requirements of section 8 of the act of May 24, 1870; which was referred to the Committee on Banking and Currency.

## ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Monday, the first business in order after the reading of the Journal is the call of States and Territories for the introduction of bills and joint resolutions on leave for reference only to their appropriate committees, without debate, and not to be brought back by motion to reconsider; during which call joint resolutions of State and territorial Legislatures may be introduced for reference and printing. The morning hour begins at twelve o'clock and thirty minutes.

Mr. RANDALL. Does the Chair rule that a report from a committee of conference could not interrupt the morning hour on Monday?

The SPEAKER *pro tempore*. The Chair has not so ruled.

Mr. RANDALL. I have a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Indian appropriation bill.

The SPEAKER *pro tempore*. On the contrary, the Chair would rule that a report of a committee of conference may interrupt or precede the morning hour of Monday.

Mr. RANDALL. I will wait until the call of States has been concluded.

Mr. SPRINGER. It is evident that no bills introduced at this time of the session can be acted upon before the close of the session. I therefore ask unanimous consent that the morning hour be dispensed with.

Mr. HOLMAN. I would suggest that, instead of the regular call of States for bills for reference, gentlemen be allowed to introduce for reference such bills as they may desire to introduce.

The SPEAKER *pro tempore*. The Chair does not like to entertain any proposition that will interfere with the morning hour on Monday.

Mr. COOK. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin, and the call rests with the State of Virginia.

Mr. RANDALL. Under that ruling of the Chair I would prefer to come in ahead of the morning hour with the report of the committee of conference on the Indian appropriation bill, in order that that bill may be sent to the Senate. And I will ask consent that the report be acted upon at once and sent to the Senate before I submit a few remarks which I desire to make. This is the last of the general appropriation bills, and I desire to make some general remarks upon the subject of appropriations.

Mr. HOLMAN. I would suggest to the gentleman from Pennsylvania [Mr. RANDALL] that it will take but a short time to enable such gentlemen as have bills to introduce them for reference.

Mr. RANDALL. I have no objection to accommodate myself to the desire of the House.

The SPEAKER *pro tempore*. The Chair will certainly recognize the gentleman from Pennsylvania to submit a conference report; but he will rule against any other business interfering with the call of



States in the morning hour of Monday. The regular order this morning is the call of States, as the Chair has announced, and the call rests with the State of Virginia, where it rested at the close of the morning hour on Monday last.

SAMUEL GARDNER.

Mr. FOSTER (by request) introduced a bill (H. R. No. 4096) for the relief of Samuel Gardner, of the District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EMILY BEALL.

Mr. FOSTER also (by request) introduced a bill (H. R. No. 4097) for the relief of Mrs. Emily Beall, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HERRON.

Mr. McMAHON introduced a bill (H. R. No. 4098) granting a pension to William Herron, First and Ninth Light Batteries, (Massachusetts;) which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS NUGENT.

Mr. McMAHON also introduced a bill (H. R. No. 4099) for the relief of Lieutenant Thomas Nugent, Company H, Twenty-seventh Indiana Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUCINDA E. HUMPHREYS.

Mr. DIBRELL introduced a bill (H. R. No. 4100) for the relief of Lucinda E. Humphreys, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. STIVERS.

Mr. HOLMAN introduced a bill (H. R. No. 4101) restoring the name of John W. Stivers, a soldier of the Mexican War, to the pension-rolls; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF PHILIP LAWALL.

Mr. JAMES B. REILLY introduced a bill (H. R. No. 4102) for the relief of the legal representatives of Philip Lawall, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE FORBES.

Mr. HENKLE introduced a bill (H. R. No. 4103) for the relief of George Forbes, sr., Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. SOPER.

Mr. HENKLE also introduced a bill (H. R. No. 4104) for the relief of Mary E. Soper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY H. TOLSON.

Mr. HENKLE also introduced a bill (H. R. No. 4105) for the relief of Mary H. Tolson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by U. S. GRANT, jr., one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory;

An act (H. R. No. 629) for the relief of Jonathan White;

An act (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

An act (H. R. No. 2161) for the relief of R. H. Buckner;

An act (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

An act (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California;

An act (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

An act (H. R. No. 3392) for the relief of John R. Harrington;

An act (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; and

An act (H. R. No. 4087) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I desire to make a report from the committee of conference on the Indian appropriation bill; and I ask unanimous consent that after the report is acted on I may have the same privilege of speaking which I would have under the rules while the report is pending. I desire to hasten final action on the bill, and not delay sending it to the Senate until the conclusion of my remarks, which

will have relation to that bill and generally to the appropriation bills of this session.

Mr. FOSTER. I make no objection; but I would like to have the privilege of making some remarks after the gentleman from Pennsylvania [Mr. RANDALL] shall have concluded. I do not intend to obtrude myself upon the House to the prejudice of any important business. I have already been granted the right to print remarks, but I would much prefer to deliver them.

The SPEAKER *pro tempore*. By general consent it may now be understood that after the report upon the Indian appropriation bill has been acted upon, the gentleman from Pennsylvania [Mr. RANDALL] shall occupy the floor for such time as he may desire and that afterward it shall be occupied by the gentleman from Ohio, [Mr. FOSTER.]

Mr. HOAR. Does not the request of the gentleman from Pennsylvania imply that his speech would have no effect whatever upon the House with reference to this bill?

Mr. RANDALL. I do not expect it to have any effect with reference to the Indian appropriation bill, because I propose to speak upon the twelve regular appropriation bills of the republican party generally. [Laughter.]

The SPEAKER *pro tempore*. The Chair hears no objection to the arrangement which has just been stated.

Mr. RANDALL. I present the report of the committee of conference on the Indian appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 16, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 56, 58, 59, 60, 62, and 63, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of \$100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokees and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, \$250," and in like 16 strike out "nine" and insert "six," and at the end of line 3, page 6, of the bill, add the following: "and for gilling-twine for nets, \$1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, \$400;" at the end of line 15, page 7, add "and for gilling-twine for nets, \$400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 23, page 20, of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people," in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 20, after the word "designate," insert the following: "And the further sum of \$20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty five," and after the word "dollars," in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"Provided, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and \$300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State, under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "Provided" down to and including the word "but" in line 8, and insert the word "That;" and in line 10, strike out the word "and," where it first occurs, and strike out the words "and others," and in line 11 strike



out the word "and" where it first occurs, and strike out "and for no other purposes," and insert "and for paying employés: And provided further, That amounts now due employés for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

"SEC. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: Provided, That the purchase of supplies for sixty days may be made in open market: And provided further, That to meet any exigency of the service purchases may be made in open market to an extent not to exceed \$2,000 at any one time."

And the Senate agree to the same.

SAML. J. RANDALL,  
A. M. SCALES,  
S. A. HURLBUT,  
*Managers on the part of the House.*  
WM. WINDOM,  
JOHN A. LOGAN,  
FRANCIS KERNAN,  
*Managers on the part of the Senate.*

MR. SPRINGER. I desire, Mr. Speaker, to state before this conference report is concurred in, that I recognize the fact that our conferees have exerted themselves to the utmost of their abilities in order to secure the transfer of the Indian Bureau from the Interior to the War Department. They have been met in this effort by the persistent opposition of the conferees on the part of the Senate. The alternative was presented to the House of a defeat of the bill or a yielding to the demands of the Senate. The transfer of the management of Indian affairs from the Interior to the War Department was one of the most important measures of reform inaugurated by this House. It was estimated by our Committee on Appropriations that this reform would result in a saving to the Government of from three millions to five millions annually. For the failure of this important measure the Senate is alone responsible, and the republican majority of that body have assumed this responsibility. The House has been compelled to yield this point, as it has many others in the interest of economy, at the demand of the Senate. The people will understand this fact and will not fail to hold their public servants to a strict accountability for the defeat of this transfer. This failure will serve to inform the people that they can look for measures of economy and reform only to their immediate representatives. If the people desire a thorough reform in all the Departments of the Government, they must reconstruct the United States Senate through their State Legislatures. Until that is done a severe retrenchment and genuine reform in all Departments of the Government cannot be secured.

MR. RANDALL. I call for the previous question on agreeing to this report.

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

MR. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MR. EDEN. I ask unanimous consent to have printed in the RECORD remarks on the motion to reconsider the vote by which the President's message on the sundry civil appropriation bill was referred.

There being no objection, leave was granted. [See Appendix.]

MR. RANDALL. Mr. Speaker, before the final adjournment of a protracted and laborious session, it is proper to review our action concerning appropriations from the public Treasury to carry on the Government for the fiscal year ending June 30, 1877. In the discharge of this task I am sensible of no other motive than that there shall be a complete and impartial exhibit of the work in behalf of retrenchment and reform which we set out to do, and the difficulties and opposition which met us at every step in the interest of those who saw in any reduction of public expenditure loss to them of salary or place, notwithstanding there was consequent advantage to the tax-payers and the efficiency of the governmental administration was in no degree impaired.

We were met at the very threshold by the inexorable alternative of reducing expenditures to a just and economical basis, or, by allowing appropriations to be made at the same figures of previous years, with increased taxation; and this latter it was our plighted faith and solemn duty to prevent in behalf of the great body of the people borne down by a heavy load of taxation, and who were further distressed beyond measure by derangement and misfortune in every avenue of agricultural, manufacturing, mechanical, and commercial activity. To this end every item of public expense, whether large or small, was subjected to the severest scrutiny, and an inspection of every Bureau and Department of the Government undertaken, without parallel, I believe, for a quarter of a century.

The Committee on Appropriations gave to this work their most earnest attention. It required incessant labor and much patience. Arrayed against us were all those whose favorite selfish schemes were to be frustrated for the public good; eager and greedy corporations who sought to fatten from the public purse, place-hunters and place-holders, and the friends and partisans of all, high or low, who were in any way to be affected by reduction, and especially by the marked unwillingness on all hands by chiefs of Bureaus and heads of Departments to agree to any withdrawal of their official patronage. - But

we had the comforting assurance that we had behind us the people who demanded that their burdens should be lightened by practical and necessary reductions, and this consoled us oftentimes in the discharge of an imperative public duty when we found ourselves compelled to deny appropriations to the extent desired for objects dearly cherished by our constituents.

The majority of this House of Representatives was elected to reform manifold abuses of administration. And when we assembled in December last that reform element assumed full authority in this Hall, and obtained partial control over public expenditures. The first difficulty which presented itself to the execution of the trust confided to us was the existence of a rule of the House which prevented the repeal or even modification of any law as to appropriations upon an appropriation bill unless two-thirds of the members assented thereto, which number the majority did not have.

The construction which had been given to that rule allowed amendments to increase compensation to officers, clerks, and employés, but adroitly prevented as out of order any reduction whatever. To overcome this obstruction a proposition was submitted to so change the rule as to allow the incorporation into appropriation bills of such legislation, which, being germane, retrenched expenditures, thus making a complete revolution in the operation of the rule and turning legislative action in this House from extravagance into the better and safer direction of economy. That change, for the purpose I have indicated, was vigorously resisted by the republican side of the House for the reason that, composing as they did and do more than one-third of its members, no amendments changing existing law could be made or put upon an appropriation bill except when such amendments increased salaries, as under the old practice two-thirds were required to suspend the rules to allow the majority to vote even on such amendments; and that two-thirds, as I have already stated, the minority in this House could at any time refuse.

Without such a change any and all efforts on the part of the House to reduce the expenditures of the Government would have been as the idle wind. Here stood the republican members of more than one-third to prevent and obstruct any such reduction, with a Senate, as we afterward found, even more determined in its purpose. Finally, through the agency of the Committee on Rules, we secured a report of the alteration so much desired, and the House adopted it by a majority composed exclusively of democrats. Almost all the reductions we have accomplished have followed as the result of that first step, for it opened the way.

It must not be forgotten that when Congress assembled the country was prostrated in all the essentials which go to make a people prosperous, contented, and happy. Many of our manufacturing establishments were closed and most of those still running were working only a portion of the time. Commerce languished, agriculture went unrewarded, and a feeling of distrust widely prevailed, causing capital to be unusually cautious. Almost all new enterprises were abandoned, and labor, then as now seeking employment, was to the extent of its activity inadequately remunerated.

Our duty in such a condition of affairs was too plain to be mistaken. It was to lop off at once, and resolutely, every extravagant and unnecessary expense. This we have partially accomplished, and in a manner which will in no degree cripple the Administration in its legitimate functions. But to secure even this partial result without producing friction has required long and patient examination, investigation, and study. A further plan of procedure adopted was to reduce 10 per cent. all salaries over \$1,200 and provide a reduction in the force of clerks and employés of 20 per cent. These two provisions, if fully adopted, would have secured a much larger reduction of appropriations and the discharge of all supernumerary clerks and employés, of which there are still a large number.

It is well known that all over the land private establishments of every sort and description have reduced the rates of compensation to their employés. A signal instance of this is shown at Lowell, Massachusetts, which is the guide in a measure for all New England. The working people there have themselves consented to a reduction of 10 per cent. as just and fair, not the first either to which they have recently been subjected. The House considered this not an unreasonable reduction in amount under the circumstances. But this reduction has almost wholly failed because of the obstinacy of the Senate and the Senate conferees in relation thereto. A reduction in the number of clerks and employés has been only partially realized, as the House conferees were forced to yield a part of their recommendations. It will surprise many when they learn the fact that as many as one hundred thousand persons receive pay from the Federal Treasury.

In order that no harm should possibly come from reduction of force, we directed the attention of the executive officers of the Government to the existing law in reference to the hours of labor required for the clerks and the employés. It is to be found in section 162 of the Revised Statutes, as follows:

Sec. 162. From the 1st day of October until the 1st day of April, in each year, all the Bureaus and Offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land Office, shall be open for the transaction of the public business at least eight hours in each day; and from the 1st day of April until the 1st day of October, in each year, at least ten hours in each day, except Sundays and days declared public holidays by law.

Heretofore clerks have only been required to devote six hours a day to the service of the Government. Recently, on the coming in of the democratic House, by orders to the Bureaus that time has been



extended to seven hours. If, however, the terms of the law are adhered to, more actual hours of service will be secured under the reduced number of clerks and employes agreed upon than we have now with the present excessive force.

Great complaint has been made against our change of laws upon appropriation bills, as though it were at this time a novel and unheard-of thing and never before attempted in the legislation of the Government. Let us see how that is. I append herewith a list of changes of laws which have been incorporated into appropriation bills during all the years from 1865 down to and including 1875. The extent to which such legislation has been carried on will, I have no doubt, surprise many; and I regret to say that during those years of undisputed republican rule in both branches of Congress the change has almost always been in the direction of increased appropriation and expenditure.

I will here mention a few notable instances of such legislation. They embrace changes in the staff and line both of the Army and Navy.

The Pacific Mail steamship subsidy found its place on such act.  
The re-organization of the Post-Office Department.  
The re-organization of the diplomatic and consular service.  
The partial re-organization of the subtreasury system.  
The prohibiting the pardon or amnesty of any claimant in the Court of Claims being admissible to establish his standing in court.  
The re-organization of the civil service in the Treasury Department.  
Legislation as to the enforcement act.  
The manner of settlement of judgments by the Court of Claims and the Supreme Court as to capture of cotton.

The section declaring that the General of the Army shall be permanently stationed in Washington and only removed by the advice and consent of the Senate, and directing all Army orders to go through the General of the Army, whether issued by the President of the United States or by the Secretary of War.

On the appropriation bill last year the rates on newspapers were doubled, to the great injury of those in the rural sections especially, and the rates on third-class matter were so increased as to take it from the mails and drive it to the express companies.

I mention these few to show the general character and wide scope of the legislation which has been put into appropriation bills, and beg to refer to the appendix hereto annexed, which will show the enormous mass of legislation of greater or less importance which has been from time to time during the past ten years fastened on such acts, relating as it does to almost every conceivable subject.

Again, Mr. Speaker, as a natural result of the prostration of all business, the revenues of the Government have diminished to an alarming extent, and the warning held out to us was one not to be disregarded, as it might turn out in the coming fiscal year, the reduction would be so great that the revenues would fall below the amount required to meet the expenditures of the Government. In this emergency it was absolutely essential to provide for reduction of expenses rather than entail any increase of our interest-bearing debt or any addition to our present taxation. Nay, more; if the full measure of reductions recommended had been acceded to by the republican minority in this House and the majority in the Senate, then, even with a falling revenue, the internal and other taxes could have been reduced to an extent of say \$10,000,000, with comparative safety.

Before I leave the general discussion of these subjects and go to a detailed examination of the respective appropriation acts, I wish to direct public attention to what I deem some abuses in reference to expenditure which have gradually accumulated until they have become of dangerous proportions. Under existing laws we have a system of what is known as "permanent specific" and "permanent indefinite" appropriations. They embrace among others the sum necessary to pay the interest on the public debt, the sum necessary to pay the interest on the bonds of the various Pacific railroads, and guaranteed by the United States, and the amount necessary to be paid in obedience to law to the sinking fund on account of the liquidation of the principal of the public debt.

In so far as the foregoing objects are concerned I do not raise serious objections. Their provisions go to make easy the mind of the public creditor by the certainty of no hitch in the prompt and regular payment of our public interest. But the laws go further and include others which in my judgment should pass under the annual supervision of Congress, among which are the sum necessary to collect the revenues from customs, which is only limited as to amount of expenditures by the discretion of the Secretary of the Treasury, a power too great for permanent safety; for arming and equipping the militia of the several States; the salaries and expenses of the southern claims commission; the return of the proceeds from the sale of captured and abandoned property to owners thereof; the commission to be paid to persons negotiating the refunding of the national debt  $\frac{1}{2}$  of 1 per cent.; the salaries and expenses of the steamboat inspectors; the refunding of money due to owners or reputed owners of cotton improperly seized after the 30th of June, 1865; allowances and drawbacks in the Internal Revenue Bureau; the refunding of illegal internal taxes; the repayment of duties levied in excess from customs as well as debentures, drawbacks, bounties, and allowances in the customs service. Most if not all of the latter character should have the frequent inspection of Congress and the people. I would suggest, therefore, at our next session legislation to remedy these dangers. About \$18,000,000 pass

each year out of the Treasury under these heads, in excess of the amount paid on account of interest on the public debt and the sinking fund, which is an enormous sum to be under the control of executive officers without check.

I shall now proceed to an examination of the several appropriation bills, in order of date as they were enacted into law.

#### PENSIONS.

Appropriations last year, \$30,000,000; Department estimates for year ending June 30, 1877, \$29,533,500; recommendation of House Committee on Appropriations, \$29,533,500; House passed \$29,533,500; Senate committee recommended \$29,533,500; Senate passed \$29,533,500; law as finally enacted, \$29,533,500.

The respective committees of the two Houses and both Houses of Congress agreed in the amount to be appropriated for pensions, which was in full as indicated by the estimate.

A pleasant incident in connection with this appropriation was the fact of its being in committee and in the House in charge of a member of the committee [Mr. ATKINS, of Tennessee] formerly an officer in the confederate army and a member of the confederate congress. Such exhibitions give the denial to the political charge that the leading men of the South still bear any hostility to the Union, for he was scrupulous in seeing that no pensioner of the Union suffered in the least degree.

Many reforms are imperatively needed in connection with the distribution of pensions.

The Committee on Pensions recommended the transfer of the Pension Bureau from the Interior Department to the War Department, where it formerly was, as appears by their report, for reasons, among others, as follows: Pension agencies which now cost annually \$448,000, the Committee on Pensions report could be dispensed with and twenty efficient clerks divided equally among the four classes of clerks known to the law, at a cost of \$30,000, could do the work as efficiently and with less delay than now occurs.

The work, if under the War Department, could be done in the main by the retired officers of the Army, with one-half pay in addition to present retired pay of such officers, and the amount of pay saved would be quite one-half. At present more than one-half is done at the Surgeon-General's and Adjutant-General's Offices. Both these Bureaus now employ one hundred and sixteen persons on this work and an equal number of additional clerks, if duties were transferred to War Department, to wit, two hundred and thirty-two clerks in all would be ample; whereas the present force in the Pension Bureau is over four hundred; near three hundred over what economy and necessity require. The character of the work is in a measure judicial, requiring legal knowledge; and yet last year one hundred and twenty-eight employes were discharged and ninety-six new appointments made—putting out experienced clerks and substituting for such men ignorant and inefficient persons in their stead. This was done mainly for political considerations. The truth is, as the evidences establish, the Bureau is run as a political machine. Two clerks of the national republican congressional committees of last year were entered on the pension-roll and paid from pension funds.

The War and Pension Departments being separate, there was required last year 56,000 duplicates of rolls from these two offices, requiring transmission by mail and messenger, which might all have been done in the same office. The fact is, the delays now incident to applications for pensions or increase of pensions, arise almost entirely from these separations of duty, causing years of delay to those least able to bear procrastination and those, too, who never ought to be subjected to such annoyances and privations.

I will allude to another abuse and then leave this branch of my subject. The finance division of the Pension Bureau can be dispensed with altogether, employing forty-eight clerks. This is set forth in Mr. Clark's testimony. In reply to a question whether that division ought not to be lopped off, he said:

If the work in the Auditor's Office was up to date, the work in the finance division would be useless.

There cannot therefore be a reasonable doubt as to the economy to be gained and the general propriety of the transfer.

#### DEFICIENCIES.

Appropriations last year, \$4,703,699.18; Department estimates for year ending June 30, 1877, \$2,723,471.70; recommended by House Committee on Appropriations, \$662,315.07; House passed \$671,486.74; Senate committee recommended \$840,831.27; Senate passed \$840,831.27; the law as finally enacted, \$816,723.56.

I believe these deficiencies are less than usual and heretofore, because of the knowledge by the Departments that a democratic House was to be in authority this year, notice having been given last year by the then democratic minority of the Forty-third Congress that the practice of allowing large deficiencies would not be countenanced. The Departments are, however, entitled to partial credit, for their estimates of deficiencies this year were considerably less than heretofore. The same rigid rule will be again applied, and the Departments must govern themselves accordingly.

#### FORTIFICATIONS.

Appropriations last year, \$850,000; Department estimates for year ending June 30, 1877, \$3,406,000; recommendations of House Committee on Appropriations, \$315,000; House passed \$315,000; Senate com-



mittee recommended \$315,000; Senate passed \$315,000; the law as finally enacted, \$315,000.

This was a large comparative reduction, but I believe no material interests will suffer therefrom, either in respect to our fortifications or as to experiments to be made in the trial of armament or torpedoes. The largest-size guns of our recent war are now considered ineffective. Earth-works experience has shown to be the best protection against artillery on land or iron-clads on water. The sums so lavishly expended since the war have not brought any adequate return in these respects. In the past ten years, up to and including this year ending June 30, 1876, we appropriated for these purposes more than \$13,000,000, a large amount of which could as well have been saved by the same character of reductions which we have made this year.

## NAVY.

Naval service appropriation last year, \$17,001,006.40. Department estimates for year ending June 30, 1877, \$20,871,666.40. Recommendations of House Committee on Appropriations, \$12,808,655.40. House passed \$12,432,855.40. Senate committee recommended \$16,167,855.40. Senate passed \$14,557,855.40. The law as finally enacted, \$12,740,355.40.

The appropriations for the naval establishment are largely reduced. It is a branch of the service where large savings can be prudently made. I need not allude at length to the sums heretofore expended and the manner of their expenditure. The Department in its management has been thoroughly examined into by a committee of this House, and their findings are in print, which render a further criticism in this connection unnecessary. These reduced appropriations come up to the full measure of recommendations by the Naval Committee.

## POST-OFFICE.

Post-office appropriations last year, \$3,376,205; Department estimate for year ending June 30, 1877, \$5,431,602.99; amount recommended by House Committee on Appropriations, \$2,680,906; amount passed the House, \$4,230,906; amount recommended by Senate Committee on Appropriations, \$7,586,647; amount passed Senate, \$7,288,647; the law as finally enacted, \$5,967,498.

The reductions in this act arise mainly from the cutting off of the salaries of the higher class of postmasters, which have been confessedly too high, and the reduction of 10 per cent. on the amounts to be paid to the railroads for the transportation of mails, among which is what is known as the "fast mail." An erroneous impression prevails as to this latter service.

The fast mails were not provided for by law. Speed was not taken into consideration in determining the compensation. Weight and the number of postal cars were and are the elements in fixing the pay to railroads.

This extra line was first established less than a year ago by throwing an increase in the quantity of mail matter on these principal roads, thus increasing the number of postal cars, and with additional weight, causing an increased amount of payment to special roads. The compensation as fixed by act of March, 1873, was a very great increase over former rates. Prior to that time \$375 per mile on all lines was the maximum rate. Under that act the pay on some lines was increased to \$705 per mile per year, and on the fast lines as high as \$1,016 per mile per year.

This Congress has reduced the rates for railroad service generally 10 per cent., which is a moderate reduction. The compensation on star lines and steamboat service has been reduced far more than 10 per cent. since March, 1873; in fact, from 10 to 30 per cent. The amount paid before the passage of the act of March, 1873, was considered high even for that period. The reduced price of every commodity which goes into the cost of running a railroad is far greater than 10 per cent. These roads have reduced the compensation to their employes, and together with a general shrinkage of values, it goes to show that the amount now fixed is comparatively higher than it was at the time the former rate was agreed to. I am indebted to the gentleman from Indiana [Mr. HOLMAN] for these facts and conclusions; and any one who knows his care and accuracy in such matters will at once accept them as true and correct.

After all that can be said, the benefits of the fast mail are divided between the railroads receiving the increased pay and the newspapers of our great cities in the quick transit of their papers. In this day of telegraphing the newspapers of the various cities of the Union are more on an equality in furnishing promptly the important news of the day, which renders continuance of these high rates unnecessary even for the people in receiving prompt public information.

The post-office appropriation act for the year ending June 30, 1876, raised the rates of postage on third-class mail matter, so as to take it from the mails and give the monopoly of its transportation to the express companies, while at the same time the postage on newspapers was doubled.

The latter imposition has been removed by the legislation of this year, but the first still remains a burden upon the people in behalf of the express companies, and is estimated as worth to those companies half a million dollars per annum in increased receipts from transportation of merchandise, &c. The House at every opportunity sought to accomplish full repeal of both provisions, but the Senate was obdurate, and refused to concede the repeal of the merchandise portion of the act.

## ARMY.

Appropriation last year, \$27,933,830; Department estimate for year ending June 30, 1877, \$33,348,748.50; recommendation of House Committee on Appropriations \$23,155,077.12; House passed \$23,179,819.52; Senate committee recommended \$27,715,877.20; Senate passed \$27,715,877.20; the law as finally enacted, \$25,987,167.90.

The Army appropriation act does not show that extent of reduction which we intended and had reason to hope we should obtain at the opening of the session because of our Indian troubles, and because of the determination of the Administration to keep a large force in the South. The House bill fixed the Army at 22,000 soldiers, relatively divided between the three arms of the service, and sought in addition to reduce the compensations of certain officers which were deemed disproportionate and too high. The manner of payment of these compensations is in some respects highly objectionable, rendering it almost impossible to compute with accuracy the pay received by officers in the Army. The Senate was resolute against all these changes, and the House was compelled to yield, and only succeeded in securing the following legislation:

SEC. 24. That the whole subject-matter of reform and re-organization of the Army of the United States shall be referred to the commission hereinafter provided for, who shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms, and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and the capacity for rapid and effective increase in time of actual war. The commission hereby created shall consist of two members of the Senate and two members of the House of Representatives to be appointed by the presiding officers of each House, respectively, of the Secretary of War, and two officers of the Army, one from the line and one from the staff corps, to be selected by the President with special reference to their knowledge of the organization and experience in service. Such commission shall assemble as soon as practicable and proceed to the consideration of the matters with which they are charged, and make report to Congress by the first day of the next session through the President of the United States, with all the evidence, record or otherwise, which they shall have received and considered. And the sum of \$1,000 is hereby appropriated from the contingent fund of the War Department to defray the expenses of such commission, to be expended under the direction of the president of said commission.

The result of the foregoing, it is believed, will ultimately remedy some defects. We felt that they were so glaring as to demand immediate change.

## SUNDRY CIVIL BILL.

Appropriation last year, \$26,644,350.09; Department estimates for year ending June 30, 1877, \$32,560,475.29; amount recommended by House Committee on Appropriations, \$14,626,981.74; amount passed the House \$14,557,326.54; Senate committee recommended \$18,501,601.24; Senate passed 19,956,496.99; the law as finally enacted, \$16,357,905.47.

This act which covers the sundry civil expenses of the Government, is that upon which it is attempted to ingraft all doubtful schemes and unnecessary expenses, which to any other general appropriation bill would be ruled out of order as not germane.

In reference to this particular act, the President of the United States saw fit, although approving the same, to send a message condemning the character of our reductions. I propose now, and here, with due respect to the Chief Magistrate, to inquire into the justice of his criticisms.

In the first place, he says:

Notably among the first class is the reduction in the ordinary annual appropriations for the revenue-cutter service, to the prejudice of the customs revenue.

This criticism is completely refuted by a plain statement of the facts which show that the amount appropriated is in excess of the amount expended in the revenue-cutter service during the last fiscal year. The expenditures for the year ending June 30, 1876, were \$842,000, and the appropriations for the year ending June 30, 1877, \$874,891, the latter exceeding the former more than \$30,000.

Next as to the amount given to continue the Signal Service. This service cost last year nearly a million dollars. It has grown to be an immense Bureau in its workings, and we think is extravagantly conducted. It draws its resources from three appropriation bills, the legislative, the army, and the sundry civil, and aggregates, as stated, \$1,000,000. We are advised that the Western Union Telegraph Company can perform the same service with equal satisfaction to the public for one-half the money, and that the company is willing to undertake it at that reduction. This we understand is also the opinion of many officers heretofore in charge of the War Department. Our reductions, in view of this statement, have been very moderate, amounting to \$100,000 in the general expense provided for in the sundry civil bill and of only fifty enlisted men in the Army for this corps. At some of the stations the employes numbered as high as seven, and by careful revision of the force at the several stations this reduction of fifty men will hardly be felt.

The criticism as to the mints evidently arose from want of knowledge of the amounts appropriated in these several bills. It would have been seen by examination that the amount appropriated for running the mints and assay offices was fully up to the necessities of the country, even taking into consideration the increased expense for coining subsidiary silver recently authorized by law in substitution of fractional currency.

Now as to the objection urged to reductions of appropriations for



the construction of public buildings throughout the country and the building for the State, War, and Navy Departments in the city of Washington. The policy which guided the House was to make appropriations this year for no building the construction of which had not yet been commenced, and in making appropriations for those already begun to give a sufficient sum to finish and furnish those of smaller size, such as the custom-house at New Orleans; the custom-house and post-office at Raleigh, North Carolina; the custom-house and post-office at Trenton, New Jersey; the custom-house and post-office at Port Huron, Michigan; the custom-house and post-office at Parkersburg, West Virginia; the court-house and post-office at Lincoln, Nebraska, and the custom-house and post-office at Rockland, Maine, giving the balance which we deemed wise to appropriate in a moderate degree to the larger structures, so as to go on with the work slowly. The appropriation is two millions less than last year, when the appropriations for public buildings, new and old, were unusually extravagant.

As to the appropriation for new structure for the State, War, and Navy Departments in the city of Washington, it was under the same rule. The expenditures for this structure are made an exception, all the others being under the Supervising Architect of the Treasury Department, while this is under an engineer of the Army, General O. E. Babcock.

For the repairs and preservation of the navy-yards we gave \$100,000 against \$500,000 last year. We deemed that for the legitimate purposes of repairs proper at the different navy-yards and stations and the preservation of the same \$100,000 is adequate, and believed the half million heretofore given was diverted to other purposes not properly chargeable to this particular service.

In reference to armories and arsenals the reductions, except in one or two instances of no small amount, were those recommended by the late Secretary of War, Mr. Taft, in his communication to Congress revising the estimates of his predecessor.

In regard to the judicial expenses of the Government, reduction was made upon the recommendation of the Committee on Expenditures in the Department of Justice, and justified after thorough investigation by exposure of the most outrageous frauds upon the Government, perpetrated by marshals and other United States officers, the most flagrant of which were in the States of Arkansas and North Carolina. The justice and propriety of this reduction are undoubted.

The action of the committee concerning surveys of the public lands was taken after full conference with members on both sides of the House, representing western districts, as well as with Delegates from the Territories. The gentleman from Minnesota, [Mr. DUNNELL,] when the bill came up first for consideration, used the following language:

There are many things in this appropriation bill referring to the public lands which meet my approval. I believe that we have appropriated a much larger sum of money in years past for the survey of the public lands than was needed, and I have said to members of the Committee on Appropriations that I believed there could be retrenchment and a saving of money in this direction at the present time, and while I represent a western land State, I am very free to say that we may appropriate no more than is in this bill with a very good reason for the present year. I do not believe that a single State or a single Territory will suffer practically by this reduction.

It is only necessary for me to add the further fact, that there are now 160,000,000 acres of the public domain surveyed and undisposed of.

The President further complained that we had impaired the efficiency of the light-house service. Reference to figures shows the complaint to be without foundation. The appropriation last year was \$1,999,000 and for this year \$2,018,600, the appropriation for this year being nearly \$20,000 over that of last year.

Appropriations for light-houses, beacons, and fog-lights were made after consultation with the proper officer having that service in charge and we gave a sum sufficient, as we were advised, for all that was absolutely necessary during the fiscal year. There were some which were desirable for which we did not make appropriation, but they were not such as we thought to be demanded now.

Appropriations for the District of Columbia are generally included in this act, and I need not stop to give the reasons why we sought to be cautious in whatever we did. Past experience has shown such profligacy in the management of the affairs of this District that common justice to the people required we should surround all our appropriations with every possible safeguard.

We authorized an advance from the Treasury of the United States of the money necessary to meet the interest on the public debt of the District for the entire fiscal year; thus preventing any default of prompt payment like that which has heretofore occurred, although a portion of the debt had been reported by a committee of this House to have been illegally contracted.

We also appropriated for the various charities and charitable institutions within the District; authorized the repaving of Pennsylvania avenue, a proportionate share of the expense to be borne by the Government; provided for the payment of one-half of the expense of the police and board of health; and, besides, allowed the government of the District to increase the temporary debt to the extent of over \$400,000, so that no embarrassment should or is likely to occur. The appropriations for the year ending June 30, 1875, amounted to \$2,962,251.11, almost all of which was exclusively for the benefit of the people of the District. The amount appropriated for the year ending June 30, 1876, was \$1,865,136.43.

The implied statement by the President that the aggregate appropriations of the sundry civil bill are in amount not more than 65 per cent. of those heretofore made should command approbation rather than censure.

For life-saving and life-boat stations our appropriations are in excess of those made last year. We gave this year \$237,460, while the amount appropriated last year was \$231,580. Surely we cannot be charged with injuring this humane service of the Government when we have in this democratic House appropriated more than was appropriated by the previous republican House.

The appropriation for public printing and binding we reduce largely on the recommendation of the Committee on Printing of this House, which established the fact of gross abuse and extravagance in the administration of that Office. The amount asked for the current year was \$2,296,056.56. The amount given last year was \$1,665,507.66. The amount allowed this year, under advice of the Committee on Printing, is \$1,133,737.50, about half a million dollars less than the appropriation last year. The report of this committee, to which I have alluded, clearly establishes the fact that this sum should have been sufficient to have done the work last year if the proper prices had been paid for material and the running expense had been rightfully adjusted.

For the support of the National Home for Disabled Volunteer Soldiers we gave the exact amount asked, \$668,733.44.

The appropriations for the sundry civil expenses of the Government for the year ending June 30, 1868, were \$5,307,191.38. In 1870 they had crept up to \$9,976,223.81. In 1872 they further advanced to \$24,161,773.86. Finally, in 1874, they reached the enormous amount of \$32,186,129. In 1875, when the distress in the country became so prevalent it could no longer pass unheeded, even in a republican House of Representatives, we find there was a small reduction from \$32,186,129 to \$27,009,744.81; in 1876, to \$26,644,350. We have reduced the sundry civil expenses this year below the appropriation of last year \$10,441,780.01 appropriating only about one-half the amount appropriated in 1874, being a reduction of about \$16,000,000.

#### MILITARY ACADEMY.

Appropriations last year, \$364,740; Department estimates for year ending June 30, 1877, \$437,470; amount recommended by House Committee on Appropriations, \$231,241; amount passed the House, \$259,231; Senate committee recommended \$308,841; Senate passed \$308,841; the law as finally enacted, \$290,065.

There was in controversy between the two Houses the question of compensation to professors at West Point. The House deemed that in some instances, being over \$6,000 per annum, they were higher than for similar services in civil life, especially when we take into consideration the fact that these professors without encountering any of the privations, hardships, and dangers of Army life are when they reach a condition of impaired usefulness placed upon the retired list, and receive three-quarters of their pay at the time they are retired. The Senate demanded the question of this reduction should be remitted to the commission created to inquire into the re-organization of the Army, and the House was compelled to accede thereto.

#### RIVER AND HARBOR BILL.

River and harbor appropriations last year, \$6,643,517.50; Department estimates for year ending June 30, 1877, \$14,301,100; amount recommended by House Committee on Appropriations, \$5,872,850; amount passed the House, \$5,872,850; Senate committee recommended \$4,993,000; Senate passed \$5,000,000; the law as finally enacted, \$5,000,000.

This bill was not made up by the Committee on Appropriations, and therefore I have not that full knowledge which would warrant me in speaking of its details in comparison with previous bills with the same certainty that I am able to do concerning the eleven other appropriation bills. It is, however, a large reduction upon the amount appropriated last year for the same purposes, and an immense reduction, as will be seen by the foregoing figures, upon the estimates of the Department.

#### INDIAN BILL.

Appropriations last year, \$5,360,554.55; Department estimates for year ending June 30, 1877, \$5,787,995.60; amount recommended by House Committee on Appropriations, \$3,905,771.27; amount passed the House, \$3,979,602.11; Senate committee recommended \$5,206,861.27; Senate passed \$4,958,361.27; the law as finally enacted, \$4,670,117.02.

The principal disagreement between the two Houses related to the transfer of the Indian Bureau from the Interior to the War Department. The House believed that the management of Indian affairs could be more economically and efficiently administered by Army officers already under pay than by civil officers, under whom had grown up a wide-spread system of peculation upon the Indian, as well as upon the Government. One of the grounds which induced the Indian to go to war against the white man was that treaty stipulations in reference to the delivery of subsistence and other supplies were not faithfully fulfilled. An Army officer holding a life position dependent upon integrity and good behavior, and with a strong desire for promotion, which can only occur upon the active and faithful discharge of his duties, is more likely to execute the promises of the Government toward the Indian than the civil officer who comes in and goes out with every change of Administration. And the present double-headed system of dispensing subsistence and supplies to the Indians through the agency of civil officers, while restraining and



keeping them at peace by the military arm, has been proved by long experience to be not only enormously expensive, but without any adequate beneficial results either to the Indians or to the Government. The hand that feeds should be the hand to punish in case of wrong-doing. Viewed as an economic question, we have General Sheridan for authority, and almost all of the officers who have come into collision with the Indians, to show that the opinion I here express is the just one.

There is a misconception as to the Army officer. He does not desire constant warfare with the Indians, for, while he has to undergo great privation and hardship, he at the same time endangers his life in battle with the Indians without that honor which attaches to warfare between civilized nations. Indeed, of all the people in the world, the Army officer has less to gain and more to lose by Indian hostilities than any other of our citizens.

The House authorized the transfer in the Indian appropriation bill, having previously passed a separate proposition on the same subject, which was transmitted to the Senate on the 25th of April last, but which the Senate never took up for consideration or discussion. Incidentally, however, they did discuss the clause in the Indian bill, and voted it down, upon the ground that it was a change of law upon an appropriation bill. We think the country had a right to expect from the Senate more consideration of this subject, and the House only yielded at last, when longer persistence would result in unlimited extension of the session without corresponding good.

The mismanagement now existing, although unfortunate, is well illustrated by the fact that the hostile Sioux are armed with better weapons than the troops put into the field against them. At this very session we have been compelled to pass a law prohibiting the Indian agents from further supplying to these hostile Indians improved arms and ammunition. I doubt neither the propriety nor the absolute necessity of the proposed transfer, and only regret to say the proposition has been defeated in the Senate more by indirection than by open opposition.

Let me pause for a moment to state a fact which carries with it its own commentary. While there are in the Army 26,000 men, 15,000 of them in the Military Division of the Missouri, embracing the whole Black Hills country where the recent fights and massacres occurred, General Terry and General Crook have been left until lately to resist the combined hostile Indians under Sitting Bull with a force of less than three thousand men. We are now asked to add to the Army twenty-five hundred cavalry, when it must be apparent to the most casual observer that such addition is entirely unnecessary if the force was taken from where it is of no service whatever and transferred to where it is needed to win success to our arms.

I yet hope for the transfer at the next session. We have made reductions, even under its present inefficient management, of \$700,000 or thereabouts.

#### CONSULAR AND DIPLOMATIC BILL.

Appropriations last year, \$1,374,985; Department estimates for year ending June 30, 1877, \$1,352,485; amount recommended by House Committee on Appropriations, \$922,847.50; amount passed the House, \$912,747.50; Senate committee recommended \$1,341,647.50; Senate passed \$1,341,647.50; the law as finally enacted, \$1,153,579.50.

The House held that our diplomatic service was conducted with unnecessary expense and that the salaries paid to foreign ministers were excessive when contrasted with the salaries paid to other governmental officials, while at the same time officers of the highest diplomatic rank were accredited to governments where *chefs d'affaires* with greatly reduced salaries would be equally efficient. The truth is that all important matters in controversy between this and foreign governments are to-day directly negotiated and adjusted through by the State Department at Washington, and therefore in many cases the position of foreign minister is little more than a costly sinecure. Under what is known as the Orth bill, the salaries of these officers were increased, and that increase in a measure we have taken off.

It must not be forgotten that our ministers abroad are not valuable for any service they render to our commerce, but that, on the contrary, it is our consular system which is brought into direct contact with the American shipping, and therefore we would like to see that thorough revision of the consular system which will secure its improvement and greater efficiency.

The claim because the consular system is not only self-supporting, but has an excess over receipts from the payment of fees, that therefore all the money received should be expended in the service, is about as just as to claim that the customs revenue and the internal revenue because of receipts beyond expenditures should likewise be administered with extravagance.

We have not secured the reductions we sought, and which we believed to be proper, but we have at least accomplished enough to reward us for the effort.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Appropriations last year, \$18,902,236.99; Department estimates for year ending June 30, 1877, \$20,836,307; amount recommended by House Committee on Appropriations, \$13,009,807.61; amount passed the House, \$12,998,815.61; Senate committee recommended, \$16,606,858; Senate passed, \$16,635,338; the law as finally enacted, \$15,373,960.

The great struggle of the session took place on this bill. I have

already spoken of our plan of reduction, both as to the force and the salary of Government employés. The House sought to reduce both, while the Senate, with equal tenacity, resisted reduction either of force or salary. The result of the controversy is that while we recommended twelve hundred and twelve reduction of clerks and employés, they have yielded but seven hundred and sixty-five, who are to go out of office on the 10th day of October. We agreed to make this reduction gradual, one-third on the 10th of September, one-third on the 10th of October, and one-third on the 10th of November; but the Secretary of Treasury requested we should change it in the manner in which it has been finally agreed to, to wit, that the entire reduction shall take place on the 10th of October.

The House incorporated in this bill a clause repealing the increase of the salary of the President from \$25,000 to \$50,000 a year, providing that on and after the 4th day of March, 1877, the salary of the President of the United States should be \$25,000 per annum. The House saw nothing wrong in this, since both Houses of Congress at this session had passed a bill on the same subject to the same effect. The bill originated in the Senate and was returned to that body vetoed by the President. This salary was doubled when the salaries of Senators and Representatives were increased, and it was equally condemned by the people. The salaries of Senators and Representatives were restored to \$5,000, but the Constitution intervened to prevent any reduction of the President's salary from \$50,000 a year during his term of office. Therefore it was that, in obedience to the will of the people, we provided for the restoration of the salary of the President to \$25,000, beginning with the expiration of the present presidential term. The Senate struck this clause out of the House bill, and the House conferees, unwilling to yield on this point, referred the subject to the two Houses. The Senate still adhered, and finally the House was compelled to yield.

This increase of the President's salary was originally made upon an appropriation bill which the President signed without demur, and the House saw a fitness therefore that the repeal of the obnoxious increase which the people so unmistakably condemned should be passed in a bill of a like character. When salaries are increased upon appropriation bills, there is no hesitation, no impropriety, no injustice, but everything is right and just and lawful; but when an effort is made to decrease salaries, and lighten the burden upon the tax-payers, then it is all wrong, and to be fought to the last extremity. I have the sincere conviction that the people will see this matter in its true light, and if we have gained nothing else in our retrenchment efforts we have made a great step in advance in favor of economical administration when we have attracted public attention to these crying evils.

The next point of difference was as to the compensation of Senators and Representatives. The House applied the general rule of 10 per cent. reduction, because it seemed only fair when starting out to reduce all other salaries we should first begin with our own. The Senate refused to yield, and the House conferees were equally firm, and the question finally was remitted to the House, and the decision was similar to that in the case of the President's salary.

It was urged on the part of the Senate that when the salary was reduced to \$5,000 the franking privilege had been abolished, and therefore the charge upon Senators and Representatives for postage was about equal to the proposed 10 per cent. decrease. This at the time seemed proper to take into consideration; but since the House was compelled to yield the Senate has restored the franking privilege so far as that body could. This action on their part certainly will not escape criticism.

The Senate refused to reduce in any respect the salaries of the higher departmental and bureau officers. They were willing to reduce the intermediate salaries—that is, of those between the higher positions and the three classes of clerks receiving \$1,400, \$1,600, and \$1,800 per annum—and on those changed only consented to a reduction of 5 per cent., so that these intermediate salaries are the only ones which have been reduced in the Departments, under the operation of the bill as it was enacted into law.

Another effort in favor of reduction of expenditures was made by the House in reference to the employés and *attachés* of the two Houses. These expenses have gradually grown to very large sums, and are altogether disproportionate to what is fairly required by the needs of the service. Last year the Senate expenditures were \$282,276.80. The House recommended a reduction to \$170,840. The Senate committee increased this to \$245,648. The bill as passed appropriates \$273,520.80. The House expenditures last year were \$378,975.70. The House committee recommended a reduction to \$295,948, which the Senate increased to \$345,511.20. The bill as passed appropriates \$312,028. The Senate claimed the right, which has been heretofore conceded, to have the exclusive control of the number and pay of their employés. The reduction therefore in the expenses of the Senate between this and last year is only a little over \$8,000, while the House have reduced their expenses \$67,000. The House were compelled to raise their expenses somewhat from the original recommendation because of the great disparity which the Senate insisted upon in favor of the salaries of their employés.

As an illustration of how the number and salaries in the Senate and House have increased in a few years, I herewith submit a statement, originally reported from the Committee on Appropriations of the House:



Comparative exhibit showing relative force and compensation of the two Houses of Congress.

Estimates for 1876-'77.		Appropriations for 1865.	
<i>Officers and employes, Senate.</i>			
Secretary of the Senate.....	\$4,320 00		\$3,600 00
Officers charged with the disbursements.....	576 00		480 00
Chief Clerk.....	3,000 00		2,500 00
Additional to Chief Clerk (while said office held by present incumbent.).....	1,000 00		
Principal clerk.....	3,000 00		2,160 00
Principal executive clerk.....	3,000 00		2,160 00
Minute and journal clerk.....	3,000 00		
Financial clerk.....	3,000 00		
Librarian.....	2,220 00		
Seven clerks, at \$2,220 each.....	15,540 00	{ Eight at \$1,850 each..	14,800 00
Clerk of printing records.....	2,220 00		1,850 00
Five clerks, at \$2,100 each.....	10,500 00		
Keeper of stationery.....	2,102 40		1,750 00
Assistant keeper of stationery.....	1,800 00		
Messenger.....	1,296 00	{ 2 mess'gers \$1,800 each	2,160 00
Special policeman.....	1,296 00	{ 1 policeman.....	480 00
Chaplain.....	900 00	{ 1 page.....	500 00
Secretary to the Vice-President.....	2,102 40		750 00
Clerk to Committee on Finance.....	2,220 00		1,700 00
Clerk to Committee on Claims.....	2,220 00		1,850 00
Clerk to Committee on Appropriations.....	2,220 00		
Clerk to Committee on Commerce, 1874.....	2,220 00		
Clerk to Committee on the Judiciary, 1875.....	2,220 00		
Clerk to Committee on Private Land Claims, S. C., 1875.....	2,220 00		
Telegraph operator, at the rate of \$100 per month during session of Congress.....	500 00		
Sergeant-at-Arms and Doorkeeper.....	4,320 00		2,000 00
Assistant doorkeeper.....	2,592 00		1,700 00
Acting assistant doorkeeper.....	2,592 00		
Postmaster.....	2,100 00		1,750 00
Assistant postmaster.....	2,088 00		1,440 00
Two mail carriers, at \$1,200 each.....	2,400 00	And mail carrier.....	1,800 00
Superintendent of document-room.....	2,160 00	\$900 each.....	1,500 00
Two assistants in document-room, at \$1,440 each.....	2,880 00	\$1,200 each.....	2,400 00
Superintendent of folding-room.....	2,160 00		1,500 00
Three messengers, acting as assistant doorkeepers, at \$1,800 each.....	5,400 00	Two messengers, \$1,500 each.....	3,000 00
Twenty messengers, at \$1,440 each.....	28,800 00	Seventeen messengers, at \$1,200 each.....	20,400 00
Laborer in charge of private passage.....	864 00		600 00
Laborer in charge of ladies' room.....	720 00		
Chief engineer.....	2,100 00	Superintendent in charge of furnace.....	1,200 00
Four assistant engineers, at \$1,440 each.....	5,760 00	Assistant.....	600 00
Two firemen, at \$1,095 each.....	2,190 00		
Three laborers, at \$730 each.....	2,190 00	Two laborers, at \$600 each.....	1,200 00
<b>Total.....</b>	<b>146,068 40</b>	<b>Total.....</b>	<b>79,682 00</b>
<i>Officers and employes House of Representatives.</i>			
Clerk of the House.....	\$4,320 00		3,600 00
Officer charged with disbursing the contingent fund.....	576 00		
Chief clerk and journal clerk, at \$3,600 each.....	7,200 00	And one assistant, at \$2,160 each.....	4,320 00
Two reading clerks, assistant journal clerk, and tally clerk, at \$3,000 each.....	12,000 00		
Four assistant clerks, at \$2,592 each.....	10,368 00	Eleven clerks, at \$1,800 each.....	19,800 00
One assistant clerk.....	2,220 00		
Eight assistant clerks, including librarian and assistant librarian, at \$2,160 each.....	17,280 00		
Four assistant clerks, at \$1,800 each.....	7,200 00		1,752 00
Chief messenger in office of Clerk of the House, at \$5.76 per day.....	2,102 40	Three messengers, at \$1,200 each.....	3,600 00
Superintendent of document-room of Clerk of the House.....	1,800 00	Messenger to the Speaker.....	1,752 00
Three messengers, including messenger in library, at \$1,440 each.....	4,320 00		
One engineer.....	1,800 00		
Three assistant engineers, at \$1,440 each.....	4,320 00		
Six firemen, at \$1,095 each.....	6,570 00		
Clerk to Committee of Ways and Means.....	2,592 00		
Messenger to Committee of Ways and Means.....	1,314 00		1,800 00
Clerk to Committee on Appropriations.....	2,592 00		
Messenger to Committee on Appropriations.....	1,314 00		
Clerk to Committee of Claims.....	2,160 00		1,800 00
Clerk to Committee on War Claims.....	2,160 00		
Clerk to Committee on Public Lands.....	2,160 00		1,800 00
Clerk at Speaker's table, at \$5.76 per day.....	2,102 40		

Comparative exhibit showing relative force and compensation of the two Houses of Congress—Continued.

Estimates for 1876-'77.		Appropriations for 1865.	
<i>Officers and employes House—Continued.</i>			
Private secretary to Speaker.....	\$2,102 40		
Sergeant-at-Arms of the House of Representatives.....	4,320 00		\$2,160 00
Clerk to Sergeant-at-Arms.....	2,500 00		1,800 00
Paying teller to Sergeant-at-Arms.....	1,800 00		
Messenger to Sergeant-at-Arms.....	1,440 00		1,200 00
Doorkeeper of the House of Representatives.....	2,592 00		2,160 00
Assistant doorkeeper.....	2,592 00		
Postmaster of the House of Representatives.....	2,592 00		2,160 00
Assistant postmaster.....	1,800 00		
Fourteen messengers, seven at \$1,500 each, and seven at \$1,200 each.....	18,900 00	{ Two mail-boys, at \$900 each, and four messengers, at \$1,440.	
Chaplain of the House of Representatives.....	900 00		7,560 00
Two stenographers, at \$4,200 each.....	8,400 00		750 00
Superintendent of the folding-room.....	2,160 00		
Superintendent and assistant of document-room, at \$2,160 each.....	4,320 00		1,800 00
Document file clerk.....	1,800 00		
Five messengers, at \$1,800 each.....	9,000 00	Two messengers, at \$1,752 each.....	3,504 00
Six messengers, at \$1,440 each.....	8,640 00	One messenger, at \$1,740.....	1,740 00
Twelve messengers, during session of Congress, (seven months,) at \$1,440 each per annum.....	10,080 00	Five messengers, at \$1,500 each.....	7,500 00
Fifteen laborers, at \$720 each.....	10,800 00	Six messengers, at \$1,200 each.....	7,200 00
Seven laborers, during session of Congress, (seven months,) at \$720 each per annum.....	2,940 00	Twelve messengers, during the session, at \$1,200 each per annum.....	4,800 00
Two laborers, one at \$820 and one at \$917.50.....	1,737 50	For fuel, lights, pay of engineers, firemen, and laborers, repairs, &c.....	12,000 00
One woman for attending in ladies' retiring-room.....	600 00		
<b>Total.....</b>	<b>900,786 70</b>	<b>Total.....</b>	<b>84,498 00</b>

One other valuable result accomplished is the enactment of a clause in the direction of civil-service reform, prohibiting all officers or employes of the Government not appointed by the President and confirmed by the Senate from requiring or requesting, giving to or receiving from, any other officer or employé of the same, or other person, directly or indirectly, any money, property, or other thing of value for political purposes; and any such officer or employé doing so shall be dismissed at once from the service of the United States, and also be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not more than \$500.

I now append in tabular form a comparative recapitulation, from which it will be seen that between the appropriations of this year and last year we have made a reduction within a fraction of \$30,000,000.

Mr. SPRINGER. I have made an estimate of the amount of money to each congressional district, and find that it would be \$102,555.65. And I have also estimated the amount which this would save annually to the State of Illinois, the State which I have the honor in part to represent, and I find it would be \$1,948,557.35, and my friend from New York [Mr. COX] suggests that this would amount to an annual saving of \$3,384,336.45 to the State of New York. Every gentleman can make the computation for his own State. This is a most important result, and when brought home to the people of each district they will not fail to appreciate the fact. By the action of this House, through the efficient services of the Committee on Appropriations, an annual burden of \$102,555.65 has been lifted from the shoulders of the tax-payers of each congressional district.

Mr. FOSTER. Is that the reduction on the estimates?

Mr. SPRINGER. That is the amount of reduction for each congressional district.

Mr. RANDALL. The amount is \$102,555.65.

Mr. FOSTER. On the estimates or appropriations?

Mr. SPRINGER. On the appropriations actually made.

Mr. FOSTER. As against the estimates or appropriations?

Mr. RANDALL. I cannot yield further.

The re-appropriations in Army and sundry civil bills are added in our aggregates.

Early in the session, under provocation in debate, but after careful examination and close study, I stated it as my belief that the expenditures of the Government could be reduced from \$30,000,000 to \$40,000,000 without being prejudicial in any degree to an efficient administration of all governmental functions. At the time this was considered to be an exaggeration. Events, however, have demonstrated the correctness of the statement. And I regret to say that in our struggle with the Senate we have been compelled to yield to that body to the extent of \$10,500,000 from the reduction proposed by the House committee. In another year, we hope and believe, the Senate,



by the verdict of the people, will concur with us in that regard. And I here assert that, with a Chief Magistrate acting in harmony with the purpose of the present House, a further reduction can readily be made of \$10,000,000, bringing with it no difficulties in the administration of the Government.

These facts and figures, Mr. Speaker, speak for themselves, and need no elaboration at my hands. Upon the result which they demonstrate we rest our claim of having earnestly and faithfully discharged our duty to the people in the way which they required when they sent us here. We have not reduced expenditures as much as they expected; but that we have not done so is no fault of ours.

One more suggestion and I will close. I believe the real, natural, safe, and permanent way to the resumption of specie payments is in the reduction of the expenditures of the Government to what is needed by an economical administration. Human foresight, in my judgment, cannot fix the exact hour or day when it shall take place. But, the truth is self-evident, if we save \$20,000,000 or \$30,000,000 or \$40,000,000 a year, we not only provide the means for a speedy resumption by the establishment of a rigid economy and just expenditure, but we establish that confidence which must inevitably precede the desired result. [Loud applause.]

The following are the tables referred to:

## COMPARATIVE RECAPITULATION.

Objects.	Estimates of the Departments for 1877.	House Committee on Appropriations recommendation for 1877.	Amount as passed House for 1877.	Amount as passed Senate committee for 1877.	Amount as passed Senate.	Law for the year 1877.	Law for the year 1876.
Pensions.....	\$29,533,500 00	\$29,533,500 00	\$29,533,500 00	\$29,533,500 00	\$29,533,500 00	\$29,533,500 00	\$30,000,000 00
Military Academy.....	437,470 00	231,241 00	259,231 00	308,841 00	308,841 00	290,065 00	364,740 00
Consular and diplomatic.....	1,352,485 00	922,847 50	912,747 50	1,341,647 50	1,341,647 50	1,158,579 50	1,374,985 00
Fortifications, &c.....	3,406,000 00	315,000 00	315,000 00	315,000 00	315,000 00	315,000 00	850,000 00
Legislative, executive, and judicial.....	20,836,307 00	13,009,807 61	12,998,815 61	16,606,858 00	16,635,338 00	15,373,960 00	18,902,236 99
River and harbor.....	14,301,100 00	5,872,850 00	5,872,850 00	4,993,000 00	5,000,000 00	5,000,000 00	6,643,517 50
Deficiency.....	2,723,471 70	662,315 07	671,486 74	840,831 27	840,831 27	816,723 56	4,703,699 18
Post-office.....	37,939,805 99	32,189,109 00	33,739,109 00	37,094,850 00	36,796,850 00	35,475,701 00	37,524,361 00
Naval service.....	20,871,666 40	12,808,655 40	12,432,855 40	16,167,855 40	14,857,855 40	12,740,355 40	17,001,006 40
Indian.....	5,787,995 60	3,905,771 27	3,979,602 11	5,206,861 27	4,958,361 27	4,670,117 02	5,360,554 55
Army.....	33,348,748 50	23,155,077 12	23,179,819 52	27,715,877 20	27,715,877 20	25,987,167 90	27,933,830 00
Sundry civil.....	32,560,475 29	14,626,981 74	14,857,326 54	18,501,601 24	19,956,496 99	16,357,905 47	26,644,350 09
Total.....	203,099,025 48	137,233,155 71	138,752,343 42	158,626,722 88	158,260,598 63	147,719,074 85	177,663,327 71

## Reductions in Appropriations.

Object.	From estimates.	From last year's law.
HOUSE COMMITTEE REDUCTIONS.		
Pensions.....		\$466,500 00
Military Academy.....	\$206,220 00	133,499 00
Consular and diplomatic.....	429,637 50	452,137 50
Fortifications.....	3,091,000 00	535,000 00
Legislative, executive, and judicial.....	7,826,499 39	5,892,429 38
River and harbor.....	8,428,250 00	770,667 50
Deficiencies.....	2,061,156 63	4,041,384 11
Post-office.....	5,750,696 99	5,335,252 00
Naval service.....	8,063,911 00	4,192,351 00
Indian.....	1,882,224 33	1,454,783 28
Army.....	10,193,671 38	4,778,752 88
Sundry civil.....	17,933,493 55	12,017,368 35
Total.....	65,865,869 77	40,430,172 00

Object.	From estimates.	From last year.
HOUSE REDUCTIONS.		
Pensions.....		\$466,500 00
Military Academy.....	\$178,239 00	105,509 00
Consular and diplomatic.....	439,737 50	462,237 50
Fortifications.....	3,091,000 00	535,000 00
Legislative, executive, and judicial.....	7,837,491 39	5,903,421 38
River and harbor.....	8,428,250 00	770,667 50
Deficiencies.....	2,051,984 96	4,032,212 44
Post-office.....	4,200,696 99	4,145,299 00
Naval service.....	8,438,811 00	4,568,151 00
Indian.....	1,808,393 49	1,380,952 44
Army.....	10,168,928 98	4,754,010 48
Sundry civil.....	17,703,148 75	11,787,023 55
Total.....	64,246,682 06	38,910,984 29

Object.	From estimates.	From last year.
THIS YEAR'S LAW REDUCTIONS		
Pensions.....		\$466,500 00
Military Academy.....	\$147,403 00	74,675 00
Consular and diplomatic.....	193,905 50	216,405 50
Fortifications.....	3,091,000 00	535,000 00
Legislative, executive, and judicial.....	5,462,347 00	3,528,276 99
River and harbor.....	9,301,100 00	1,643,517 50
Deficiencies.....	1,906,748 14	3,886,975 62
Post-office.....	2,464,104 99	2,408,707 00
Naval service.....	8,131,311 00	4,260,651 00
Indian.....	1,117,878 58	690,437 53
Army.....	7,361,580 60	1,946,662 10
Sundry civil.....	16,202,569 82	10,286,444 62
Total.....	55,379,950 63	29,944,232 86

## APPENDIX.

Statement showing in brief synopsis instances of independent legislation upon appropriation laws during the last ten years, referred to by date and title of law.

1866.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Directing the manner of disbursement of the unexpended balance of \$250,000 appropriated by act of March, 1865, for compensation of temporary clerks and for additional compensation to clerks in the Treasury Department.
2. Fixes the number and pay of force in the office of the assistant treasurer in Boston.
3. Authorizes the Secretary of the Treasury to remove the whole or any portion of the machinery at the branch mints at New Orleans, Charlotte, and Dahlonega to such other branch mints as may require the same, or to discontinue the said mints and dispose of the property belonging thereto.
4. Sections 2 and 3 increase the salary of the Treasurer of the United States to \$6,500, and that of the Commissioner of Public Buildings, &c., to \$2,500.
5. Section 4 increases and re-organizes the force in the executive offices, authorizing as follows: Private Secretary, \$3,500; assistant secretary, \$2,500; short-hand writer, \$2,500; clerk of pardons, \$3,000; three clerks of fourth class and a steward, at \$2,000, the latter to have the custody of all the public property in the President's House, and give a bond in such sum as the Secretary of the Interior may deem sufficient.
6. Section 6 increases the pay of female clerks and counters from \$720 to \$900.
7. Section 7 continues in force the provisions of the legislative act appropriating, for the year ending June 30, 1865, 20 per cent. additional to the pay of certain employes.
8. Section 8 authorizes the Secretary of the Navy to appoint in the different Bureaus of his Department forty-three clerks of various classes.
9. Section 9 provides for a continuance of increased compensation of inspectors of customs in certain ports, in conformity to act of April 29, 1864.
10. Section 10 prescribes the manner of adjustment of accounts of Stewart Gwynn, under and by the authority of the legislative act providing for the year ending June 30, 1866.
11. Section 12 provides for payment of the proper informers' moieties, &c., in cases where moneys accruing to the United States from fines, &c., have been erroneously received and covered in the Treasury before said payment.

## ARMY.

1. Section 4 provides for manner of obtaining supplies for the Quartermaster's Department, and conditionally prescribes preference for articles of American manufacture and produced on the Pacific coast.
2. Section 5 repeals section 17 of the act of July 17, 1862, and a resolution of April 4, 1862, in regard to assignment of command of troops and pay and emoluments of certain officers, and provides that no officer in the military or naval service in time of peace shall be dismissed except in pursuance of sentence of court-martial or in commutation thereof.
3. Section 6 provides that the Superintendent and officers of the Military Academy may be selected and detailed from any arm of the service, and its charge and supervision shall be under the War Department, under such officers as the Secretary of War may assign.
4. Section 7 provides for extra pay for soldiers employed as artificers or laborers in constant labor of not less than ten days, &c.
- Section 8 increases mileage of officers traveling under orders to ten cents per mile.

## NAVY.

1. Directions to Secretary of Navy in connection of purchase of Seavey's Island.
2. Section 2 amends act of May 21, 1864, appropriating bounties for destruction of enemy's vessel.
3. Section 3 provides that no payment of the appropriations made by this act shall be made in violation of the act of July 2, 1862, to prescribe an oath of office.

4. Section 4 repeals the act prohibiting allowance to officers in the service for rent of quarters, &c., and all acts or parts of acts authorizing the appointment of Navy agents.

5. Section 5 provides that the Secretary of the Navy may direct the time of examination of candidates for admission to the Naval Academy.

6. Section 6 abolishes office of assistant in Bureau of Ordnance.

7. Section 7 prohibits vacancy in the grade of professor of mathematics.

8. Section 8 revives the act of August 31, 1852, for surveys and reconnaissances of such parts of Behring's Straits, North Pacific Ocean, as are frequented by American ships, and directs the Secretary of the Navy to recommence surveys, &c., and continue in the Pacific Ocean, and to use officers, vessels, &c.

9. Section 9 authorizes transfer of appropriations for the pay of the Navy to the uses of the contingent fund.

#### CONSULAR AND DIPLOMATIC.

1. Section 2 provides for the appointment of a Second Assistant Secretary of State and an examiner of claims.

2. Section 3 provides as to the accounting for and disposition of fees collected by certain consuls and commercial agents.

3. Section 4 provides that the salary of an envoy extraordinary shall be only that of a minister resident, except when appointed to a post where the United States are now represented by an envoy extraordinary.

#### RIVER AND HARBOR.

1. Sections 2 and 3 instruct Secretary of War as to application of appropriations, as to making contracts, manner and matter of reports to Congress, as to proposals, disbursing officers, and forbidding the latter to receive commissions, (they being United States officers,) and places the appropriations at the disposal of the Secretary of War.

#### MILITARY ACADEMY.

1. Section 2 prohibits persons who have served in the military or naval service in the Confederate States from receiving an appointment as cadet in the Military or Naval Academy.

#### POST-OFFICE.

1. Section 3 authorizes the Postmaster-General to employ sailing-vessels for the transportation of the mails between the United States and any foreign port, to facilitate the service.

2. Section 4 requires the Postmaster-General to report his estimates annually to the Secretary of the Treasury prior to the 1st day of November.

3. Section 6 provides for manner of advertising notices and proposals for contracts for all the Executive Departments required by law to be published in the city of Washington, and the amount of charge to be paid for such.

#### INDIAN.

1. Section 2 prohibits funds belonging to any Indian tribes under treaty relations to be applied in any manner not authorized by such treaty, &c.

2. Section 3 provides for payment, and the manner thereof, of \$500,000 for supplies for the destitute Indians of the southern superintendency, and authorizes the Comptroller of the Treasury to take testimony as to amount due certain contractors upon principles of equity.

3. Section 4 provides who and under what conditions may be Indian traders.

#### SUNDRY CIVIL.

1. Section 2 partially organizes the independent treasury; also prescribes the manner and conditions under which payment of the commutation-fund (act of February 24, 1864) may be made.

2. Section 3 repeals so much of act of April 7, 1866, as provides for compensation of revenue agent at New York.

3. Section 4 supplies deficiency for the mail service, to the amount of \$925,000, out of the revenues of the Post-Office Department for the year ending June 30, 1866.

4. Section 5 increases pay of certain watchmen to \$900 per annum.

5. Section 6 increases pay of Metropolitan police force \$30 per month, and prescribes the manner of providing such increase.

6. Section 7 authorizes the Secretary of the Navy to dispose of the property saved from the rebel steamer Florida, and to distribute the proceeds as other prize-money.

7. Section 8 gives midshipmen and acting midshipmen one ration, or commutation therefor. An increase.

8. Section 9 repeals so much of act appropriating salary for minister resident in Greece.

9. Section 10 provides for traveling expenses of First Michigan Cavalry in the year 1866, and subsistence at the time of muster out from the service of the United States.

10. Section 11 extends provisions of the act of June 22, 1860, to carry into effect treaties between the United States and China, Japan, and other countries.

11. Sections 12, 13, 14, 15, and 16 provide for payment of bounties to soldiers who enlisted after the 19th of April, 1861, and after the 14th of April, 1861, or their widows, minor children, or parents, the manner of payment, and provide conditions of circumstance under which paid, and prescribe the duty of Paymaster-General in the reception, examination, settlement, and payment of said bounty to said soldiers, or to their widows or heirs.

12. Section 17 increases compensation of Senators, Representatives, and Delegates in Congress to \$5,000, and fixes mileage at twenty cents per mile, and that of the Speaker of the House at \$3,000 per year.

13. Section 18 increases the compensation of all employees of the Senate and House 20 per cent., to commence with the present Congress.

14. Section 19 provides for board of officers, to be appointed by Secretary of War, to supervise the expenditure of \$5,000 for the preservation of the harbor of Provincetown, Massachusetts.

#### DEFICIENCIES.

1. Section 4 construes the meaning of the fourth section of the act of March 3, 1865, and authorizes the disbursement of certain money through certain agents referred to in said section.

2. Section 7 directs Secretary of War to report estimates for the erection of suitable fire-proof buildings for the War Department.

3. Section 8 amends the fourth section of the act of March 3, 1849, being "an act to provide for the payment of horses and other property lost in the service of the United States," by striking out all after the enacting clause and substituting, "that the said [Third] Auditor shall in all cases transmit his adjustment, with all the papers relating thereto, to the Second Comptroller, for his revision and decision thereon, the same in all respects as is provided in the act of September 2, 1879," the same being "an act to establish the Treasury Department."

1867.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Section 2 declares the scope of the proviso contained in the third section of act July 2, 1864, to embrace all suits to which the United States shall be a party in the Court of Claims.

2. Section 3 authorizes the Secretary of War to direct a geological and topographical exploration of the Territory between the Rocky Mountains and the Sierra Nevada.

#### ARMY.

1. Proviso in reference to the ownership, payment for keeping in repair, and manner of using the Rock Island bridge.

2. Section 2 requires the headquarters of the General of the Army of the United States to be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate, &c.

3. Section 3 repeals the joint resolution relative to the appointments to the Military Academy of June 10, 1866.

4. Section 5 prohibits whipping or maiming as a punishment by any pretended civil or military authority lately in rebellion until the civil government of such State shall have been restored and recognized.

5. Section 6 disbands all militia forces now organized in certain rebel States, and forbids further organization, arming, or calling into the service of the same.

#### NAVY.

1. Section 2. Secretary of the Navy authorized to negotiate with the city of Brooklyn for an exchange of lands in Wallabout Bay.

2. Section 3 prohibits Government officers or employees in navy-yards from requesting of workmen money for political purposes, and forbids removal on account of political opinion.

#### RIVERS AND HARBORS.

1. Section 2 revives previous unexpended appropriation, provides for the manner of its expenditure, and that the Michigan City Harbor Company shall contribute \$100,000 for the same purpose, to wit, a harbor at that place, and provides for the manner in which contracts shall be made and the work shall be done, &c.

2. Section 3 instructs Secretary of War as to manner of inviting proposals for any work, any material or labor, and as to security from disbursing officers.

#### INDIAN.

Sections 2, 3, and 4 provide for the manner of paying moneys or annuities to Indian tribes; as to the duty of the Indian Bureau to report tabular statement at commencement of each December session, showing in detail expenditure, and to whom paid, and for what objects, and provide for vacancies in particular cases of Indian subagents.

#### SUNDRY CIVIL.

1. Section 2 abolishes office of Commissioner of Public Buildings, and devolves the duties upon the Chief of Engineers of the United States Army, including all the public works of the Government in the District of Columbia not otherwise provided for by law, and places appointment of Capitol police under the respective Sergeants-at-Arms.

2. Sections 3 and 4 authorize Light-House Board to use unexpended balances of appropriations for the Pacific coast for similar works upon the same coast, and to purchase necessary lands in certain cases and under certain conditions, and forbids certain superintendents of lights whose compensation as collectors of customs exceeds \$3,000 per annum from receiving compensation as disbursing agents, &c.

Section 5 fixes salary of general appraiser and assistant appraisers.

3. Section 6 grants relief to clerk of pardons, State Department.

4. Section 7 directs Clerk of House of Representatives to select newspapers in each of the ten rebel States in which laws, &c., shall be published, and the manner and rates.

5. Section 8 authorizes Secretary of Treasury to sell at public auction certain buildings and grounds belonging to the United States.

6. Section 9 directs the Secretary of the Interior to examine condition of public buildings in New Mexico and report, &c.

7. Section 10 directs as to advertisements, &c., to be printed in newspapers in the District of Columbia, and as to other printing.

8. Section 12 directs Secretary of War to increase the pay of clerks in Springfield armory.

SEC. 13. That the laws relating to the Army, Navy, militia, and the Marine Corps be published in the Army and Navy Journal at such rates as are fixed by the Secretary of State.

#### DEFICIENCIES.

1. Section 2 transfers unexpended balance of appropriation for legislative expenses of Nebraska for a geological survey of said Territory.

2. Sections 3 and 4 fix tax on gaugeable goods withdrawn from bonded warehouse for export, and fix pay of gangers at port of New York after April 1, 1867.

3. Section 5 construes portion of act of April 2, 1866, to authorize and require the Secretary of the Treasury to pay certain contractors.

4. Sections 7, 8, 9, fix salaries of certain surveyors, clerks, and judges.

5. Section 11 gives notice of annulment of contract for publication of debates in Congress.

6. Section 12 authorizes Secretary of Interior to appoint in the Pension Office eighty clerks for two years.

1868.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Re-organizes partially the office force of the Department of State, and repeals the act of 1856.

2. Makes special Commissioner of Revenue Chief of Bureau of Statistics.

3. Section 2 extends provisions of section 10 of sundry civil law of 1867, concerning proposals for contracts for printing for all the Executive Departments, and printing the laws and treaties, providing place, number of newspapers in which, and time of advertisements.

4. Section 3 repeals the act authorizing the publication of debates in Congress, and directs the Joint Committee on Printing to invite proposals for the same.

5. Section 4 directs the manner of advertisements, &c., in the District of Columbia, Maryland, and Virginia.

6. Section 5 fixes the pay of each night watchman in the Treasury Department at \$900 per year.

7. Section 6 excludes statuary, &c., property of private individuals, from the Capitol building.

#### NAVY BILL.

1. Section 2 establishes number of enlisted persons in the Navy at 8,500.

2. Section 3 covers in unexpended appropriations existing on the 1st of July next.

3. Section 4 directs Secretary of Treasury to state in his next Book of Estimates balances of appropriations made prior to present session of Congress for each branch of the public service and unexpended on the 1st day of July next, stating the amount necessary to execute contracts and pay expenses properly chargeable to such balances.

#### SUNDRY CIVIL BILL.

1. Section 7 covers in the moneys standing to the credit of patent fund, and requiring hereafter detailed statement of expenditures.

2. Section 8 authorizes special tax for schools in Washington and Georgetown.

3. Section 9 repeals law regulating price of labor in Government Printing Office, and making it the duty of the Government Printer to contract for such labor at just rates.



4. Section 10 provides for payments to Maine and Massachusetts under the fourth article of treaty of Washington, 9th of August, 1842.

## DEFICIENCY.

1. To pay for services of the First Regiment of the Colorado Mounted Militia.
2. Section 2, to re-imburse the city of Washington for improving the property of the General Government, and repealing certain acts.
3. Section 3 makes it a misdemeanor for any officer of the Government to contract for the erection, repair, or furnishing of any public building, or improvement in excess of any specific appropriation.
4. Section 4 repeals laws appropriating for the solicitor, assistant solicitor, and deputy solicitor of the Court of Claims, and of the Assistant Attorney-General for fiscal year ending June 30, 1869, and appropriates for two Assistant Attorneys-General, one clerk, and two clerks of class four, for said year.

## CONSULAR AND DIPLOMATIC.

1. Section 2 forbids pay to diplomatic or consular officers while absent beyond the term of sixty days in any one year.
2. Section 3 provides fee for verification of invoices. penalty for illegal charges, &c., and conditionally abolishes tonnage or clearance fees.
3. Section 4 provides for inspection of consular offices.
4. Section 5 provides against willful neglect of consular officers to render accounts.
5. Section 6 provides that the consuls-general, respectively, shall hold but one office, limits expense to stationery, &c.
6. Section 7 fixes salary of consul at Bangkok, in Siam, at \$3,000, and reduces others.

## INDIAN BILL FOR 1868.

1. Section 2 prescribes the mode of delivery of goods to Indians.
2. Section 5 directs Committees on Indian Affairs of each House to examine the Choctaw and Chickasaw claim and report next session.
3. Section 6 restores the Mendocino reservation to the public lands, provides for its survey and sale, &c.

1869.

## ARMY BILL.

1. Authorizes Secretary of War to have prepared and published the results of the exploration of the fortieth parallel.
2. Sections 2 to 7, both inclusive. Partial reduction of the Army.

## NAVY BILL.

1. Section 2. Thirty-three and one-third per cent. a day additional to ordinary seamen employed as firemen or coal-heavers.
2. Section 3 fixes salary of secretary of Naval Academy.
3. Section 4 repeals the act that authorizes the annual enlistment of ten enlisted apprentices for appointment as midshipmen to the Naval Academy.

## DEFICIENCIES.

1. Re-organization of the labor force having in charge and general care the buildings occupied by the Treasury Department.

1870.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Important legislation prohibiting pardon or amnesty of any claimant in the Court of Claims from being admissible to establish his standing in court, and ordering the dismissal of cases where judgment shall have been rendered in the Court of Claims on other proof of loyalty than therein required, and setting forth what is conclusive evidence of former disloyalty.
2. Requiring the proprietors of all internal-revenue bonded warehouses to pay to the collector salaries, &c., of storekeepers or other officers in charge, and directing the Commissioner and accounting officers of the Treasury to take steps to carry law into effect, and authorizing the President in his discretion to divide States and Territories into convenient districts.
3. Section 2 makes female clerks eligible to any of the grades known to the law.
4. Section 3 fixes annual compensation of messengers, assistant messengers, laborers, and watchmen.
5. Section 4 repeals all acts or resolutions granting extra compensation; repeals various sections of various acts.
6. Sections 5 and 6 limit and cover in appropriations and unexpended balances of appropriations.
7. Section 7 prohibits expenditures for any fiscal year in excess of appropriations therefor, or any contract in excess of the same.
8. Section 9 provides for the Polar expedition.

## ARMY BILL.

1. Sections 2 to 25, inclusive, re-organization of the Army.

## NAVY BILL.

1. Legislation on the Corliss Steam-Engine Company, to prevent payment.
2. Re-organization of the Navy.

## INDIAN BILL.

1. Section 2 provides how annuities may be expended.
2. Section 3 instructs the Secretary of the Interior to encourage able-bodied Indians in the habits of industry and peace, and continues the peace commissioners as long as the appropriation shall last; makes it their duty to supervise all expenditures and inspect all goods.
3. Section 4 guards expenditures of Indian appropriations.
4. Section 5 repeals provisions for paying money to minor children of Pottawatomies.
5. Section 6, to discontinue one or more Indian superintendencies.
6. Section 7, as to sale of reservation of certain Indians.
7. Section 8, as to proceeds of same.
8. Sections 9 and 10, as to certain Winnebago Indians.
9. Section 11 empowers Cherokee Indians to institute suit in certain cases.
10. Section 12, removal of Great and Little Osage Indians to permanent home in the Indian Territory; sale of their present diminished reservation; payments in consideration of its relinquishment and for stock, farming utensils, &c.
11. Additional section against making treaty with Indian tribes.

## CONSULAR AND DIPLOMATIC.

1. Section 2 authorizes the President to have accounts of consular officers examined.

## RIVER AND HARBOR.

1. Section 5, Secretary of War to detail three engineers to examine all bridges across the Ohio River.

## SUNDRY CIVIL.

1. Provisions affecting support of students in Columbian Institution for the Deaf and Dumb.
2. Forbidding advertisements, &c., of the Executive Departments being published without written authority from the head of the Department.

3. Section 3 makes provision as to Light-House Board as to revenue-cutters on the northern and northwestern lakes, repealing the law directing them to be laid up, and authorizing the sale of two of them.

4. Sections 5 and 6 authorize canal commission in the city of Washington, and provide for the re-imbursement of the cost of the same by taxes, &c., and authorize certificates of indebtedness to pay amount due by the corporation of Washington, due up to the 6th day of June, 1870.

5. Section 13 permits the extension of the Junction and Breakwater Railroad over the iron pier at or near Lewes, Delaware.

1871.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Altering the law in regard to furnishing extra documents by the Government Printing Office.
2. Modifying the law in regard to publishing laws or treaties in newspapers.
3. Section 3, increasing the salaries of the Chief Justice and associate justices and circuit judges of the United States, and prescribing duty of the latter in regard to places of holding court.

## ARMY.

1. Section 2 directs President of the United States to appoint three commissioners of claims to examine, &c., and report upon the justice, &c., of claims of citizens who remained loyal during the war.
2. Sections 3, 4, 5, and 6 provide for the manner, &c., and makes an indefinite appropriation.
3. Section 7 directs Secretary of War to build and operate a telegraph line from Yankton to Fort Randall, and thence to Fort Sully; provides for the cost, rate per mile, charges for transmission of news, &c.
4. Section 8 provides an indefinite appropriation for the same.
5. Section 9 directs Secretary of Treasury to pay certain Pacific Railroad Companies one-half of the compensation due them for services rendered or to be rendered.

## NAVY BILL.

1. Section 2 authorizes the Secretary of Navy to build a floating iron dock, at a cost of not more than one million, and prescribes the method of receiving bids, and that they be referred to a board of at least five officers, a majority of whom shall be constructors and engineers, and provides for faithful performance of contract.
2. Section 3 provides for manner of making contracts for the Navy for supplies for foreign stations.
3. Section 4 authorizes the President to accept the resignation of any naval officer until the number of the grade to which such officer shall belong is reduced to the legal number, allowing one year's sea-pay conditionally.
4. Section 5 re-organizes the Medical Corps, active enlisted men in the Navy.
5. Section 6 re-organizes the Pay Corps, active enlisted men in the Navy.
6. Section 7, re-organization of Engineer Corps.
7. Sections 8, 9, 10, 11, 12 provide for the re-organization of the Navy, specially as to staff-corps, and adjusting the differences between staff and line.

## INDIAN BILL.

1. Providing as to right of certain mixed-blood Osages.
2. Provides that no payment shall be made for goods or supplies furnished Indians, or transportation thereon, or for buildings or machinery, beyond 50 per cent. of the amount due, until the accounts will have been submitted to the executive committee of the commissioners appointed by the President under provision of the fourth section of the act of April 10, 1869.
3. Section 3 prescribes the manner of making contracts with the Indians.

## POST-OFFICE BILL.

1. Section 4 requires bidders on certain mail-routes to send certified check with bid.
2. Section 5 suspends the building of the bridge over the Ohio River, from Cincinnati to Newport, until certain requirements shall have been complied with.

## SUNDRY CIVIL BILL.

1. Section 7 directs the proceeds of fines, penalties, &c., heretofore incurred or that may hereafter be incurred under the act of July 27, 1868, and the act of July 1, 1870, shall be disposed of under the act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, &c., approved March 2, 1867.
2. Section 8 authorizes Secretary of Interior to increase compensation of assistant census marshals.
3. Section 9 authorizes President to prescribe rules for the admission of persons into the civil service.

## DEFICIENCY.

1. Limits publication of mail contracts to one newspaper.
2. Amends pension laws.

1872.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Sections 2, 3, and 4, concerning printing by heads of Departments, the duty of the Congressional Printer, and the number of congressional documents printed.
2. Section 5 concerns proceeds of old materials—condemned stores—to be covered in as miscellaneous receipts.
3. Section 6 provides for the extension of the public grounds around the Capitol.
4. Sections 7, 8, 9, 10, and 11, ditto, ditto, ditto, ditto.
5. Section 12 requires the Washington and Georgetown and Metropolitan Railway Companies to remove their tracks.
6. Section 13 increases salaries of Second Comptroller, Register, Supervising Architect, and judges of Court of Claims.

## ARMY BILL.

1. Section 2 prohibits branding of soldiers, &c.

## NAVY BILL.

1. Provides for ranks of graduates of Military Academy.
2. Section 2 authorizes Secretary of the Navy to sell useless vessels and material, and providing for the manner of the same.

## CONSULAR AND DIPLOMATIC.

1. Repeal of previous law touching payment of two salaries to one officer in said service.

## INDIAN BILL.

1. Sections 5, 6, 7, 8, legislate upon appraisal of Cherokee lands, for the removal of the Winnebago Indians, and prescribe rules, &c., as to the manner for compensation for depredations committed by Indians, and instruct as to manner of evidence received, and provide also for the removal of the Chippewa Indians of Lake Superior, and provide as to manner of sale of land made vacant by their removal, and appoint certain commissioners.

## POST-OFFICE.

1. Legislates upon the money-order system.
2. Provides for additional monthly mails on Pacific route.

3. Section 5 renders it unlawful for any person who shall hereafter be appointed an officer, &c., in any of the Departments to act as counsel, &c., for prosecuting any claim against the United States pending while he was said officer, &c., within two years after he had ceased to be such.

4. Section 6 legislates for mail service between San Francisco, China, and Japan.

#### SUNDRY CIVIL.

1. Legislation as to enforcement act, &c.
2. Legislation as to continuance of appropriations, unexpended balances, &c.
3. Legislating as to the conveyance of the real estate of the Columbian Institution for the Deaf and Dumb; also the same as to Columbia Hospital for Lying-in Women.
4. Establishing grades of the streets and avenues in the vicinity of the Capitol.
5. Discontinuing the Bureau of Freedmen, Refugees and Abandoned Lands.
6. Transferring Freedmen's Hospital, District of Columbia, to Secretary of War.
7. Instructions to Secretary of War and Postmaster-General concerning business between telegraph companies and Signal Service, and making neglect or refusal on part of such companies finable.
8. Section 6, providing for manner of settlement of judgments by the Court of Claims or the Supreme Court, in cases of cotton captured, abandoned, or seized.
9. Section 7, providing for adjustment of accounts of collector of port of Chicago in case of money destroyed by fire in that city October 9 and 10.

#### DEFICIENCY.

1. Section 2, directing accounting officers to pay laborers, workingmen, and mechanics employed between June 23, 1863, and the 19th day of May, 1869, without reduction on account of hours of labor, &c.
2. Section 3, constituting citizens born in the Territory of Oregon citizens of the United States in the same manner as if born elsewhere in the United States.
3. Section 5, directing Secretary of Treasury to pay lawful owners of cotton seized unlawfully by the agents of the Government after the 30th day of June, 1865, the net proceeds of the sales of said cotton, without interest, and providing for the manner thereof.

#### 1873.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Increase of salary of the President, Vice-President, justices of Supreme Court, Cabinet officers, Assistant Secretaries, Speaker of the House, Senators, Representatives and Delegates, and officers of the Senate and House.
2. Fixing maximum pay of collectors of internal revenue at \$4,500.
3. Prohibiting members or officers of territorial Legislatures from receiving other pay than that provided by the laws of the United States.
4. Limiting printing for Territories, \$4,000.
5. Limiting period of session to forty days.
6. Section 2, directing Secretary of Treasury to withhold payment from certain railroad companies.
7. Section 3, increasing salary of Supervising Architect, Commissioners, Solicitors, Assistant Postmasters-General, and others.
8. Section 4, directing Attorney-General to institute suit against the Union Pacific Railroad.

#### ARMY BILL.

1. As to old uniforms; manner of disposal of such.
2. National military cemeteries; head-stones for same.

#### NAVY BILL.

1. As to rank of engineer officers graduated at the Naval Academy.
2. Section 2, as to prize cases.
3. Section 3, as to retired officers.

#### INDIAN BILL.

1. Authorizing Secretary of Interior to sell trust bonds of the Pottawatomie Indians.
2. Prohibiting traders from selling arms in any district occupied by hostile Indians.
3. Section 2, authorizing Secretary of Interior to sell trust bonds of the Ottawa Indians.
4. Section 3, suspending authority to sell bonds of Choctaw Indians.
5. Section 4, setting apart from funds belonging to Cherokee Nation \$100,000.
6. Section 5, respecting sale of lands belonging to Kickapoo Indians of Kansas.
7. Section 6, providing for Indian inspectors and their duties, and abolishing certain superintendencies.
8. Section 7, prescribing the manner of issue of supplies.

#### POST-OFFICE BILL.

1. Authorizing Postmaster-General to re-adjust compensation for transportation of mails.

#### SUNDRY CIVIL BILL.

1. Authorizing sale of marine hospital at New Orleans, Louisiana.
2. Section 1 amends laws relating to customs, commerce, and navigation, to extend them over Alaska.
3. Authorizing Secretary of Interior to purchase squares 687 and 688 adjoining Capitol building and sell old material.
3. Sections 5, 6, 7, 8, 9, 10, providing for assistant treasurers at Chicago and Cincinnati, and other pertinent matter.

#### 1874.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Repeals so much of the act as makes the Public Printer's election by Senate.
2. Discontinues publication of laws in newspapers.
3. Section 2 enacts that officers of the United States courts shall reside permanently at the place of official duty.
4. Section 3, restricting civil officers in receipt of compensation.
5. Section 4 re-organizes national loan force and fixes pay.
6. Section 5, provision respecting unexpended balances.

#### ARMY BILL.

1. Section 2, respecting balances of appropriations.

#### INDIAN BILL.

1. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, as to Indian management and disbursement of appropriations, making of contracts, &c.

#### POST-OFFICE BILL.

1. Sections 4 to 13, both inclusive, revise postal laws.

#### SUNDRY CIVIL BILL.

1. Guarding and directing \$1,300,000 for the District, and directing the commissioners to care for the workingmen by retaining from the several contractors the sum due them.
2. Enacting as to the appropriations for charitable purposes, manner of payment, &c.
3. Declaring northern part of Woodlawn cemetery, New York, a national cemetery.

4. Construing the second section of the Army appropriation bill of 1874.

5. Legislation on public buildings.

6. Section 3 directs Secretary of Treasury to inquire as to amount due Choctaw Indians.

7. Section 4 amends sundry civil act of 1873 with respect to compensation of the census-takers of 1860.

8. Section 6 to enable Secretary of War to carry out the provisions for relief of the sufferers by the overflow of the Mississippi River.

#### RIVER AND HARBOR BILL.

1. Section 3 authorizes the appointment of a board of engineers, for the survey of the mouth of the Mississippi River, by the President.

#### 1875.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Sergeant-at-Arms and Doorkeeper, limiting and prescribing compensation.
2. Designated depositories, Buffalo, New York.
3. Territory of Utah, diverting appropriation upon legislative expenses, \$23,400.
4. National Military and Naval Asylum, manner of appropriation made specific.
5. Section 2 re-organizes the national loan force and prescribes salaries.
6. Section 3, legislation upon the manner, matter, and time of submitting estimates.

#### ARMY BILL.

1. Changing mileage to actual traveling expenses, excepting marshals, district attorneys, clerks of United States courts, and their deputies.
2. Prohibiting payments to railroad companies for transportation in cases of such companies profiting by the aid of public-land grants, &c.
3. Section 2, giving preference in contracts to American materials and labor.
4. Section 3, concerning issue of arms and other ordnance stores to States and Territories.

#### INDIAN BILL.

1. Repealing provisions of law which make payment of appropriations to Northern Cheyennes and Arapahoes conditional upon their removal.
2. Providing for removal of Indians in Oregon.
3. Concerning the rights of the eastern band of Cherokee Indians in North Carolina.
4. Sections 2 to 14, both inclusive, as to manner of expenditure of Indian appropriations, reservation regulations, &c.

#### POST-OFFICE BILL.

1. Sections 4, 5, 6, 7, concerning manner of keeping accounts, matters to go free through mails, and looking to reductions of expenditures through instruction of Postmaster-General.

#### RIVER AND HARBOR BILL.

1. Sections 3 to 14, both inclusive, to construct jetties and auxiliary works to form channel between South Pass, Mississippi, and the Gulf of Mexico.

#### SUNDRY CIVIL BILL.

1. Secretary of War notifies Chicago, Rock Island and Pacific Railroad Company to remove piers, abutments, &c.
2. Chief Engineer of the Army to notify Washington and Georgetown Railway Company to remove track from over Aqueduct bridge, Rock Creek.
3. Forming commission to dispose of Philadelphia navy-yard.
4. Secretary of War detaching medical officer to report on the reported existence of cholera in Mexico.
5. Section 3, providing for the redistribution of the national bank currency, as per act of June 20, 1874.
6. Section 4, authorizing President to appoint board to test iron and steel.
7. Section 5, international exhibition.
8. Section 6, modifying section 25 of the Revised Statutes, prescribing time of holding elections for members of Congress.
9. Section 7, pay of discharged clerks one month.
10. Section 8, to protect officials in their official acts.
11. Section 9, concerning the printing and distribution of the Revised Statutes.
12. Section 10, fixing maximum compensations of surveyors of customs.
13. Section 11, authorizing Secretary of Treasury and prescribing manner of obtaining bonds for the sinking fund.
14. Section 12, making it the duty of the Commissioner of Patents to furnish free of cost one copy of the bound volumes of specifications, &c., of patents to each of the Executive Departments.

#### DEFICIENCY.

1. Directing certain action of the board of audit of the District of Columbia.
2. Authorizing Secretary of Interior to sell United States stocks held in trust for the Kickapoo tribe of Indians.
3. Section 3, authorizing Postmaster-General to perform certain duties.
4. Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, on various subjects, three last being on Indian matters.

Mr. FOSTER obtained the floor.

Mr. WILLIS. I ask the gentleman to yield to me to submit a resolution for reference.

Mr. FOSTER. I yield to the gentleman.

#### SCHOOL SYSTEM OF DISTRICT OF COLUMBIA.

Mr. WILLIS, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia, and ordered to be printed in the RECORD:

Whereas it is the duty of Congress to provide for such an organization of the public schools of the District of Columbia as shall more effectually promote the cause of popular education; whereas frequent changes in the rules and management should be avoided; and whereas it is alleged that such purposes are not at present subserved: Therefore,

*Resolved*, That the Committee for the District of Columbia be instructed to report at the opening of the next session of Congress a bill for the permanent organization of said schools, and to prevent unnecessary changes before that time that the commissioners of the District be requested to take such measures as may be necessary to prevent any changes being made or carried into effect in the by-laws and regulations of the schools, text-books, and teachers as the same were in force or employed at the close of the schools in June last until action shall have been taken by Congress on the report of said committee, except in case of resignations of teachers or organization of new schools or when the commissioners shall be convinced from personal knowledge that changes of teachers are imperatively required.

*Resolved further*, That said committee inquire whether the present board of trustees is legally organized and constituted; also into the acts of said board; also into the expenditures, both as to character and amount, made or incurred in carrying the present school system into operation, and report thereupon.



## INCREASE OF CAVALRY FORCE.

Mr. BANNING. I ask unanimous consent to make a report of a bill from the Committee on Military Affairs, to whom was referred the message of the President in regard to recruiting additional men for the Indian service.

The SPEAKER *pro tempore*. The Clerk will report the bill.

Mr. RANDALL. I reserve points of order until I hear the bill read.

The Clerk proceeded to read the bill, as follows:

A bill to increase the efficiency of the cavalry force in the suppression of the Sioux Indian hostilities.

Whereas war with the Sioux Indians now prevails; and whereas in the conduct of this war it is necessary to the efficiency of the cavalry regiments therein engaged that their effective force shall be increased: Therefore,

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as may be employed in the existing Indian hostilities and as in his opinion may require the same: *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the 25,000 authorized by the act approved July 24, 1876, making appropriations for the support of the Army for the fiscal year ending June 30, 1877.

Mr. COX, (interrupting the reading of the bill.) I object to that.

Mr. RANDALL. I call for the regular order.

## LEAVE OF ABSENCE.

Mr. RUSK. I rise to a personal matter. I ask leave of absence for the remainder of the session, on account of sickness in my family. There was no objection, and leave of absence was granted.

## ANDREW EVARTS.

Mr. RUSK. I have charge of a bill for the present Speaker and had promised to call it up. It is to pension a soldier in his district. Before I leave I ask unanimous consent to take that bill from the Speaker's table and put it upon its passage.

Mr. COX. The gentleman from Wisconsin [Mr. RUSK] has got leave of absence during the rest of the session.

The SPEAKER *pro tempore*, (Mr. EDEN in the chair.) While the gentleman is present, he is entitled to make this request of the House.

There being no objection, the bill (S. No. 897) granting a pension to Andrew Everts was taken from the Speaker's table and read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Andrew Everts, private Company B, Fourth Ohio Volunteers, at the rate of \$8 per month from and after the passage of this act.

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

## ENROLLED BILLS SIGNED.

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

An act (H. R. No. 516) for the relief of Floyd C. Babcock;

An act (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

An act (H. R. No. 2571) making appropriations for the executive, legislative, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; and

Joint resolution (S. No. 24) providing for the postponement of the publication of the Army Regulations.

## ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The gentleman from Ohio [Mr. FOSTER] is entitled to the floor.

Mr. HUNTON. The gentleman from Ohio has agreed to yield to me.

Mr. FOSTER. I would be glad, if in my power, to yield to all the gentlemen who have requests to make.

The SPEAKER *pro tempore*. The gentleman from Ohio cannot parcel out the floor.

Mr. FOSTER. I am advised that if I yield further I will lose the floor.

The SPEAKER *pro tempore*. The gentleman certainly will.

## APPROPRIATIONS—ECONOMY AND REFORM.

Mr. FOSTER. Some reply is needed to the ingenious misstatements made by the gentleman from Pennsylvania, the chairman of the Committee on Appropriations.

Mr. RANDALL. I will be glad to hear the gentleman do so.

Mr. FOSTER. Like the gentleman from Pennsylvania, I desire to go on without interruption.

Mr. Speaker, my purpose in addressing the House at this time is to show what has been done by the House in the line of economy and reform. So much has been falsely claimed by the democratic side as to render a fair statement necessary.

The minority of the Committee on Appropriations, supported by the minority of the House, entered upon their duties with the full determination of aiding the majority in making every possible reduction and postponement in the expenditures. We fully realized and ap-

preciated the demand of the country for economy, and were therefore prepared to join hands with any party in Congress to provide proper measures of economy that would not cripple the Government or cause friction in the workings of the Government machinery.

While the people of the country have rightly demanded economy at the hands of their representatives, they do not ask nor will they long permit the real functions of government to be impaired or weakened either at home or abroad.

Since the culmination of expenditures in 1866 a steady, prudent, and entirely safe reduction in the expenses of the Government year by year has been the policy of the republican party. The precedent thus set should have been maintained until the expenditures had reached their lowest possible limit.

We were willing to admit that in the reduction of salaries and the number of employes an opposition House could be more thorough than one in accord with the Administration. We, therefore, recognizing this fact, determined to obtain all that might be possible from it. We believed that reductions and postponements might safely be made aggregating a sum of from fifteen to twenty millions of dollars. We now believe, after having thoroughly examined the subject, that reductions and postponements of expenditures for the present fiscal year could properly be made to the full extent of \$20,000,000 without seriously impairing the administration of the Government. We have not been able to agree in many instances with the bills as reported, and have tried to indicate our objections by amendments in the House.

For myself, I believe that the appropriations as proposed by the House would have, in many cases, caused serious embarrassment to the Government and that the appropriations as finally agreed upon will have to be supplemented by increased appropriations when we meet next session. In fact I am corroborated in this statement by the chairman of the committee himself, who, in order to carry his point when all other arguments failed him, has repeatedly stated on this floor that if the amount of appropriations then pending was not sufficient we would be here next session when a further appropriation might be made if it was found necessary. He has suggested to officers charged with the administration of the Government when refusing to appropriate the sum they deemed absolutely necessary, that it would be made right next session. I make the prediction now that further appropriations aggregating millions of dollars will be made at the next session to defray the expenses of the Government for the present fiscal year.

## FINANCIAL CONDITION OF THE TREASURY.

No great financial embarrassment of the Government was or is impending in any degree warrant the postponement and withholding of any needful or necessary appropriation.

On the scale of expenditures of the past two years our revenues have been ample for the discharge of every liability of the Government, including the sinking fund, as the following letter from Assistant Secretary Conant fully discloses:

TREASURY DEPARTMENT, July 21, 1876.

MY DEAR SIR: In compliance with your verbal request I have the honor to inform you that—

The amount required for the sinking fund for the fiscal year ending June 30, 1875, was.....	\$31,096,545 00
During that year 6 per cent. 5.20 bonds were redeemed and paid for from cash in the Treasury to the amount of .....	25,170,400 00
In addition to which, under the provisions of the specie-resumption act of January, 1875, \$6,223,420 in legal-tenders were retired, making a total redemption of the debt on sinking-fund account during that year of .....	31,398,820 00
The estimated amount to be applied to the sinking fund for the fiscal year 1876 was .....	32,293,692 32
On this account 6 per cent. 5.20 bonds were redeemed and paid for in gold to the amount of .....	18,444,050 00
Fractional currency was redeemed and applied to the account, under the provisions of law, to the extent of .....	7,062,142 09
Legal-tender notes amounting to \$5,999,296 were also retired during the year.	

These several items aggregate the sum of..... 31,505,488 09

It will be observed from the above statements that, during the fiscal year 1875, the redemption on the sinking-fund account was \$302,965 in excess of the amount required, but that during the fiscal year 1876 they did not reach the amount necessary by the sum of \$635,435.91.

I will add that during the last fiscal year (1876) the principal of the certificates of indebtedness of 1870, issued under the act of July, 1870, bearing interest at the rate of 4 per cent., amounting to \$675,000, matured and were paid out of the current revenues of the Government. If this were to be taken into the account as a 1 per cent. payment of the principal on the public debt for sinking-fund purposes, then the sinking fund during the past two years would more than have been provided for.

Very truly yours,

HON. CHARLES FOSTER,  
House of Representatives, Washington, D. C.

CHAS. F. CONANT.

Since the commencement of President Grant's administration more than \$500,000,000 of the public debt has been paid, thus more than doubling the requirements of the sinking fund.

If a reduction of expenses to the amount of forty millions had obtained as proposed by our democratic friends, the surplus of revenue over expenditures would have been \$73,000,000 for the current year.

We have the authority of the present Secretary of the Treasury that the revenues for the fiscal year ending June 30, 1877, may be safely estimated as follows:

Customs .....	\$150,000,000
Internal revenue .....	122,000,000
Miscellaneous .....	19,000,000
Total .....	291,000,000
Expenditures for the year 1876 .....	258,000,000
Surplus .....	33,000,000
Add proposed reduction by the democratic House .....	40,000,000
Surplus for year ending June 30, 1877, if reduction had been made .....	73,000,000

I ask our democratic friends what they proposed to do with this large surplus? Was the purpose the creation of a fund to aid Governor Tilden to resume specie payments at an earlier date than 1879? I would like a reply to this question from my soft-money friend from Indiana, [Mr. HOLMAN.]

Was the purpose to aid the schemes referred to by the gentleman from Mississippi [Mr. SINGLETON] early in the session, such as the building of the Southern Pacific Railroad and the Mississippi levees or was it to pay the many hundreds of millions of claims, bills for which have been introduced by gentlemen from the South, which would have been pressed but for the pendency of a presidential election?

If for none of these reasons, what was the purpose?

If you desired to relieve the people, why have you not proposed a reduction of taxation?

Reduction of appropriations without a corresponding reduction of taxes will not be appreciated by the people.

THE CREDIT DUE THE CHAIRMAN.

The chairman of the committee claims much credit for the industry he has shown in the preparation and passage of his bills. I concede to him great industry and faithfulness to the purpose he had in view. He has carried them through the House substantially as he has reported them. He has done this in spite of the known fact that but few members of his own party agreed with him. He has encountered the opposition of more than one-half of his political associates from time to time to very many portions of these bills. I award him full credit for his successful leadership, and trust in the future when he seeks higher honors from his party he may be better rewarded than in the past.

But, Mr. Speaker, how were the bills made up and why the untiring industry of the chairman?

Before the committee had fairly looked inside the Book of Estimates it was announced to the country by the chairman of the Committee on Appropriations that reductions would be made to the tune of \$40,000,000. How did he know these reductions could be made? He did not know it then and he does not know it now. The energies of the gentleman were exerted in making good his announcement that the reductions would reach \$40,000,000, and to this end his labors were directed. To make his word good he worked early and late. He was ever unmindful of what service was to be the sufferer, nor did he seem ever to care whether it was the soldier on land, the sailor at sea, or the skilled and unskilled mechanics and laborers who were to suffer.

DEPRESSION OF BUSINESS.

Times are hard, but I sometimes think much is added to the general feeling of depression in the country by the continual croakings which many of us are too apt to make. It is said that no one act of ours during the rebellion gave more hope to our friends at home and abroad and one that caused more consternation to our enemies than the completion of the Dome on our beautiful Capitol building. So now, a little more courage of this sort would encourage people to throw off the lethargy of the times and to go forward with their accustomed energy and enterprise. In times like these, when a whole people are suffering and depressed, a great government like ours should be as liberal in continuing necessary appropriations as the condition of the Treasury will permit.

ESTIMATES.

We have heard a great deal, Mr. Speaker, of the extravagance of this Administration in the matter of the estimates. Much ill-advised talk on this subject has been indulged in. This matter of estimates is greatly misunderstood. Gentlemen have stated that the estimates are the sums asked for by an extravagant administration for the working of the Government machinery. The fact is, these estimates are made in obedience to and in conformity with law.

Let me illustrate this matter. The estimates for the maintenance of the Navy are made by men belonging to no party. They are officers of the Navy. The Secretary came before the committee and said, "Gentlemen, this is your Navy, not mine." The officers in charge estimate that it will take about twenty-one millions to properly care for your Navy. This estimate is made for the legal pay of the legal number of officers and men, the maintenance of all the navy-yards of the country, to complete as far as we can in one year the iron-clads and other vessels of war authorized by Congress, and certain repairs of ships, together with the necessary incidental and contingent expenses thereof. "Now," he says, "do what you please. I will do the best I can with the money you give me."

So, too, with the Secretary of War in making estimates for the support of the Army. These estimates are all made by Army officers; all the Government buildings under control of the War Department, together with all the river and harbor improvements and all other expenses for the support of the Army, are estimated for on the basis of

existing law. They estimate that the river and harbor improvements will cost fourteen and a half millions, and this, too, in obedience to the mandates of law. They do not ask Congress to expend a dollar, but their duty has been performed when they tell us the cost. Examine the river and harbor bill passed this session by this House and you will find the engineer force of the War Department is directed to make surveys of rivers and harbors and canals and to make estimates of the cost thereof, the cost of which I will venture to say will amount to more than \$20,000,000, and the most of it I might add is for the South. Will gentlemen claim next session when the estimates for these works are before us that the War Department is extravagant because they have simply performed their duty as expressly required by this Congress?

Take up the estimates for public buildings. Is the Treasury Department extravagant when they send us estimates of the cost of the buildings that Congress has ordered to be built? Is this same Department extravagant when they estimate what it will cost to build light-houses in aid of commerce as required by Congress?

I have named subjects enough for the purpose of showing that our democratic friends are greatly in error when they charge extravagance upon the Departments of the Government in making up these estimates. The fact is, once for all, they simply obey the laws which they are sworn to execute when they give us in the detailed form of estimates the cost of administering the Government for another year. I will not conceal the fact that a small portion of these estimates are matters of discretion, but I have yet to find any item of discretionary expenditure upon which any serious charge of extravagance has been made or can be made.

Our friends on the other side indulge in generalities and with a great flourish of trumpets claim that the proposed appropriations are largely below the estimates. Is there anything startling or new in that? I venture to say that never in the history of the Government has Congress appropriated the full sum estimated for. Since my service here I have never known an instance where the appropriations were not largely below the estimates. The fact is the estimates are valuable as forming a basis of action by Congress. Knowing what the full cost is, Congress can then intelligently exercise its discretion as to how much of the cost may be postponed. This is the light in which intelligent men view this subject of estimates.

REDUCTIONS.

Gentlemen on the other side have had much to say of the reductions proposed by the House appropriation bills. They claim to have made reductions of \$64,000,000 from the estimates, and from the appropriations of last year of \$39,000,000. Now a very large proportion of these sums are not reductions at all, but are simply postponement of expenditure that must be made hereafter. In an analysis of these bills I shall give the amount of actual reductions and the amount postponed, so that it can be seen exactly how much credit is due the action of this House on the score of reduction and how much for postponement.

DEMOCRATIC FIGURES.

The table of the gentleman from Illinois [Mr. SPRINGER] shows the reduction of the appropriation bills as passed by the House over those of last year to be \$39,175,000, (but correctly footed should be \$38,631,511,) and the reduction on the estimates for this year at \$64,362,000, which when correctly footed is \$64,618,727.30. I use this table because it is generally accepted by the democratic party. I shall show that the reductions and postponements are largely overstated in this table. First, the reduction in the pension bill is \$466,550. That bill was passed precisely as recommended by the Pension Office, and therefore no credit can be due to this House for this reduction. It simply shows that we have reached the maximum of expenditures, and that this year, and for the years to follow, we are on the descending scale in the amounts to be appropriated for the payment of pensions. It is also claimed in this table that there is a reduction on the deficiency bill of \$4,032,212.44.

It is well known to every gentleman here that this deficiency bill is for items of expense for the year ending June 30, 1876, not provided for by appropriations made by the last republican House. It is true that the deficiency bill for the last fiscal year was about \$4,000,000 less than for the year previous. If anybody is to have credit for it it is not the present democratic House of Representatives but the republican House of last session. It does not enter into the expenditures for the year ending June 30, 1877.

Then let me call attention to the fact that in nearly all the bills passed by the House there are many re-appropriations of indefinite sums once specifically appropriated, but by careful management the entire sum appropriated was not needed, and which by a wise provision of republican law would be covered back into the Treasury if not re-appropriated. Of this class of appropriations there appears in the bills some four or five million dollars. I have not had time to ascertain the precise amount, but for the present purpose will call it \$4,000,000, believing that I underestimate it. For instance, take the appropriation for the maintenance of the disabled soldiers and sailors' homes. The estimated cost for the maintenance of these institutions is something less than \$900,000. It was ascertained that about \$550,000, being an unexpended balance of a former appropriation, was unused. The House appropriated about \$300,000, which added to the \$550,000 above referred to made the necessary sum for their support about \$900,000, which will appear in the expenditures for



the current year, when in fact only about \$300,000 appears in the footings of the bill. It is needless to go over the other items of re-appropriations. I might add, without intending to be offensive at all to the chairman of the committee, nor indeed to the committee itself, that this is a dodge, pretty sharp practice, and to the man less charitable than myself it would appear and by him be characterized as a cheat, a delusion, and a democratic trick thus to attempt to cheat the country as to the amount appropriated for the support of the Government.

Take the management of the post-office appropriation bill as another illustration of sharp democratic practice, an attempt to obtain credit where there is none. By examination you will find that in order to make the deficiency in the post-office appropriation bill appear less than the estimates of the Department, the committee estimated the receipts of the Post-Office Department for the current year at \$600,000 more than the estimates of the Post-Office Department itself! We should then take this \$600,000 from the total sum of proposed reductions and postponements claimed by our democratic friends. It will also be noticed that the sum of \$250,000 is appropriated for postal mail-steamship service, whereas in the last post-office appropriation bill it was \$500,000. This difference of \$250,000 is simply the difference in the requirements of law. Last year it required \$500,000, this year only \$250,000 is required. No credit, therefore, is due to the action of the House for this reduction.

To gain credit for economy the House refused to appropriate a single dollar for the payment of the judgments of the Court of Claims—a direct and square repudiation of the obligations of the Government as adjudicated by the Supreme Court of the United States for the mere partisan purpose (as it must appear to every one) of "reducing expenses." These judgments must be paid. The Supreme Court of the United States have so adjudged, and there is no escape; and yet a democratic House, so far as it lies in its power, have repudiated these judgments thus adjudicated, and leave for a future republican Congress to redeem the faith of the United States thus violated. The sum estimated for by the Court of Claims to pay these judgments for this year is \$2,000,000. Not a dollar has been appropriated.

Mr. SPRINGER. Then their payment will be postponed all the time.

Mr. FOSTER. I watched the gentleman from Pennsylvania [Mr. RANDALL] carefully, but not an allusion was made in his speech to the payment of these claims.

Mr. RANDALL. When the bill comes up from the Senate I will discuss it at that time.

Mr. FOSTER. Well, it is time it was discussed before the House. I would like to hear some defense of the action of the committee on the subject.

Then again in order to reduce the apparent amount of appropriations they make provision in the legislative bill for the support of the mints and assay offices out of the receipts of these offices instead of requiring the revenues from this source, as heretofore, first to be paid into the Treasury and then appropriate such amounts as may from time to time be necessary for their support. The sum total for this purpose will not be less than a half million of dollars. This sum does not appear in the footings of the bill, but will appear in the list of expenditures when the account for the year is made up. It will be found that the items to which I have called attention should be deducted from the table of reductions as presented by our democratic friends. Now, in addition to the appropriations which appear in the table must be added \$1,500,000 for centennial purposes; \$200,000 for the erection of forts on the Yellowstone and Missouri Rivers; \$200,000 toward the completion of the Washington Monument; \$227,000 for post-office at New York, and \$200,000 for repaving Pennsylvania avenue. I do not pretend to enumerate the sum-total of appropriations made by this House, but simply present the larger items. The sum-total of the items to which I have referred which should be deducted from the statement of reductions made by the gentleman from Illinois [Mr. SPRINGER] is about \$14,177,000, thus reducing the total sum of reductions and postponements to about \$24,500,000. The following table will exhibit the exact facts in relation to this matter. It will be seen that the boast of reducing appropriations by the sum of \$40,000,000 is made up of an actual reduction and postponement of \$24,500,000 and the balance is wind:

Table showing what items should be deducted from the sum of reductions claimed in the Springer table.

Amount of reduction as claimed by Mr. SPRINGER.....	\$39,175,451 10
Deduct error in addition.....	543,940 00
Total corrected amount.....	38,631,511 10
From which deduct—	
Reduction claimed on pension bill.....	\$466,500 00
Items in post-office bill for which no credit for reduction should be made.....	850,000 00
Deficiency bill, (belongs to last year).....	4,032,212 44
Re-appropriations.....	4,000,000 00
Indefinite appropriations for assay offices.....	500,000 00
Judgments of Court of Claims.....	2,000,000 00
Centennial appropriation.....	1,500,000 00
Post-office, New York.....	227,000 00
Forts in Northwest.....	200,000 00
Repaving Pennsylvania avenue.....	200,000 00
Washington Monument.....	200,000 00
	14,175,712 44
Net reductions and postponements.....	24,466,809 56

Now, I do not propose to detract in any way from whatever credit is due to the gentleman from Pennsylvania [Mr. RANDALL] and the House for making these large reductions and postponement. My purpose is simply to analyze the appropriations to state just what has been done, how much is due to reductions and how much of it is due to postponements, and how much of either was unwise or improper or both, and how far the Senate has been willing to meet the House.

#### MILITARY ACADEMY BILL.

The reduction proposed by the House in the Military Academy bill was \$133,499. This was made first by reducing the salary of each of the cadets \$50 per annum and the salaries of the professors was reduced perhaps \$10,000 in the aggregate. The balance of the reduction is mainly made by postponing the appropriation for the completion of important buildings at the academy, the most important and expensive of which is the hospital for the care and medical treatment of the cadets, which by law and former appropriations in accordance therewith has been commenced and its early completion is regarded by all of the officers in charge as of vital importance, and that it is now and has been for years past demanded in the interest of humanity. To swell the list of reductions the progress of this essentially important work is stopped and the cadets are denied the privilege of hospital accommodations, thus leaving to a future Congress to provide a sum sufficient to complete it, as well as the other necessary buildings at the academy.

#### PENSION BILL.

I have already referred to the reduction of \$466,500 on account of pensions, stating that the amount appropriated was the exact sum recommended by the Commissioner of Pensions, and that the reduction was due to the fact that we are now on the descending scale on account of pensions.

#### CONSULAR AND DIPLOMATIC BILL.

The reductions and postponements in the consular and diplomatic bill foot up \$428,437.50. This is accomplished by reductions, first, of the salaries of all the officers of the diplomatic service; and, second, by the discontinuance of forty-four consulates and the reduction of the salaries of the remaining consuls. As to the wisdom of this wholesale reduction and withdrawal of our representatives from foreign countries the future will surely give a negative answer. We levy a tax on the commerce of the country for the maintenance of our consular system, and upon last year's basis, this tax more than paid all the expenses of every kind for its support. The arguments made against these reductions by the two gentlemen from New York [Mr. WOOD and Mr. HEWITT] were not answered at the time they were delivered, nor have they been answered since. I agree with them that the present is a very inopportune time to abolish any of these commercial agencies by which our commerce may be protected and extended.

One of the results of the depressed condition of the industries of the country is that the cost of manufactured articles in this country has been very largely reduced, thus enabling our people to export many of our own manufactured products, which heretofore we have been unable to do. And now, simply to make political capital, a democratic majority of the House undertakes to economize by withdrawing consuls (who are simply acting as aids to our commerce) from forty-four important foreign stations and reducing the efficiency of those on duty by a decrease of their salaries, and this, too, at the very time when of all others in the history of our country this branch of our foreign service should have been strengthened and increased. This is a mockery of economy; besides, in taking the money exacted from the commercial interests of our people and placing it in the Treasury to be used for other purposes, no matter how worthy, is wholly wrong. The implied pledge that the funds secured by this tax should go only for the support of the consular system has been violated, and every interest connected with the extension of our commerce and the increase of our exports, now so much needed, must correspondingly suffer. If not a fraud upon our commercial interests, it is a betrayal of trust, and is wholly inexcusable.

#### FORTIFICATION BILL.

The reductions, compared with last year, are \$535,000, and as compared with the estimates, are \$3,091,000. To this reduction the minority of the committee agreed. The bill was reported to the House by Mr. WHEELER, and the House was unanimous in passing it. But for all this it cannot be called a reduction. It is simply a postponement. The estimates made by the War Department show that nearly \$3,500,000 is needed to be expended on the forts of the country to make them what they ought to be. No one on the committee or in the House objected to the postponement; but no one can fail to see that it is work which sooner later must be completed; and therefore it is only a postponement which must some time in the future be provided for.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

The reductions and postponements in this bill compared with the appropriations of last year are \$5,724,417.30, and from the estimates are \$7,826,499.39. Two millions of dollars of these several amounts are wiped out by the failure to appropriate the necessary payments on account of judgments of the Court of Claims, a half million more by indefinite appropriations for the mints and assay offices; another half million by re-appropriations; and the balance, \$2,724,000, can fairly be ascribed to reductions. Of this sum, \$300,000 apply to the reductions of the pay and salaries of members and officers of the House and Senate,

\$250,000 more to the salaries of the clerks in the various Departments in Washington, and probably another hundred thousand to reductions of salaries in different parts of the country. The balance is due to the reduction of the number of the employés. Having given the subject careful attention from the beginning of the session, I have been willing to make the reduction in numbers about 20 per cent., and I believe that can be done with safety. The reduction proposed is something more than 25 per cent. I have been satisfied from the start that if the House bill had been adopted the loss in the Internal Revenue Department would have been ten times the amount which is claimed would have been saved by reduction of force. That this would have also been the case in other Departments—in the Pension Office and of all the offices directly relating thereto, such as the Second Auditor's, Adjutant-General's, and Surgeon-General's Offices, the reductions as proposed by the House would have caused serious delay in the adjustment of all matters relating to pensions. This point is now conceded by gentlemen in charge of the bill.

The gentleman from Pennsylvania stated in his speech to-day, if I understood him correctly, that all of the Bureau officers of the Government refused to agree to the reduction in force; am I right?

Mr. RANDALL. They all resisted it that I came in contact with; I think every one.

Mr. FOSTER. I call the gentleman's attention to Mr. New, of the Treasurer's Office.

Mr. RANDALL. He did recommend some reductions, but not to the extent which we desired at all.

Mr. FOSTER. I call the gentleman's attention to the statements he has made heretofore upon this floor that these Bureau officers generally acceded to these reductions, but none of them acceded to the reductions to the extent made by the committee. I want to do the Bureau officers justice. While they have not agreed to the reductions proposed by the committee to that extent, they have in all cases agreed to a reduction and they have manifested a most commendable spirit, and I want to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] and the attention of the House to the fact that the greatest opposition that the Committee on Appropriations encountered was from the officers of this House, who organized a mutiny against it and one night came very near upsetting it.

The gentleman from Pennsylvania says that the retention of the salaries of members was forced upon the House. It was the most beautiful forcing I ever witnessed. The gentleman from Pennsylvania sat in his seat; I do not know where the gentleman from Indiana [Mr. HOLMAN] was. The chairman of the Committee of Ways and Means made his speech, in which he said he was satisfied that the Senate would resist these reductions. We tried to get the yeas and nays, but could not get them.

Mr. SPRINGER. Were you standing up calling for them?

Mr. FOSTER. We tried then to get tellers, but could not get them; and I do not know of anybody who was more satisfied with this forced work than my friend from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. The gentleman knows that I stood up both for tellers and the yeas and nays.

Mr. FOSTER. I do not want to be interrupted.

Mr. HOLMAN. I hope the gentleman will allow me to say I was ill and absent from the House at the time.

Mr. FOSTER. The gentleman was not here and he did not witness that beautiful scene, nor did the distinguished gentleman from New York, [Mr. COX.] But he would have enjoyed it. The forcing process gave great satisfaction to the magnates of the democratic party who were present, and they all accepted the forcing with great pleasure. I never saw anything accepted with so much pleasure as this forcing of the House by the Senate.

[Mr. COX here approached Mr. FOSTER and addressed a private remark to him.]

Mr. FOSTER. In justice to the gentleman from New York I take back the statement about him. He says he was not absent when the forcing passed the House.

#### RIVER AND HARBOR BILL.

This shows a reduction of \$770,667.50 over the appropriations of last year, and of \$3,428,250 below the estimates. As our democratic friends are claiming so much for a reduction of sixty-four millions below the estimates, I beg to inquire of them, and I will wait for an answer: Is it their purpose if they retain possession of the House to complete the works referred to in the estimates for the rivers and harbors of the country?

Mr. HOLMAN. For one I say it without hesitation.

Mr. FOSTER. Do you speak for the democracy?

Mr. HOLMAN. I speak for myself, so far as these appropriations apply to works of national importance. I am in favor of appropriating for them from year to year until the works are completed, but as to the works of purely local concern and private enterprise, which involves \$2,000,000 in this bill—

Mr. FOSTER. Cannot you answer yes or no?

Mr. HOLMAN. No, sir; but I am opposed to these appropriations for local objects.

Mr. FOSTER. Do they regard this as a reduction, postponement, or an absolute abandonment? In my judgment a subsequent Congress will make the appropriations, and in no sense can it be called a reduction.

#### DEFICIENCY BILL.

The appropriations for deficiencies for the year last past made by this House are something more than \$4,000,000 less than the appropriations made last session for the then current year. As before stated, these appropriations apply to the year that is past and in no way enter into the expenditures of the current year; and if any credit is due for this reduction it is to the Appropriation Committee of last year and to the Administration for adhering so closely to the amounts appropriated.

#### INDIAN BILL.

The reductions by the House bill this year over last is \$1,380,952.44; over estimates, \$1,808,393.53. These reductions were proposed to be accomplished by the transfer of the Indian Bureau to the War Department, no provision being made for the current and contingent expenses of the offices, amounting to three-fourths of a million of dollars. The bill assumed that the War Department could take care of the Indian service, if it was transferred to it, without any additional expenses. The difference is further accounted for by failing to appropriate for plain treaty provisions.

In the judgment of many of the best men of both Houses, among them the gentleman from New York, [Mr. COX,] there was no decrease of expenditures in this transfer, and the Speaker of the House, when ruling on this point, thought the bill did not on its face establish any such claim.

I cannot give credit for any reduction whatever in the amount appropriated for the Indian Bureau. They are simply postponements, and such ones, too, as would have resulted in Indian wars, and thus add largely to the maintenance of the Army.

#### ARMY BILL.

This bill proposes a reduction of \$4,778,752.88 as compared with the appropriations of last year and the sum of \$10,193,631.38 as compared with the estimates for the current year. A million and a quarter is due to re-appropriations of balances in the Treasury unexpended but re-appropriated by us this year, making the real reduction less by this amount. A million and a half is due to postponements of purchases of clothing, ordnance stores, and to the manufacture of arms. It has been the custom in the Army heretofore to keep one year's supply of clothing in advance. Secretary Taft, after advising with the officers of the Army, thought this was unnecessary, and having on hand a year's supply, he suggested that no money be appropriated this year for this purpose, and that hereafter the purchases be made for the current year.

The balance of the reduction is due to the postponement of the building of arsenals, barracks, &c., all of which are deemed necessary by the War Department, and to a reduction in the numerical force of the Army. Recent events have shown the folly of the attempt of the House to reduce the Army; \$2,500,000 are due to this alone. There may be the sum of half a million due to the reduction of the pay of the Army officers; I have not gone closely into it, but it is probably about that amount.

#### SUNDRY CIVIL.

The estimates for this year were.....	\$32,560,475 29
Appropriations for last year .....	26,644,350 00
House bill appropriations for this year .....	14,857,326 54
Less than appropriated last year.....	11,787,023 46
Less than estimates.....	17,703,148 75

The item for public printing and binding for this year is \$1,130,000 in House bill, was recommended by the Committee on Public Printing. The amount appropriated last year was a little over \$500,000 more than this sum. The Committee on Appropriations does not know, nor does any member of this House know, save two of the democratic members of the Printing Committee, whether this sum is sufficient or not. It is quite probable that this estimate was made by the proprietor of the old Globe office, who is desirous of recovering the printing lost to him by the action of a former Congress. The House will be called upon next session for more than a half million dollars to enable this Bureau to perform the work ordered by Congress, which was never so large. It must be borne in mind also that the cost of printing the voluminous testimony taken by the numerous committees of the House will probably add not less than \$100,000 to the cost of the public printing.

#### ENGRAVING AND PRINTING.

Amount estimated, \$1,944,875, and the amount appropriated last year \$1,628,000, to which we had to add this session a deficiency of \$163,000.

Now it is evident that a large reduction can be made here because of the substitution of silver coin for fractional currency, thereby obviating the necessity of printing the fractional notes; although the sum appropriated is not the sum supposed to be necessary by the officers in charge, yet it is probably approximately so. This reduction, whatever it may be, is due to the action of Congress in substituting silver for fractional currency, and not to any economy of the majority of this House.

#### PUBLIC BUILDINGS.

Appropriated for this year, \$2,371,500. The estimate for this purpose, including the new State Department, is about \$6,700,000. This is for buildings already commenced.



It must be remembered that in every locality where public buildings are being erected the Government is paying rent to the full extent of 6 per cent. on the cost of the completed building. The postponement of their completion entails a loss of a sum equal to 6 per cent. of the sum already invested; a sum aggregating in dollars and cents more than \$500,000 is lost to the people besides the delay and annoyance to the public business because of the present occupation of inconvenient buildings and the endangering of the safety of valuable public records. For instance, the present buildings occupied by the War and Navy Departments are very insecure. We have expended \$2,000,000 in partially building a new structure for their accommodation. One million three hundred thousand more will complete it. Its occupancy would place the valuable and precious records of these two Departments in complete safety at once.

There never was a time since the war when these works could be built so cheaply. We have the money in the Treasury to do it. The laboring interests of the country are in need of the labor.

There is no reason except one of a supposed party character under the guise of the cry of economy why these buildings should not be pushed vigorously; any private individual similarly situated would be called a fool if he acted as our democratic friends have in this matter.

The postponements on account of public buildings are \$4,400,000, the appropriation for which Congress cannot escape; armories and arsenals, estimated to cost \$917,000, appropriated \$289,000, balance \$628,000, only postponed; Light-House Board, estimates \$789,000, appropriated \$273,000, postponed \$516,000; which must be provided for in the future.

#### EXPENSES OF UNITED STATES COURTS.

Appropriated \$2,500,000, instead of \$3,000,000 estimated. This last-named amount was appropriated last year. A deficiency is asked for by the Attorney-General, with a statement that this sum is utterly inadequate to the necessities of the service. A deficiency in this item of at least \$500,000 is among the strong probabilities.

The Government has invested in navy-yards property from fifty to one hundred million dollars. Not a dollar was appropriated in House bill for their care and protection.

#### POST-OFFICE APPROPRIATION BILL.

Reduction by House bill below the estimates \$4,200,696.99; below appropriations of last year \$3,785,252.

The estimated receipts by House bill over the estimates made by the Postmaster-General is \$600,000 and the reduced requirement of \$250,000 for the Pacific Mail steamship service makes \$850,000 which must be deducted from \$4,200,696.99, the House reduction, which leaves \$3,350,696.99 as the real reduction. Of this sum \$500,000 is credited to the reduction of the salaries of postmasters, recommended by the Postmaster-General. Five hundred thousand dollars more is for reduction of other salaries and force by the House. The balance of reduction is due to decrease in mail facilities, such as cutting off all fast mails—one that is coming to the knowledge of gentlemen by cries from the people for its restoration—and otherwise decreasing mail facilities and reducing the maximum speed of all mail trains to twenty-five miles per hour.

#### NAVY APPROPRIATION BILL.

The reduction from the estimates of last year is \$8,438,811, and the reduction as compared with the appropriations of last year is \$4,578,451.50. To make this reduction the House has cut down the appropriation for pay of the officers and men of the Navy to the extent of \$1,850,000 below the estimates and \$500,000 from the appropriations of last year. To enable the Secretary of the Navy to bring the expenses for the pay of the officers of the Navy within the appropriation he will necessarily be compelled to furlough a large number of his officers, thereby decreasing the efficiency of the Navy and entailing upon these officers a vast amount of inconvenience if not absolute want and suffering. The other reductions are made simply by postponements of work on iron-clads and other vessels of war in course of construction, as witness the orders of the Secretary just issued to the several contractors who have had the work to do, and to the necessity of stopping the work on other vessels for the want of money to repair them, while other vessels are being put out of commission. The minority agreed with the committee in some of these postponements, believing that there was no immediate urgency for a portion of the work estimated for by the Navy Department; but we thought then and think now that it was not economy to make these wholesale postponements, thereby stopping most of the work at the different navy-yards and throwing some of the best skilled mechanics in the world, as well as the unskilled laborers now so much in need of something to do, out of employment. All these postponements must at some future day be provided for if we intend to maintain a navy of only moderate proportions.

#### RECAPITULATION.

The following tables show the reductions and postponements in a condensed form according to the details I have given:

*Statement showing amount of reductions and postponements in House bills as compared with the estimates for the fiscal year ending June 30, 1877.*

Name of bill.	Reduction.	Postponement.
Military Academy.....	\$40,000 00	\$166,229 00
Pension.....		
Consular and diplomatic.....	339,737 50	100,000 00
Fortification.....		3,091,000 00
Legislative, executive, and judicial.....	2,724,000 00	5,122,499 39
River and harbor.....		8,428,250 00
Post office.....	4,200,696 99	
Navy.....	1,500,000 00	6,938,811 00
Indian.....		1,808,393 53
Army.....	500,000 00	9,693,631 38
Sundry civil.....	1,000,000 00	16,933,493 55
Total.....	10,304,434 49	52,262,307 85
		10,304,434 49
Total reductions and postponements.....		62,566,742 34
Add deficiency, (belongs to year ending June 30, 1876).....		2,051,984 96
Grand total.....		64,618,727 30

*Statement showing amount of reductions and postponements by the House bills as compared with the appropriations for the fiscal year ending June 30, 1876.*

Name of bill.	Reduction.	Postponement	Remarks.
Military Academy.....	\$40,000 00	\$93,499 00	Reduction due to reduced pay of cadets and professors.
Pension.....	466,500 00		
Consular and diplomatic.....	339,737 50	83,800 00	Reduction accomplished by violation of a trust and an injury to commerce.
Fortification.....		535,000 00	
Legislative, executive, and judicial.....	2,724,000 00	3,000,417 39	All over \$2,000,000 of this reduction works injury.
River and harbor.....		770,667 50	
Deficiency.....			\$4,032,212.44. (Belongs to last year.)
Post office.....	3,785,252 00		\$1,000,000 of this is proper, the remainder decreases the mail facilities.
Navy.....	1,500,000 00	3,078,451 50	Reduction here does great injustice to officers of the Navy.
Indian.....		1,390,952 44	
Army.....	500,000 00	4,278,752 88	Reduction due to proposed transfer.
Sundry civil.....	1,000,000 00	11,017,368 35	Reduction due mainly to the substitution of silver coin for fractional notes.
Total.....	10,355,389 50	24,243,909 06	
		10,355,389 50	
Total reductions and postponements.....		34,599,298 56	
Add deficiency.....		4,032,212 44	
Total Springer's table.....		38,631,511 00	

The Senate met this demand for reduction and postponement of expenditures in a liberal spirit and in the bills as passed by the Senate they made reductions and postponements to the amount of more than \$15,000,000, as will be seen by the following statement.

The Senate made reductions as compared with appropriations for year ending June 30, 1876, as follows:

Pensions.....	\$466,500 00
Military Academy.....	83,889 00
Consular and diplomatic.....	33,338 50
Fortifications.....	535,000 00
Legislative, executive, and judicial.....	2,366,893 99
Deficiency.....	3,862,868 91

Post-Office.....	\$728,011 00
Naval.....	2,143,151 00
Indian.....	402,193 28
Army.....	217,952 80
Sundry civil.....	6,687,553 90
	17,527,656 66
Deduct deficiency.....	3,862,868 99
	13,664,786 67
River and harbor bill.....	1,648,517 30
Making a total of.....	15,313,304 17

By this table it will be seen the difference between the two Houses is about \$10,000,000.

Whenever the conference committees have met, the Senate conferees have in every instance shown an entire willingness to meet the demands of the House conferees on all matters of discretion more than half way. In fact they do not even resist the demands of the House on all matters of discretion; but, on matters of legislation that could not receive the sanction of the Senate by the ordinary methods of legislation, they declined to yield.

I have shown beyond question that the reductions are only about ten millions, instead of thirty-nine millions, and that the balance is simply postponements of appropriations that must be provided for in the future. That of the ten millions of reductions a considerable portion of it is obtained by crippling the Government machinery, entailing inconvenience and loss to the people. I have also shown that the pretended reductions of thirty-nine millions is in reality but about twenty-five millions.

Never in history have current facts been distorted as they are in this matter by our democratic friends. Never was deception practiced to such extent as now.

The reduction in Government expenses last year was more than sixteen millions when the books closed on the 30th of June, 1876. This is an actual test of the year's work.

When the present year expires and the work of this House is tested by the actual result I shall be gratified if it makes as good a showing as last, namely, an actual reduction of \$16,000,000.

Having said this much on the question of appropriations I propose now to address myself to the question of economy and reform, the present watch-word of the democracy.

#### REFORM.

Much has been said by our democratic friends on the subject of reform. Economy and reform is the burden of their song. The word "reform" appears eighteen times in a platform adopted recently at Saint Louis. The fact is, reform is an ever-present necessity; it has been proclaimed in every platform of every party since the first one was made; until human nature approaches near perfection necessity for reform must always exist. I do not object to reform, the republican party does not object to it; and we congratulate the country when this democratic party, in this centennial year, shows any desire to reform. Let their conversion for the future be proclaimed. It certainly augurs well for the country. It was this party which is now crying reform that in 1861 plunged the nation into rebellion to destroy it. Persons are here on this floor crying economy and reform who assisted in that long-to-be-remembered but unsuccessful effort to destroy the country. A less charitable person than myself might say that the last democratic Congress undertook to destroy the country by secession and rebellion, and now the first democratic House since the rebellion undertakes to paralyze the Government by withholding necessary appropriations. These same gentlemen now have much to say about the enormous expenditures of the Government. Even the gentleman from Virginia [Mr. TUCKER] is reported to have said recently in a stump-speech that the cost of the Government before the war was about \$2 per capita and it is now \$18. Let me first correct his statement by substituting \$6 for \$18.

Be a little modest, gentlemen. Look into the question fairly, and if there is extravagance anywhere aid in removing it; but when you draw such comparisons as I have alluded to, you must know that your rash act of secession and treason caused these additional expenditures. Do not find fault if it does cost \$3 per capita to maintain the interest and sinking fund of the public debt of which you were the direct, only cause. Do not complain if it does cost nearly \$1 per capita to pay the pensions to the soldiers who saved the glorious Republic you sought to destroy.

Do not complain if it costs \$2 per capita more to maintain other expenses occasioned by your attempt to obliterate from the Declaration of Independence the immortal words of Jefferson.

What evidence have we of reform on the part of the democratic party? The only thing that they can possibly claim as evidence is their attempt to reduce and postpone expenditures. When you claim credit for this tell the laboring men that with a full Treasury you refused to appropriate money for the payment of the necessary work on the public buildings of the country at a time when the completion of these buildings could be effected with greater cheapness than at any time since the war, and when the labor of the country would be greatly benefited thereby. Let them tell the laboring-man now in distress that the great democratic party required that they and their wives and little ones must suffer for the good of the party. Tell them, you representatives from Philadelphia, Cincinnati, Chicago, and Saint Louis, that it was not because the Government was embarrassed that this was done, but they must suffer privation, hunger, and pain because the democratic party wanted an opportunity to cry reform.

Tell the commerce of the country we have deprived it of facilities for which it is taxed; we have put out lights and refused to create new ones to aid it; all for party capital.

While you have reduced a little and postponed largely you have refused to reduce taxation. You have resolved in all your conventions for years, including the one just held at Saint Louis, that the present system of taxation was vicious, that it provided bounties for the rich at the expense of the poor. My friend from New York [Mr. COX] made the statement but a few days since that the people of this

country were paying \$1,000,000,000 a year as a bounty to the manufacturing interests. Nobody believes this, but he proclaims it, and the democratic party proclaims it now as they have in the past. If this is true, Mr. Speaker, why has not some attempt been made on the part of this reform House to relieve the people of their heavy burdens? Is a party fit to be intrusted with power that admits and charges grievous evils but makes no effort when it has power to relieve the country of them?

Yes, you talk of reform. What did you do when you gained possession of this House? How did you practice reform then? You knew but the one democratic motto "to the victors belong the spoils." Not less than ten thousand hungry democrats besieged these halls for the two hundred places within your gift. Virginia came five thousand strong. North Carolina, too, Georgia, Alabama, and even Texas, with her "bigger man than old Grant," who was made Doorkeeper. His only known qualification was the fact that he had been doorkeeper of the confederate senate.

We all remember the scene here at the opening of this Congress with disgust. Why, in fact, Mr. Speaker, it was the first time the confederate forces ever captured Washington in an organized form. Taking that scene as a criterion, what may we expect in the way of reform if Tilden should be inaugurated on the 4th of March next? Why, Mr. Speaker, the ravages of the grasshoppers in the western country would be a fair comparison of the ravages to be inflicted upon the country by the hungry crowd of office-seekers that would come here in that event.

Men were here on that occasion claiming to be democrats of the reform order, giving as evidence thereof the fact that they had served four years in the rebel army, and therefore their democracy could not be questioned. How did this reform party act then? The officers of this House of known capacity were turned out to make room for the greedy horde who came up here from the by-ways of the South. Union soldiers were driven out of their places, to be filled by men who served in the confederate army. Our new journal clerk was compelled to resign; our Doorkeeper expelled from office. A clerk to the Ways and Means Committee was selected because he named a son after the assassin Wilkes Booth. If he had any other qualification I have not heard of it. I will acquit the honorable chairman of the committee with any knowledge of the character of this clerk.

In short, Mr. Speaker, in proportion to the number of employés, the disgrace and scandal attached to this reform House is infinitely greater than to any or all of the Departments of the Government even after putting the worst construction upon them, as is done by all of the reports of your committees. So far as practical legislation is concerned, this House has been an utter, absolute failure. You have sought to make reputation by showing up the deformities of republican officials, not for the public good, but simply in the hope of partisan benefit. In many instances they have been conducted in the most shameless manner. They have sought to bring before them persons discharged from Government employ for dishonest practices; they have hunted up from the slums of the country all the "dead-beats" they could find who would come here to testify to falsehoods for the fees they get. They have investigated in secret and without the knowledge of the accused or of the minorities of the committee. No man's reputation was safe. Even the Speaker of this House was accused of selling an office for money, with nothing but his known good character to rebut it. If the same charge had been made by the same witness against a republican of equally good standing he would have been reported a scoundrel.

While the cost of making these investigations will amount to perhaps a half million dollars and is much more than has been or will be saved to the Treasury, upon the whole I do not regret them. Upon the whole they have done good. In admitting this I remember that it was the policy of the republican party itself to investigate wrong-doers, and whenever a committee finds and points out wrongs in Government officers it has rendered a genuine service to the country.

In concluding this portion of my remarks, permit me to advert to the case of SCHUMAKER and KING, two members of this House, proven to have been in corrupt connection with the Pacific Mail steamship subsidy bill before they were members. The evidence of their corrupt connection with the passage of this bill was referred to this by the last House. No notice has been taken of it. Does any fair-minded man believe that if one of these gentlemen had not been a democrat we would have had a report recommending their expulsion?

Mr. LAWRENCE. The Committee on the Judiciary did make a report in that case, saying that the House had no jurisdiction over the parties charged with crime. I did not concur in that report, but did unite in the views of the minority asserting such jurisdiction.

Mr. FOSTER. Have they reported to the House?

Mr. LAWRENCE. I suppose that the report has been made to the House.

Mr. McCRARY. It has been made to the House.

Mr. FOSTER. I accept the correction.

If KING, the republican, had been alone he would have been expelled long ago. The vengeance of this virtuous reform House would not have permitted him to hold his seat a week after the opening of Congress.

I read from the New York Times a carefully prepared statement of the reform practices of this House. Its general accuracy cannot be questioned, while possibly there may be an occasional error of minor detail:



## DEMOCRATIC REFORM.

*Union soldiers removed to make room for rebels—What the democracy has already accomplished—Disabled Union soldiers turned out and confederates of various grades of incompetence put in their places—A carnival of ignorance and imbecility and a foretaste of what we may expect under Tilden.*

[From our own correspondent.]

WASHINGTON, Saturday, July 29, 1876.

The declaration of the Saint Louis platform, made and repeated with frequent reiteration that "reform is necessary," is well illustrated and sustained by the manner in which the civil offices under control of the House of Representatives have been filled and administered during the present session. The same facts will perhaps suggest that the reform which is necessary will not be secured in the civil service by intrusting the administration to the democratic party. At least there is nothing in the record of the House in the eight months since the beginning of December last to prove conclusively that the democratic party is, as a party, devoted to a pure, high-toned, efficient, well-conducted civil service. If civil service reform, however, means the turning out of all persons now in office, the replacing of Union soldiers with soldiers of the confederacy, in putting into good places men who have failed to secure appointments in the past, and who for that reason have joined the democracy, and others who have been dismissed for cause and have naturally gone to the opposition; in giving places of responsibility, filled by trained and experienced men, to the new, inexperienced, and incompetent; in generally ignoring the requirements of efficiency and capacity in the interests of partisanship and personal services—if this is the kind of reform contemplated by the Saint Louis platform, there has been a fair display of it by the democratic House, and the country may very properly be called upon to look at it and determine whether the same thing of which the House holds up an example is desirable to be introduced throughout the administration during four years.

The House organized by electing a Speaker, Clerk, Doorkeeper, Postmaster, and Sergeant-at-Arms. The important appointments are in the Clerk's office. The largest number are with the Doorkeeper, and the smallest with the Sergeant-at-Arms. The Speaker has no patronage to dispense save that he is allowed a private clerk, appointed by the Clerk of the House, who leaves the selection to the Speaker. The clerk appointed to Mr. KERR is an ex-confederate. The Postmaster has a few, but important, assistants. Each committee has a clerk as a general rule, the exceptions this year being very few. He is appointed by vote of the committee in some cases, but oftener by the chairman, with the rest of the committee leave the designation as an act of courtesy. One of these clerks described his duties as requiring about twenty minutes of his time each week, for which severe labor he received about \$160 per month. Many other committee clerks are less fortunate, and have harder work.

The appointments of subordinate officers to the Clerk, Doorkeeper, Postmaster, and Sergeant-at-Arms are not in reality made by those officers, who have little more agency in the matter than formally placing the names selected by the members on the rolls. There is a general scramble by the State delegations for places for their States. It is quite common for the Doorkeeper to say, I can give Pennsylvania, for example, so many places, and the delegation, or rather the Pennsylvania democratic members, get together and after grave deliberation, or a light and agile "scrimmage," or more frequently the casting of lots, the members for whom the *sortes* leap forth, not from a helmet, but from a dilapidated plug-hat, announce to the Doorkeeper the names which are to be put down for a Government stipend. The appointing officers, to fulfill schemes of their own, or to show favoritism to particular friends, are compelled to resort to all kinds of tricks and subterfuges, such, for instance, as placing on the rolls as from one State persons really residents of another. One of Fitzhugh's difficulties arose from trying to play these tricks and getting caught at it, and the Postmaster was subject to great complaint in the first part of the session because he had taken his subordinates too largely from one State.

It will be observed from this manner of making the appointments the whole democratic party, through the great body of its most freshly chosen representatives, has been displaying itself. Mistakes in the system or in the details of its administration cannot be shifted upon individuals, for the great body of the democracy has been engaged in the work.

In regard to the administration of the offices a great deal might be written. Much of the delay in getting the House in working order, by which in the first two months of the session not a solid week's work was accomplished, is attributable to the greenness and inefficiency of the officers. In no department was the work well done. Frequent blunders were made in keeping the record, so that members for the first time in many years felt compelled to listen each morning to the reading of the Journal. The assistant doorkeepers could not find the members when on the floor, and persons sending in cards sometimes had to wait hours for an answer. This trouble could have been avoided by retaining for a time some of the old doorkeepers. Members could not get a report or bill from the document-room without great trouble and delay. They were stifled and made sick by bad ventilation because of an inexperienced engineer. The Sergeant-at-Arms in one instance put a reputable citizen under arrest as a witness without authority or warrant. Blunders—not to use a harsher term—have been common in all the branches of service, and it is only a few days since one of Clerk Adams's subordinates enrolled a bill which had been passed by both Houses, an important bill on straw-bidding, in such a manner as to render the action of Congress null and void.

Thus much in relation to the general manner of "reform" appointments and administration as exhibited by the democratic party through its representatives in the House. Specific statements are always to be preferred to generalities, and the facts and records quoted below will command attention, which need not therefore be invited. They afford material for extensive generalizations, which readers will not fail to make. They afford food for thought graver and more earnest than need be expended upon a merely partisan exhibit of facts. The patriot, the honest politician, and the real reformer may well pause to consider whether any more of the same kind of "reform is necessary" or desirable, or likely to be advantageous to the country.

One of the most striking facts shown by the record is the utter abhorrence which the democratic party, through its representatives, exhibits for the Union soldier and the love of those who bore arms against the Republic. No protestations of loyalty will stand against such a record of Union soldiers dismissed and rebel soldiers appointed. On this point little need be said. The list of names shall tell their own story. The column on the left hand contains the names of employés discharged, and the column on the right those appointed. The Union soldiers discharged have their names printed in small capital letters. The names of confederates appointed are in italics. A star designates the Union soldiers who were disabled by wounds received in the service:

## OFFICERS REMOVED AND APPOINTED BY THE DEMOCRATIC HOUSE.

## In the Clerk's Office.

## OFFICERS REMOVED.

E. McPherson, Clerk.  
C. Lloyd, Chief Clerk.  
J. M. Barclay, journal clerk.  
J. W. NIGHTINGALE, tally clerk.  
W. K. Meehaffy, reading clerk.  
C. W. Cilsbee, reading clerk.  
J. W. Clayton, assistant journal clerk.  
J. H. BONEBRAKE, printing clerk.  
\* W. P. White.

## OFFICERS APPOINTED.

George M. Adams, Clerk.  
Green Adams, Chief Clerk.  
C. H. Smith, journal clerk.  
H. H. Smith, journal clerk.  
N. S. Brown.  
T. W. Pettit.  
D. Flanagan.  
T. O. TOWLES.  
W. French.

L. REINBURG.  
J. W. KRAUTH.  
A. D. Wood.  
A. BAENES.  
Z. Moses, cashier.  
J. Holcombe.  
H. D. WHARTON.\*  
J. P. JEFFRIES.  
E. J. CRESSY.  
E. F. Minor.  
J. J. Piatt, Librarian.  
Paul Stephens, Librarian.  
Joseph Harris, chief messenger.  
J. B. CLARKE, jr., superintendent documents.  
G. F. Stimson, clerk.  
J. C. ROWLAND, clerk.  
J. T. MILLER, engineer.  
Levi Jones, assistant engineer.  
A. T. Sherman, assistant engineer.  
David Small, assistant engineer.  
J. H. Barker, fireman.  
C. P. BURDICK, fireman.  
E. H. Brown, fireman.  
J. B. SIMMONS, fireman.  
Hugh Lyons, fireman.  
F. BALLENGER.  
J. D. Barclay.  
T. H. Sherman, secretary to Speaker.  
WILLIAM DEPLICH.\*  
H. S. LINKER.  
GEORGE WINTERS.  
DAVID SMALL.  
A. T. SHERMAN.

## Under the Doorkeeper.

O. Buxton, Doorkeeper.  
JOHN BOYD, assistant doorkeeper.  
GEORGE W. DUNN, superintendent folding-room.  
J. Duffield, superintendent documents.  
W. S. YOUNG, assistant superintendent documents.  
L. A. BUXTON, file clerk.  
J. S. SAMSON, messenger.  
A. S. French, messenger.  
S. B. Wells, messenger.  
J. W. Chandler, messenger.  
R. R. STEPHENS, messenger.  
GEORGE C. McPHERSON, messenger.  
JOHN STERLING, messenger.  
J. W. WRIGHT, messenger.  
W. P. Lawer, messenger.  
H. H. REMINGTON, messenger.  
W. P. ANDERSON, messenger.  
HUDSON DECKER,\* messenger.  
M. J. BUNNELL,\* messenger.  
J. B. EUGENE,\* messenger.  
WILLIAM M. GIBSON,\* messenger.  
S. H. Neally.  
G. W. Pugh.  
E. C. Stevens.  
J. L. Kenea.  
A. Marston.  
George W. Currier.  
J. E. W. THOMPSON.\*  
W. HARDING.  
Robert O'Hare.  
S. S. STRACHAN.  
J. N. Hubbard.  
B. N. G. O'Brian.  
A. H. Loyd.  
J. E. HAMMOND.  
Charles E. Brant.  
C. H. SEWELL.\*  
E. J. Burr.  
W. B. Brower.  
A. E. Ward.  
JOHN HUNTER.  
PHIL COLEMAN.\*  
Lewis Ellis.  
J. J. G. Ball.\*

## Sergeant-at-Arms.

N. G. Ordway, Sergeant-at-Arms.  
E. L. Whitford, clerk to Sergeant-at-Arms.  
Charles Christian, Messenger.

## Capitol Police.

Colonel GEORGE W. KIRK.  
W. K. TAYLOR.  
E. S. Atkinson.  
C. J. Jones.  
J. McNeal.  
J. W. Westfall.  
F. M. Colby.  
A. M. Greene.

## Post-Office.

H. M. SHERWOOD,\* Postmaster.  
JAMES F. WILSON,\* assistant postmaster.  
NORMAN CRANE, messenger.  
J. H. LITTLE, messenger.  
F. A. WARDELL,\* messenger.  
W. B. SESSIONS, messenger.  
C. Palmori, messenger.  
D. B. BRADLEY, messenger.  
D. T. BISHOP, messenger.  
R. S. McMICHAEL,\* messenger.  
A. M. LEGG, messenger.  
C. M. Thomas, messenger.  
James L. McKee, messenger.  
J. D. SEVERN, messenger.  
R. P. BISHOP,\* messenger.  
JAMES H. PAINE, messenger.  
J. R. Mertz,\* mail agent.

J. H. Francis.  
J. M. Brown.  
T. H. Baker.  
T. B. Dalton.  
F. F. King.  
E. Keightley.  
J. C. Barr.  
H. M. Beadle.  
D. B. Sublet.  
E. M. Jewell.  
J. D. Young.  
W. O. Reeves.  
J. H. Patterson.  
Morgan Rawles.

C. H. Voorhees.  
H. A. Alcott.  
G. C. Ellison.  
J. W. McGlensye.  
C. A. Stewart.  
J. H. Rodgers.  
E. Morris.  
P. M. Higgins.  
S. J. Davenport.  
T. Rafferty.  
L. J. Reilly.  
T. McKag.  
W. H. Scudder.  
J. H. White.

L. H. Fitzhugh.  
J. W. Jennings.  
A. W. Fletcher.

A. W. Reese.  
C. C. Aleshire.

L. Fitzhugh.  
Eugene Durnin.  
N. S. Clark.  
S. J. Richardson.  
William Deegan.  
G. M. Lefevre.  
Silas Carr.  
E. A. Dulin.  
F. M. Schell.  
John Baxter.  
P. H. Winston.  
James G. Paine.  
Charles W. Combs.  
James G. Long.  
W. J. McCord.  
C. C. Buckner.  
George A. Bacon.  
T. G. Sullivan.  
John Baxter.  
S. O. Hemmingway.  
W. Leach.  
Patrick Doran.  
W. W. Stringfield.  
G. J. Huston.  
T. J. Leary.  
G. E. Gittings.  
George K. Coleman.  
J. S. Knight.  
J. T. Blackstone.  
W. W. Lester.  
Thomas T. Dugan.  
Frank Smythe.  
George V. Hebb.  
N. B. Henderson.  
H. M. Scott.  
C. W. O. Dunnington.  
E. P. Schell.  
James Hall.  
J. Smith.

J. G. Thompson.  
E. Winship.  
R. W. Lennox.

H. T. Banks.  
Thomas Fealom.  
J. G. Barker.  
F. J. Jones.  
J. C. Saunders.  
J. Hill.  
J. H. Burnham.  
M. Connelly.

Joseph M. Stuart.  
E. Snowden, jr.  
A. W. C. Novlan.  
P. S. Goodsell.  
J. R. Fisher.  
G. W. Kennedy.  
Edward Este.  
E. C. Glass.  
Joseph M. Taylor.  
George W. Rock.  
W. Robertson.  
Henry Cook.  
Thomas B. Curby.  
William B. Louvy.  
George T. Rodgers.  
Richard Allen.  
H. Lathram.

An examination of the table shows that there were discharged from the Doorkeeper's department, 23 Union soldiers; from the Clerk's office, 19 Union soldiers; from the post-office, 13 Union soldiers; from the Capitol police, 2; making 57 Union soldiers discharged by the democratic House since its organization last December. A number of these soldiers were disabled in the service.

There were appointed in their places, as far as can be ascertained, in the Doorkeeper's department, 19 confederates; in the Clerk's office, 10; in the post-office, 14; Capitol police, 1; and 3 committee clerks; making 47 confederate soldiers appointed. The names of many of the employees of the present House, such as extra messengers, folders, and extra committee clerks, cannot be ascertained, for the reason that they are paid upon vouchers instead of a regular roll. A great number of these extra employees are ex-confederates, and if the facts could be ascertained in all the cases, the number of ex-confederate soldiers appointed would be found to exceed the number of Union soldiers discharged.

The post-office rolls show the most wanton disregard by the confederate House of the obligations of the Government to its disabled soldiers, where nearly every man discharged served in the Union Army, and with two exceptions every man appointed was a confederate.

The Postmaster, Henry M. Sherwood, was an officer of Company C, Fourth Michigan Cavalry. He served with distinction in the Southwest, and lost a leg at the battle of Kenesaw Mountain. He was succeeded by Colonel Joseph M. Stewart, a confederate officer in Ashby's command of confederate cavalry.

Joseph F. Wilson, the assistant postmaster, served with distinction in the war, and was shot through the face at the battle of Fort Donelson and terribly disfigured. He still suffers severely from his wounds. He was the first one discharged to make room for E. Snowden, jr., an ex-confederate, who was not, however, in the army. He took the modified oath in qualifying for the office.

F. A. Wardell was a member of the Sixth Massachusetts Regiment, served with distinction during the entire war, and was very severely wounded at Winchester. He was discharged early in the session by Colonel Stewart to make room for an ex-confederate soldier.

R. P. Bishop, in the post-office department, belonged to a Michigan infantry regiment, served during the war, losing an arm in the service. He, too, gave place to a confederate soldier early in the present session.

R. S. McMichael was a soldier in a Wisconsin regiment, and is almost entirely blind from wounds received in the service. An ex-confederate soldier succeeded Mr. McMichael.

The Doorkeeper's department was notoriously the worst demoralized, however, by the changes made of any. Mr. O. S. Buxton, a gentleman of intelligence and character, and a most efficient officer, was succeeded by L. H. Fitzhugh, an ex-confederate and the sergeant-at-arms of the confederate congress. This man Fitzhugh has become famous by reason of letters in which he describes himself as "a bigger man than old Grant." The same letter graphically describes the importunities of members of the reform Congress for offices for their friends, and tells how the writer is fêted by wives of distinguished members because of the offices he has at his disposal. Fitzhugh was appointed because he is supposed to have some of the blood of Patrick Henry coursing in his veins. The degenerate descendant of a famous Virginian was ignominiously turned out of office, his truthful letter being made a pretext to cover the real reason, which was a failure to distribute his patronage so as to satisfy influential and exacting members.

Under the Doorkeeper were a large number of Union soldiers, fourteen of whom were more or less disabled in the Union service from a mere gunshot wound in some cases to the loss of an arm or leg, and even both arms. All of these soldiers were marked for discharge, and nearly all of them had been given notice to quit. In a great majority of instances their places were filled by ex-confederates. There was, however, so much disturbance raised by the Northern democrats about the discharge of these crippled soldiers, that nine of them were re-instated in their places, one of whom has since been discharged, and the remainder probably will be discharged as soon as Congress shall have adjourned. Some of the most notable of the changes made are worth more consideration than will be allotted to them in this brief sketch.

Major M. J. Bunnell entered the service in 1861 in the Thirteenth Regiment New York Volunteers. He participated in many of the important battles of the war. In October, 1861, he was commissioned second lieutenant, and in January, 1862, first lieutenant. He was engaged in all the battles from the siege of Yorktown to the second battle of Bull Run, in August, 1862, where he was severely wounded, having been shot through both lungs and the left thigh. He was left on the field for dead, remaining in the hands of the enemy. While he was still ill he was commissioned a captain, remaining as such till the expiration of his regiment's term of service, when he was mustered out. He then entered the Veteran Reserve Corps, and did duty as provost-marshal till the close of the war. He was brevetted major for meritorious conduct on the field.

This brave soldier and meritorious officer was succeeded by F. M. Schell, of Indiana. Schell is a big, pompous fellow, whose business it was to clear the floor of all persons except members previous to the calling of the House to order each day. This duty he discharged in such an imposing and tremendous fashion as at first to make him a butt for ridicule. He became disagreeable by his officiousness, and grave charges were also preferred, which caused his dismissal. He is still to be seen about the floor of the House, and it is said he has been "taken care of," which probably means that he is paid upon a voucher instead of appearing on the rolls. The story of the charges against him is too indecent to print. He is, in short, known as the purveyor to members of the House of a nameless commodity, for the furnishing of which he assisted at the beginning of the session in setting up an establishment.

William M. Gibson was a private in Company C, Thirty-sixth Illinois Regiment. He enlisted on the 1st of June, 1861, and participated in all battles through the Southwest. At the battle of Pea Ridge, Arkansas, he lost his right arm.

Hudson Decker was a member of the First New York Cavalry, and served from 1861 to 1865, through nearly all the cavalry engagements of the war. At Cold Harbor he was so injured by a fall from his horse that he has lost nearly the entire use of both his hands.

J. J. G. Ball was a member of the Twenty-sixth Massachusetts Volunteers, from which he was promoted to the position of captain in the Eighty-sixth Regiment United States troops. On April 9, 1865, at Blakely, Alabama, during the engagement which took place at that point, he was shot through the right chest and lost his right arm.

William Deplitch, another of the disabled soldiers discharged by Fitzhugh, served in Company E, Third Massachusetts, and lost a leg at Goldsborough, North Carolina.

Charles H. Sewell, of Company G, Ninety-ninth New York Volunteers, was another victim of democratic reform. He was twice wounded in action and saw four years and more of hard service.

J. B. Eugene was a member of a Wisconsin regiment. He served during a large part of the war and lost an arm in the service.

J. E. W. Thompson was also discharged by Fitzhugh among the first of the Union soldiers sent off to make room for confederates. He lost a leg in one of the notable battles of the war.

Philip W. Coleman was one of the recent discharges from the Doorkeeper's department. He lost an arm while battling for the Union, and was four times severely wounded at James Island, South Carolina. He served in the Eighth Michigan Infantry.

That the House was not fortunate in the character of its appointees has been well known, but a brief summary of a few instances is worth attention. The Clerk, Mr. Adams, has been under investigation, and of the charges of corruption has

been acquitted, no doubt deservedly. A committee still has before it a resolution of inquiry whether Adams has not labored to oppose the legislation of the House relative to the reduction of his own salary. This he admits, in a way, but the committee has not reported any condemnation of such action. His fault consisted chiefly in trying to secure assistance in this affair from the republican side of the House. While Adams himself escapes any condemnation, the appointees under him have been less fortunate.

The veteran journal clerk, John M. Barclay, who had held the position for thirty years, and was still a most valuable officer, was forced to resign, and his assistant, J. W. Clayton, was dismissed. One C. H. Smith, of New Hampshire, was appointed to succeed Barclay, and proved to be not only incapable, but dishonest. He was caught using his position to secure business as a claim agent in anticipation of the passage of the bill equalizing soldiers' bounties, and he was no doubt counting upon aiding the passage of the bill by using the influence of his office. He was investigated, threatened with dismissal, and resigned in disgrace.

The successor of Clinton Lloyd as Chief Clerk in the office of the Clerk of the House is Green Adams, the uncle of the Clerk Adams: a case of nepotism reversed. Green Adams was formerly Auditor of the Treasury for the Post-Office Department. While in that position the chief clerk, Sharretts, sold waste paper to the value of \$5,392.76, and paid to Green Adams out of the amount \$2,517.52. Neither Sharretts nor Adams ever accounted for the money till both were out of office. When the facts were partially discovered through the man who bought the paper, Sharretts refunded \$2,345.24, and turned over Green Adams's receipts for the remainder to the amount stated above. Adams makes a long statement, which is in effect that he was informed by Sharretts that this money had been kept by the auditors because there was no fund into which it could be received in the Treasury Department, and Sharretts said, "If you pay it to any person, pay it to your successor in office." But Sharretts had never heard of this money being paid over except by one auditor. Adams had intended to pay the money over to his successor, but went home before his successor was appointed. These facts appear in the public records, and show that the present Chief Clerk is either not a very honest man or not a very competent officer. Adams is also an ex-member of the House.

The engineer, Ellison, is under investigation on various charges, and no report has been made. It would require more space to set forth the nature of the charges affecting his character than is warranted by the importance of his position. The greatest trouble with him is his incompetence. Mr. HEWITT, who originally recommended Ellison, withdrew his recommendation on discovering by inquiries of his own that Ellison did not know there was any difference between a high-pressure and a low-pressure engine, and could not explain what he would do if he found the water in the boiler had become too low. Ellison was afterward put through a competitive examination, and came out at the head and was appointed. It is commonly supposed that he was "crammed" for the occasion, and knew what questions to expect. That he was incompetent was shown by the condition of the air in the House, which never was so bad before, though the machinery remains unchanged. The result of the investigation is unknown.

J. J. Piatt, the Librarian of the House, a writer and scholar of some celebrity, was succeeded by John D. Young, a democratic ex-member of Congress.

John B. Clark, jr., a Union soldier, superintendent of the document-room, was succeeded by Morgan Rawles, an ex-confederate and democratic ex-member of Congress.

The committees have a larger army of clerks than ever were employed before. They are supposed to be made necessary by the numerous investigations. Many clerks to committees are not regularly appointed, but are simply employed and paid on vouchers, so their real positions will not appear in the records. The disgrace of two of the most important of the regular committee clerks is notorious.

MORRISON appointed as clerk of the Committee of Ways and Means J. P. Hambleton. This man was a cotton-claim agent and lobbyist, and, besides, was an unusually bitter and vituperative rebel. He named a son John Wilkes Booth, for the assassin of Abraham Lincoln. This charge having been made, he denied it intemperately. The charge having been proved, MORRISON was unable to stand the pressure, and Hambleton resigned.

Boughton, clerk of the Committee on Military Affairs, was charged with entering into collusion, while a revenue officer, with fraudulent whisky distillers, and sharing the profits of the frauds. The investigation was made by his own committee, which was as lenient as possible. The *ex parte* case was clear against him, but division arose in the committee about the extent of the examination, and he was finally permitted to resign, instead of being dismissed. His offense was outlawed under the statute of limitations.

Several committee-clerks were discharged employees of the Departments. Such men seemed to be preferred for committee-clerks, and in one or two notable instances they used the committees as instruments for revenge, not, however, very successfully.

The only reform in the democratic party that I know of is the reform of the chairman of the Committee on Appropriations. He has reformed, from being the leader of his side of the House in all forms of governmental extravagance, who has time and again on this floor advocated high salaries, even up to and including the closing hours of the Forty-third Congress; who once went so far as to say that a man who could not earn \$7,500 as a member of Congress was not fit to be one. He has now reformed and has even become a reformer, and the democratic side of the House has reformed with him. How long this will last is quite doubtful. Like all old and hardened sinners, he and they are more than ordinarily zealous in their professions of reform. It is to be hoped that unlike this class of zealous reformers generally they will not fall by the way-side after the election.

My purpose in briefly alluding to this matter of reform is to institute a number of comparisons of the expenses of the Government between the years of democratic rule and the present republican rule.

In 1859 the expenditures of the Government were \$68,984,090; in 1876 they were about \$258,000,000 in round numbers; making a difference of \$189,000,000 between the expenses of the Government in 1859 and 1876.

This difference can be accounted for quite easily. Three causes account for it:

First, the war and the expenses incident thereto, which entail an expense of \$170,000,000, divided as follows:

Interest on the public debt about .....	\$100,000,000
Pensions about .....	28,000,000
Expenses incident to the war .....	42,000,000

Total war expenses .....	170,000,000
Second, natural growth of the service with the growth of the country .....	10,000,000
New service, not in existence in 1859 .....	9,000,000

Total expenses for 1876 in excess of 1859 .....	189,000,000
Add expenses of 1859 .....	69,000,000

Total for the service in 1876 .....	\$258,000,000
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Add nineteen millions to the cost of the service on account of the growth of the country to the sixty-nine millions, cost for 1859, and we have eighty-eight millions as the present cost, less war expenses. population in 1859, 31,000,000; *per capita* cost, \$2.10; population in 1876, 44,000,000; *per capita* cost, \$1.85. The actual *per capita* expenses to-day (less expenses caused by the war) is twenty-five cents less than in 1859.

It will be seen by this table, which is entirely accurate, that in 1860 in the First Auditor's Office there were nineteen hundred and eighty-one subjects examined, against seven thousand and sixty-five in 1875. In 1860 the amounts involved were \$157,000,000, against \$1,144,000,000 in 1876. The expenses in that Bureau for 1860 were \$42,340; in 1875 \$76,780; whereas the work performed is more than fourfold, and with this relative expense, namely, in 1860, it cost \$4.10 to settle a single account, whereas in 1875 it costs but \$3.06.

In the Third Auditor's Office the number of accounts settled was 2,300 in 1860 and 19,138 in 1875, amounting in 1860 to \$14,591,815; in 1875 it was \$53,418,828.50. The average salary of each clerk in 1860 was \$1,490.82, in 1875 it was \$1,312.13; showing the average salary to be in 1875 \$178 less than in 1860. So that after all the talk about high salaries the average cost is \$178 less than in 1860.

The cost of settling an account in 1860, in so-called good old democratic-reform times, was \$35; the cost now in times of so-called republican extravagance is \$12.30. An examination of all the Bureaus of all the Departments presents precisely similar results. The fact is, examination discloses the fact that the average cost of settling any given account is from 25 to 50 per cent. less now than in 1860; thus showing beyond controversy that the employes of the Treasury to-day do at least from 25 to 50 per cent. more work now than then, and that, too, at an average annual expense of \$178 less for each clerk.

*Comparative statement of work performed in the several Bureaus of the Treasury Department, below specified, during the years ending June 30, 1860, and June 30, 1875, respectively.*

	1860.	1875.
<b>FIRST AUDITOR'S OFFICE.</b>		
Number of accounts for money received.....	1,985	7,065
Amount involved.....	\$157,596,761 36	\$1,144,320,298 80
Number of accounts for money disbursed.....	8,334	17,994
Amount involved.....	\$125,630,648 78	\$1,491,427,101 07
Expenses.....	42,340 00	76,780 00
Cost per account.....	4 10	3 06
<b>SECOND AUDITOR'S OFFICE.</b>		
Number of accounts settled.....	2,174	25,347
Amount involved.....	\$9,972,757 31	\$27,536,257 49
Letters, claims, &c., received.....	5,042	118,602
Letters written.....	8,003	131,321
Number of employes.....	24	176
Expenses.....	\$35,540	\$245,480
Number of accounts settled to each employe.....	90	144
Number of letters received to each employe.....	210	673
Number of letters written to each employe.....	333	746
Cost per account.....	\$16 34	\$9 68
<b>THIRD AUDITOR'S OFFICE.</b>		
Number of accounts settled.....	2,300	19,138
Amount involved.....	\$14,591,815 00	\$53,418,828 50
Number of employes.....	61	173
Expenses.....	\$90,940 00	\$237,000 00
Average salary of each clerk.....	1,490 82	1,312 13
Average amount settled by each clerk.....	239,210 00	308,779 30
Number of accounts settled by each clerk.....	394	111 59
Average cost per account.....	\$35 00	\$12 30

Statement showing the receipts and disbursements of the Government from January 1, 1834, to June 30, 1875; exhibiting also the amount of defalcations and the ratio of losses per \$1,000 to the aggregate received and disbursed, arranged in periods, as nearly as practicable, of four years each, and also in the periods prior and subsequent to June 30, 1861; prepared under the direction of the Secretary, to accompany his answer to a resolution of the United States Senate, dated February 9, 1876, calling for a detailed statement of balances due from public officers no longer in the public service which have arisen since 1830:

*Receipts, losses, and ratio of loss per \$1,000 to aggregate of receipts.*

Period.	Customs.			Internal revenue.		
	Receipts.	Losses.	Loss on \$1,000.	Receipts.	Losses.	Loss on \$1,000.
January 1, 1834, to December 31, 1837.....	\$70,185,498 66	\$1,211,566 25	\$17 26	\$20,519 41		
January 1, 1838, to December 31, 1841.....	67,253,444 08	264,502 94	3 93	9,964 20		
January 1, 1842, to June 30, 1845.....	78,946,436 31	254,939 03	3 23	5,892 71		
July 1, 1845, to June 30, 1849.....	110,564,342 31	7,719 11	06	3,647 26		
July 1, 1849, to June 30, 1853.....	194,957,446 48	215,749 08	1 10			
July 1, 1853, to June 30, 1857.....	245,148,753 03	131,277 05	53			
July 1, 1857, to June 30, 1861.....	184,125,082 85	38,776 03	21			
July 1, 1861, to June 30, 1865.....	305,360,453 61	31,261 99	10	356,846,137 30	\$423,288 60	\$1 18
July 1, 1865, to June 30, 1869.....	699,977,488 65	254,498 55	36	924,698,401 12	2,126,602 16	2 29
July 1, 1869, to June 30, 1873.....	805,268,591 96	20,935 15	02	572,369,491 98	826,265 67	1 44
July 1, 1873, to June 30, 1875.....	330,271,556 04	3,407 28	01	212,417,278 48	283,195 63	1 33
Total.....	3,082,089,003 98	2,434,632 46	78	2,066,371,242 46	3,659,352 06	1 77
January 1, 1834, to June 30, 1861.....	951,211,003 72	2,124,529 49	2 23	40,023 58		
July 1, 1861, to June 30, 1875.....	2,130,878,000 26	310,102 97	14	2,066,331,218 88	3,659,352 06	1 77

*Comparative statement of the work performed at the several Bureaus of the Treasury Department, &c.—Continued.*

	1860.	1875.
<b>FOURTH AUDITOR'S OFFICE.</b>		
Number of accounts adjusted.....	320	1,111
Number of vouchers embraced in same.....	58,098	189,451
Amount involved.....	\$17,442,757 43	\$42,109,798 61
Number of prize-claims settled.....		2,842
Amount of prize-money distributed.....		\$358,588 39
Number of general claims adjusted.....	346	1,552
Amount disbursed in above settlements.....	\$74,682 15	\$243,561 89
Monthly statements from paymasters received and examined.....		1,500
Certificates of service furnished Commissioner of Pensions.....		340
Number of pay requisitions entered.....	780	1,919
Amount.....	\$11,856,201 98	\$26,498,130 30
Number of refunding requisitions.....	115	218
Amount.....	\$326,608 00	\$4,697,428 00
Number of allotments registered.....	1,867	1,428
Number of letters received and registered.....	5,252	17,383
Number of letters written.....	5,673	21,859
Number of clerks employed.....	15	45
Expenses.....	\$27,740 00	\$78,328 25
<b>FIFTH AUDITOR'S OFFICE.</b>		
Number of accounts adjusted.....	1,347	11,697
Number of clerks employed.....	8	33
Expenses.....	\$17,840 00	\$32,400 00
Cost per settlement.....	1,324	4 48
<b>OFFICE OF COMMISSIONER OF CUSTOMS.</b>		
Receipts.....	\$53,166,728 09	\$150,117,443 87
Disbursements.....	6,542,912 67	19,726,337 81
Letters written.....	5,426	12,345
Letters received.....	3,683	10,888
Letters recorded.....	5,426	10,318
Returns received and examined.....		10,824
Number of oaths registered.....		5,841
Number of appointments registered.....		5,600
Number of clerks employed.....	11	29
Expenses.....	\$30,440 00	\$45,420 07
<b>FIRST COMPTROLLER'S OFFICE.</b>		
Accounts revised and balances recorded.....	7,580	21,533
Requisitions.....	1,116	4,435
Warrants entered and posted.....	17,022	48,407
Letters written, &c.....	3,732	12,252
Internal-revenue tax-lists received and entered.....		2,715
Internal-revenue reports copied, &c.....		3,538
Powers of attorney examined and entered.....	68	1,527
Expenses.....	\$28,201 00	\$73,768 00
<b>REGISTER'S OFFICE.</b>		
Certificates of registry recorded.....	2,738	2,608
Emoluments recorded.....	7,269	7,296
Statements of tonnage published.....	7	26
Warrants registered.....	16,376	47,979
Drafts registered.....	13,852	40,046
Entry of accounts, journal pages.....	1,709	4,558
Certificates for settlements of accounts.....	3,494	14,972
Accounts received.....	14,131	23,538
<b>Division receipts and expenditures:</b>		
Ledger headings.....	1,213	3,305
Entries in ledgers.....	26,120	66,661
Ledger accounts, loan division.....	1,500	40,000
Number of employes.....	37	208
Average salary of each employe.....	\$1,397	\$1,176

I submit a table herewith showing the receipts and disbursements of the Government since January 1, 1834. This table also shows the receipts, losses, and ratio of losses per \$1,000 to aggregate of receipts.

TREASURY DEPARTMENT, Washington, D. C., June 19, 1876.

## Receipts, losses, and ratio of loss per \$1,000 to aggregate of receipts—Continued.

Period.	Miscellaneous.			Net total.			Gross total.		
	Receipts.	Losses.	Loss on \$1,000.	Receipts.	Losses.	Loss on \$1,000.	Receipts.*	Losses.	Loss on \$1,000.
January 1, 1834, to December 31, 1837.....	\$62,796,953 70	\$172,259 16	\$2 74	\$133,002,971 77	\$1,383,825 41	\$10 40	\$135,995,960 92	\$1,383,825 41	\$10 17
January 1, 1838, to December 31, 1841.....	26,832,178 67	127,825 40	4 76	94,125,586 95	392,328 34	4 16	129,948,548 91	392,328 34	3 01
January 1, 1842, to June 30, 1845.....	8,545,683 07	175,042 36	20 48	87,498,012 09	429,981 39	4 91	116,736,004 87	429,981 39	3 68
July 1, 1845, to June 30, 1849.....	12,019,158 04	10,390 87	86	122,587,147 61	18,109 98	14	201,857,508 45	18,109 98	8 08
July 1, 1849, to June 30, 1853.....	12,624,329 01	60,521 50	4 79	207,581,775 49	276,270 58	1 33	211,908,612 91	276,270 58	1 30
July 1, 1853, to June 30, 1857.....	37,024,174 86	81,724 73	2 20	282,172,927 89	213,001 78	75	282,179,829 56	213,001 78	75
July 1, 1857, to June 30, 1861.....	12,838,290 35	155,247 80	12 09	196,963,373 20	194,003 83	98	312,359,679 56	194,003 83	62
July 1, 1861, to June 30, 1865.....	67,251,745 08	53,943 01	80	729,458,335 99	508,493 60	69	4,670,460,137 61	508,493 60	10
July 1, 1865, to June 30, 1869.....	91,743,064 44	181,621 19	1 97	1,716,418,954 21	2,562,721 90	1 49	4,042,316,438 46	2,562,721 90	63
July 1, 1869, to June 30, 1873.....	79,624,848 56	107,497 86	1 35	1,457,262,842 50	954,698 68	65	2,576,645,585 22	954,698 68	37
July 1, 1873, to June 30, 1875.....	51,273,097 73	35,581 01	69	583,961,862 25	322,183 92	55	1,420,222,298 62	322,183 92	22
Total.....	462,573,453 51	1,161,634 89	2 51	5,611,033,789 95	7,255,619 41	1 29	14,100,631,205 09	7,255,619 41	51
January 1, 1834, to June 30, 1861.....	172,680,767 70	782,991 82	4 52	1,123,931,795 00	2,907,521 31	2 58	1,390,986,145 18	2,907,521 31	2 09
July 1, 1861, to June 30, 1875.....	289,892,685 81	378,643 07	1 30	4,487,101,994 95	4,348,098 10	96	12,709,645,059 91	4,348,098 10	34

\* Includes receipts for loans.

## Disbursements, losses, and ratio of loss per \$1,000 to aggregate disbursements.

Period.	Miscellaneous.			Post-office.		
	Disbursements.	Losses.	Loss on \$1,000.	Disbursements.	Losses.	Loss on \$1,000.
January 1, 1834, to December 31, 1837.....	\$23,921,077 47	\$300,154 05	\$12 54	\$11,697,884 58	\$13,696 31	\$1 17
January 1, 1838, to December 31, 1841.....	25,372,936 06	2,485,356 47	97 95	18,284,961 77	51,809 86	2 83
January 1, 1842, to June 30, 1845.....	21,535,282 45	4,008,452 22	46 82	18,666,750 20	2,679 46	14
July 1, 1845, to June 30, 1849.....	32,133,077 73	766,262 44	23 84	16,861,478 41	2,571 94	15
July 1, 1849, to June 30, 1853.....	68,899,995 00	899,785 74	13 05	26,532,570 74	52,946 20	1 99
July 1, 1853, to June 30, 1857.....	111,122,107 75	862,084 11	7 75	40,439,110 70	280,128 05	6 92
July 1, 1857, to June 30, 1861.....	101,502,826 81	834,731 96	8 22	56,957,922 74	172,278 46	3 02
July 1, 1861, to June 30, 1865.....	115,145,844 93	1,111,281 85	9 65	48,779,085 45	93,467 03	1 91
July 1, 1865, to June 30, 1869.....	201,926,036 61	1,080,156 82	5 34	81,016,286 91	167,236 74	2 06
July 1, 1869, to June 30, 1873.....	248,032,245 27	440,953 04	1 77	104,132,079 69	117,797 60	1 13
July 1, 1873, to June 30, 1875.....	156,212,296 59	317,248 86	2 03	65,737,724 03	34,970 63	53
Total.....	1,105,803,726 67	10,106,467 56	9 13	489,155,854 82	989,582 38	2 04
January 1, 1834, to June 30, 1861.....	384,487,303 27	7,156,826 99	18 61	189,490,678 74	576,109 78	3 04
July 1, 1861, to June 30, 1875.....	721,316,423 40	2,949,640 57	4 08	299,665,176 08	413,472 60	1 39

Period.	War.			Navy.			Indians.			Pensions.		
	Disbursements.	Losses.	Loss on \$1,000.	Disbursements.	Losses.	Loss on \$1,000.	Disbursements.	Losses.	Loss on \$1,000.	Disbursements.	Losses.	Loss on \$1,000.
Jan. 1, 1834, to Dec. 31, 1837.....	\$36,885,422 32	\$502,062 83	\$13 60	\$20,275,832 24	\$213,405 94	\$10 53	\$12,095,456 75	130,256 56	\$10 76	\$10,873,957 03	\$17,906 63	\$1 65
Jan. 1, 1838, to Dec. 31, 1841.....	37,711,097 43	206,873 89	5 48	24,428,848 64	101,256 23	4 14	12,879,740 60	4,215 61	32	10,290,804 48	101,951 64	9 90
Jan. 1, 1842, to June 30, 1845.....	20,483,584 91	48,359 58	2 35	24,920,331 48	54,291 93	2 17	4,573,354 42	10,585 29	2 31	6,650,769 55	11,553 38	1 74
July 1, 1845, to June 30, 1849.....	88,500,208 38	747,275 33	8 44	33,550,831 62	115,666 69	3 45	5,084,563 30	11,768 92	2 31	6,112,345 31	71,196 44	11 64
July 1, 1849, to June 30, 1853.....	40,280,994 32	373,158 05	9 26	36,771,937 67	141,493 87	3 85	11,417,463 40	69,497 61	6 08	8,318,428 22	1,257 41	15
July 1, 1853, to June 30, 1857.....	62,492,668 32	378,333 37	6 05	50,843,720 68	377,505 68	7 42	11,322,013 17	38,088 97	3 36	5,316,887 56	18,840 51	3 54
July 1, 1857, to June 30, 1861.....	88,307,575 55	287,516 48	3 25	52,645,998 89	183,510 52	3 49	14,325,403 42	982,417 05	68 58	4,577,393 06	4,649 51	1 01
July 1, 1861, to June 30, 1865.....	2,713,569,422 83	4,241,868 55	1 56	314,223,986 21	1,079,639 44	3 43	13,169,317 75	136,582 62	10 37	23,263,779 07	29,650 45	1 27
July 1, 1865, to June 30, 1869.....	583,749,510 99	542,547 69	92	120,173,925 90	98,422 02	81	19,135,153 08	73,973 97	3 86	88,810,848 02	94,540 67	1 06
July 1, 1869, to June 30, 1873.....	175,150,962 73	169,900 39	97	85,987,323 86	180,964 68	2 10	25,848,369 29	23,557 44	91	120,676,926 67	230,826 93	1 90
July 1, 1873, to June 30, 1875.....	83,434,573 20	23,742 80	28	52,430,213 69	26,670 77	50	15,077,118 91	2,676 38	17	58,494,630 88	.....	.....
Total.....	3,930,566,021 03	7,521,638 96	1 91	816,252,950 88	2,572,827 77	3 15	144,927,954 09	1,483,020 42	10 23	343,386,769 85	\$82,373 57	1 69
Jan. 1, 1834, to June 30, 1861.....	374,661,551 28	2,543,579 53	6 79	243,437,501 22	1,187,130 86	4 87	71,697,995 06	1,246,830 01	17 39	52,140,585 21	227,355 52	4 36
July 1, 1861, to June 30, 1875.....	3,555,904,460 75	4,978,059 43	1 39	572,815,449 66	1,385,696 91	2 41	73,229,959 03	236,790 41	3 23	291,246,184 64	355,018 05	1 21

Period.	Net total, exclusive of post-office.			Gross total, exclusive of post-office.			Administration.
	Disbursements.	Losses.	Loss on \$1,000.	Disbursements.*	Losses.	Loss on \$1,000.	
January 1, 1834, to December 31, 1837.....	\$104,051,745 81	\$1,163,786 01	\$11 18	\$110,303,325 19	\$1,163,786 01	\$10 55	Jackson's.
January 1, 1838, to December 31, 1841.....	110,683,427 21	2,899,653 84	26 19	137,094,438 34	2,899,653 84	21 15	Van Buren's.
January 1, 1842, to June 30, 1845.....	78,163,322 81	1,133,242 40	14 49	109,187,401 24	1,133,242 40	10 37	Harrison and Tyler's.
July 1, 1845, to June 30, 1849.....	165,381,026 34	1,712,169 82	10 35	205,194,700 57	1,712,169 82	8 34	Polk's.
July 1, 1849, to June 30, 1853.....	165,688,818 66	1,485,192 68	8 96	194,370,493 14	1,485,192 68	7 64	Taylor and Fillmore's.
July 1, 1853, to June 30, 1857.....	241,007,397 48	1,674,852 64	6 94	285,638,875 65	1,674,852 64	5 86	Pierce's.
July 1, 1857, to June 30, 1861.....	261,359,197 73	2,292,825 52	8 77	328,183,268 39	2,292,825 52	6 98	Buchanan's.
July 1, 1861, to June 30, 1865.....	3,179,372,350 79	6,599,022 91	2 07	4,667,457,921 22	6,599,022 91	1 41	Lincoln and Johnson's.
July 1, 1865, to June 30, 1869.....	1,013,795,474 60	1,889,641 17	1 86	3,891,576,259 10	1,889,641 17	4 48	
July 1, 1869, to June 30, 1873.....	655,695,827 22	1,046,202 48	1 59	2,601,158,569 90	1,046,202 48	40	Grant's.
July 1, 1873, to June 30, 1875.....	365,648,883 27	370,338 81	1 01	1,406,699,819 31	370,338 81	26	
Total.....	6,340,937,422 52	22,266,928 28	3 51	13,936,870,072 05	22,266,928 28	1 59	
January 1, 1834, to June 30, 1861.....	1,126,424,936 04	12,361,722 91	10 97	1,369,977,502 52	12,361,722 91	9 02	
July 1, 1861, to June 30, 1875.....	5,214,512,486 48	9,905,205 37	1 89	12,566,892,569 53	9,905,205 37	78	

\* Includes expenditures for public debt.

POSTAL MONEY-ORDERS.—Amount involved to June 30, 1875, \$389,718,785.38; loss, \$156,818.42; loss per \$1,000, forty cents.



## NOTES TO PRECEDING TABLES.

1. In cases where the accounts of defaulting officers embraced more than one period the losses, unless known to have occurred in other periods, have been charged to the periods in which the accounts were opened in this Department. In cases of defaulting banks, however, for want of other information, the losses have been charged to the periods in which they are reported on the books, though doubtless in several instances they actually occurred in previous periods. No losses of the latter kind, however, have been included unless known to have occurred within the period covered by this statement.

2. No deductions have been made for amounts which may be collected hereafter, though a large percentage of the recent losses will doubtless be yet recovered.

3. In preparing this statement the receipts and disbursements since June 30, 1843, have been classified by fiscal years as in the published official reports; the losses have in all cases been classified by calendar years, it not being practicable to separate the losses occurring in the fractional years of each period, but the periods compared being of the same length the result is substantially correct.

From customs receipts the loss during Jackson's time from 1834 to 1837 on \$1,000 was \$17.26; in Van Buren's time, \$3.93; in Grant's administration, two cents loss on each \$1,000.

From January 1, 1834, to June 30, 1861, the losses to the \$1,000 was \$2.23 per \$1,000; from July 1, 1861, to June 30, 1875, during republican administrations, fourteen cents per \$1,000. The internal-revenue system did not exist during democratic administrations. The losses per \$1,000 of receipts have been \$1.70; from miscellaneous sources during Jackson's term, \$2.75 per \$1,000; during Van Buren's service, \$4.76 per \$1,000; during Buchanan's time, \$12.09; and now, General Grant's term, sixty-nine cents per \$1,000! The average losses during democratic administrations, \$4.53 per thousand; in republican administration, \$1.30 per thousand.

On the total receipts from all sources the loss during democratic administrations was \$2.09; during republican administrations, thirty-four cents. Now take the disbursements, the losses, and ratio of loss per \$1,000. In the War Department during good old democratic times—General Jackson's term—the losses were \$13.60; during Van Buren's term, \$5.48; during Polk's four years as President, \$8.44; during Pierce's term, \$6.05; during Buchanan's term, \$3.25; during Grant's administration, twenty-five cents. The total losses on disbursements of offices belonging to the War Department in democratic times, from 1834 to 1861, was \$6.79 per thousand; total losses from 1861 to 1875, \$1.39 per \$1,000.

In the Navy Department, in the disbursements the losses during Jackson's term per \$1,000 were \$10.53; in Pierce's term, \$7.42; during Buchanan's term, \$3.49; during General Grant's term, fifty cents per \$1,000. Total democratic, \$4.87; total republican, \$2.41. Indian Bureau: Here our democratic friends have so much to say about extravagance that this table will be read with interest. The losses during Jackson's administration per \$1,000 were \$10.76; in Buchanan's time, \$68.58 per \$1,000. (I suppose these were the reform times that our democratic friends desire to bring us back to;) during Grant's time, seventeen cents per \$1,000. The total loss in democratic times, \$17.39 per \$1,000; during republican administrations, \$3.23 per \$1,000.

Losses on account of pensions during democratic administrations, \$4.36 per \$1,000; during republican administrations, \$1.21 per \$1,000.

In the Post-Office Department during democratic administrations, losses on each \$1,000 were \$3.04; during republican administrations, \$1.38. From miscellaneous sources, losses in democratic times was \$18.61 per \$1,000 as against \$4.08 in republican times. The total losses per \$1,000 on disbursements from all sources from 1834 to 1861 during democratic administrations was \$9.02, while during republican times it was only seventy-eight cents per \$1,000. And it may be added here that the losses during republican administrations are recent, and it is estimated at the Departments that 25 per cent. of what is put down as losses recently will finally be recovered, so that actually the losses during republican administrations will be probably 25 per cent. less than the figures here given.

When the republicans came into power it was found that looseness and disorder in all the departments of Government were the rule and order and care were the exception.

Congress was in the habit of making appropriations in gross and in indefinite sums. The Departments were permitted the widest range and discretion.

Under republican rule all appropriations were made in the greatest possible detail and in specific sums, leaving little or nothing to the discretion of the officers of the Government.

Now the conditions that obtained in democratic times are reversed, and we find order, care, and integrity the rule, and looseness and disorder the exception.

As a sample of the way things were done in old times, I give the following:

On pages 257 and 262, finance report for 1854, in the report of Special Agent Gouge, of November 27, 1854, will be found statements showing the careful method in which public moneys were kept in the better days of the Republic, and the unique, economic method by which transfers of such moneys were made in those days.

Mr. Minor, who undertook to transfer the \$100,000 from New York to New Orleans, as far as known to the Department, has not yet reached his destination.

The amount appears on the list of defaulters sent the House by the Treasury Department, charged against the City Bank of Columbus, Ohio.

This is but a sample of hundreds of others that are shown on the books of the Treasury Department and in the report sent to the House.

The system of checks and balances, instituted since the republican party came into power, renders such a transaction impossible.

The burden of the democratic song is now the cry of corruption. I

admit there is corruption in Government officers; I do not expect it to be otherwise as long as human nature is what it is.

To the charge of extravagance and corruption against the Administration so often made, I desire to say that in the discharge of my duty as a member of the Appropriation Committee I have had occasion to meet many of the officers directly in charge of the expenditures of the appropriations made by Congress.

It affords me pleasure to say that they are a superior body of men in all that pertains to genuine manhood, and they will rank in intelligence and honesty and in an honest discharge of duty with any private employment in this or any other country; while private employers pay for similar service greater salaries than these men can possibly receive. It therefore is a duty and a pleasure to say this for a class of men who are constantly maligned by the opposition for the sole purpose of making party capital. There are, possibly, among these men, here and there, one who is wanting in official integrity. It is expecting too much of human nature not to find it so, as the reign of democracy for a period of a quarter of a century conclusively proves. Investigation shows that the average of this class was far greater in numbers and costs to the Government under democratic than during republican rule.

I make the statement deliberately that, in my judgment and in the judgment of all candid men having knowledge of the subject, never in the history of the country was there as much capacity and integrity exhibited by the officers in charge of the administration of the Government as there is to-day. In making this statement I make full allowance for all the disclosures made by the committees of investigation this session. My opportunity for knowing these officials has been that of an actual, personal contact with and knowledge of them such as is enjoyed by but few of the public men of the country.

I do not believe that any of the walks of society can show an equal number of men more capable, more honest, and more deserving in all respects than these men.

As an illustration of the loose manner in which the House conducts its business, I will refer to one case as a sample. A democratic member offered a resolution calling for a list of the names, places of residence, and number of shares held by each of the stockholders of the national banks, the object being to obtain the names of members of Congress who were shareholders. To answer this request it required fifty-two months of the labor of the clerks, equal to the labor of one clerk for four and a half years. The cost of answering this resolution, including the labor, stationery, and printing, was about \$20,000.

This House has utterly failed to act on a proposition of the Secretary of the Treasury, agreed to by the republican Senate six months ago, relating to the refunding of the 6 per cent. bonds into a bond bearing interest at the rate of 4½ per cent., thereby saving to the country the sum of five millions annually in the payment of interest. If the House had acted promptly on this matter, by this time the refunding would probably have been an accomplished fact and the sum named above saved annually to the people.

There are lying in the committee-rooms of this House bills unacted upon, introduced by gentlemen from the South, aggregating a sum of not less than \$2,000,000,000, to be warmed into actual, real life by the success of Tilden and Hendricks.

Not acted on this session; why? Because if pressed now they would injure the prospects of democratic success.

Another of the reform movements of this House was the passage of the following proviso to one of the clauses of the sundry civil bill:

*Provided*, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections are hereby repealed.

It will be seen that the repeal would remove all restraint against dishonest voting in the great cities of the country as well as in the States where the rights of the colored men to vote are flagrantly interfered with. With this law repealed, Tammany Hall and John Morrissey could give Tilden so large a majority as to overcome the honest vote of the State, as was done in 1868, when General Grant and John A. Griswold were cheated out of the vote of the State, and that, too, under the management of the present democratic candidate for President. I make this statement on the authority of the last democratic candidate for the Presidency.

I put with it the circular letter sent to the faithful all over the State; the compliance with the suggestions therein contained enabled the present democratic candidate for the Presidency, the then chairman of the democratic State committee, to (by withholding the announcement of the count in the city of New York until he heard from the State) count enough votes in the city to give the State to Seymour and Hoffman:

[Private and strictly confidential.]

ROOMS OF DEMOCRATIC STATE COMMITTEE.

October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person in three or four principal towns and in each city of your county, and request him (expenses duly arranged for this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote.

Let the telegraph be as follows:

"This town will show a democratic gain (or loss) over last year of (number.)" Or this one, if sufficiently certain: "This town will give a republican (or democratic) majority of —."

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour full in the telegraphic communications over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages; and give orders to watch carefully the count.

Very truly, yours,

SAMUEL J. TILDEN, *Chairman.*

I submit that this gentleman will make an excellent reform candidate for the democracy.

As a further proof of the reform qualities of this model reformer, the democratic candidate for the Presidency, I append here a letter from the last democratic candidate for the Presidency, a witness who certainly will not be impeached.

In the New York Tribune of November 9, 1869, Mr. Greeley, in a second letter to Samuel J. Tilden, chairman of the democratic State committee, arraigns Tilden for his complicity in this gigantic villainy and holds him to a just accountability. In this letter Mr. Greeley reviews the labors of the constitutional convention of 1867; the defeat of the results of its labors, the "reform constitution" by the great champion of reform, Samuel J. Tilden, at the election of 1869; the defeat of a fair registration and the means of purging the ballot-box of its notoriously infamous frauds, and of securing to the people and State a fair election. Mr. Greeley reviews all in detail in the light of incontrovertible facts, and says:

But while honesty and law act spasmodically, villainy ever sleeps with one eye open, and plans new and more subtle devices for circumventing justice and overthrowing right. Had no illegal vote been polled in this city and Brooklyn, General Franz Siegel would now be our secretary-elect, as Grant, in the absence of fraud, would have received the electoral vote of our State by more than 20,000 majority. Let me multiply demonstrations on this point: Since your party pretends to believe our last State census erroneous and imperfect, I put that aside and appeal to official returns whereof no one can even affect to doubt the accuracy. Here follows the number of deaths in several of the lower wards of our city, where your party has swelled its vote so monstrously in the past two or three elections:

Number of deaths in the lower wards.

Wards.	1855.	1858.	1859.	1861.	1862.	1864.	1868.
Fourth.....	844	934	817	781	768	838	649
Sixth.....	1,142	874	933	1,054	928	970	697
Seventh.....	1,189	1,134	1,040	1,017	1,018	1,156	1,103
Fourteenth.....	776	913	858	806	798	1,006	736
Total.....	3,951	3,855	3,648	3,658	3,512	3,970	3,185

Now, Mr. Tilden, you know that those wards have not increased in aggregate population since 1855. People who live packed up in tenement houses fronting the narrowest, crookedest, worst smelling streets of our city die at least as fast as those who live in more cleanly, airy, and commodious quarters; and the increase or diminution of the population of these wards is accurately reflected in their annual return of deaths. Now look at their total vote at our several presidential elections since 1855 and at our State elections last week:

Wards.	1856.	1860.	1864.	1868.	1869.
Fourth.....	2,689	2,535	2,820	4,310	3,865
Sixth.....	2,880	2,924	3,781	5,401	6,274
Seventh.....	4,454	4,800	5,259	8,160	5,864
Fourteenth.....	3,218	3,578	5,000	5,252	4,214
Total.....	13,241	13,837	16,920	23,123	20,037

You know what these figures prove as well as I do. You know that every vote was drawn out that could be in the intensely contested election of 1860, and that not a few were then polled which had no right to be. You know that the population of these wards has not increased, yet they polled over 9,000 more in 1868 than they did in 1860, and over 6,000 more in 1869, when the sixth ward cast 873 more than her monstrous vote of last year, and considerably more than double her vote in 1860 or 1864.

I do not instance these cases as worse than others. Probably none of them are so bad as that of the twenty-first ward, where your sheriff bears sway. But the twenty-first is a growing ward; so I confine myself to those which the bills of mortality clearly show to be less populous to-day than they were when their aggregate vote was but 13,241 against the 23,232 they rolled up for Hoffman last fall.

Mr. Tilden, you have confederates who will chuckle over this *exposé*, as showing that "the democrats know how," and that they can never be driven from power. "What if the public judgment condemns us? Let our repeaters vote twice more all round, and we'll come out all right." But I believe in God, and feel a profound conviction that the fruits of triumph thus achieved will turn to ashes on the lips of the victors. I believe you will yet realize that an honest defeat would have been more advantageous to you in the long run than either of your fraudulent victories.

I will print here a table showing the reduced cost of Government expenditures year by year since 1866, which conclusively shows the general good management of the Administration. A constant decrease of expenses is shown in all Departments of Government except the Post-Office Department.

In making these reductions the number of clerks has been reduced in the Departments at Washington to the number of twenty-five hundred and to the number of five thousand men throughout the entire country. The Post-Office Department of course shows an annual increase in proportion to the growth of the country.

#### REDUCTION OF PUBLIC EXPENDITURES.

The following table shows the expenditures of the Government for

the fiscal years from 1865 to 1876, inclusive, with the reduction each year from 1865:

1865.....	\$1,297,555,224 41; maximum.	
1866.....	520,809,416 99; reduction.....	\$776,745,807 42
1867.....	357,542,675 16; reduction.....	163,266,741 83
1868.....	377,340,284 86; increase.....	19,797,609 70
1869.....	322,865,277 80; reduction.....	54,475,007 06
1870.....	309,653,560 75; reduction.....	13,211,717 05
1871.....	292,177,188 25; reduction.....	17,476,372 50
1872.....	277,517,962 67; reduction.....	14,659,225 58
1873.....	290,345,245 33; increase.....	12,827,282 66
1874.....	287,133,873 17; reduction.....	3,211,372 16
1875.....	274,623,392 84; reduction.....	12,510,480 33
1876.....	258,500,000 00; reduction.....	16,123,392 84

While this constant reduction was going on Congress gradually reduced taxation, making the reduction of expenses and the reduction of taxation go hand in hand. Our present pretended reformers pretend to large reduction of expenses, but are not willing to reduce taxes.

This illustrates the difference between the policies of the two parties now contending for supremacy.

The following table shows the dates of the acts of Congress reducing taxes and of the amount of the annual reduction:

#### REDUCTION OF TAXES BY ACTS OF CONGRESS.

The following exhibits the estimated reduction of annual internal taxation and customs duties under the laws mentioned:

Act of July 13, 1866.....	\$65,000,000 00
Act of March 2, 1867.....	40,000,000 00
Act of February 3, 1868.....	21,000,000 00
Acts of March 1 and July 20, 1868.....	45,000,000 00
Act of July 14, 1870.....	78,848,827 33
Acts of May 1 and June 6, 1872.....	51,823,761 38

Time will not permit me to go further into details.

The great republican party, besides saving the Republic whose destruction was sought not only by the rebellion but by all the crowned heads of the world, (save the Czar of Russia,) has shown itself capable of adjusting the delicate task of reconstruction, and to-day, but eleven years since the close of the war, every State is fully represented on this floor.

This great party has given freedom and citizenship to all its people. Every one of its great fundamental principles form a part of the Constitution and are the accepted principles of all parties. As a practical business-like party it has reduced the *per capita* expenses (less war expenses) twenty-five cents below what it was when it assumed governmental power.

Since this party assumed control it has reduced the average annual cost of clerks by the sum of \$175 each and they do 50 per cent. more work.

The losses on the collections and disbursements of the public funds have greatly decreased.

The system of checks and balances in the keeping governmental accounts is vastly improved.

The character and capacity of Government officials are greatly bettered.

The Government credit which stood at 12 per cent. interest on its loans is now reduced to 4½ per cent.

It has gradually year by year since the war reduced expenses and taxation.

It has paid nearly \$600,000,000 of the public debt in the last eleven years.

It has provided for every obligation of the Government, including the sinking fund.

It has reduced the annual interest burden by \$45,000,000. It has pensioned the brave soldiers who fought to save the country.

It may not at all times have done the wisest thing, and some of its officials have been dishonest and corrupt.

But it has a glorious record, one that causes its adherents to rejoice and be glad that they share its glories.

To put against this party, the democracy propose economy and reform, when they have not shown a single characteristic that entitles them to the appellation of reformers. Under this cry they will try to have the people forget that the complete fruition of reconstruction is not yet an accomplished fact.

They want us to forget that democratic success means the practical loss of the rights of citizenship to the colored people of the South. With democratic success these rights will exist only in name.

They want the people to forget that hundreds of millions of war claims are to be paid, dependent upon their success.

They want the people to forget the many schemes of southern plunder that will be accomplished facts with their ascendancy.

The people who saved the Republic are ever watchful and alert. They who have sacrificed so much to make the old flag an emblem of freedom and glory will not trust gentlemen with power who sought to trail it in the dust and substitute in its place the stars and bars, until they manifest a spirit that will assure them that the great principles fought for and won are secure in their hands.

The spectacle of a people turning over the destinies of a great country to the very men who sought to destroy it will not be witnessed for four years to come at least.

The following statement shows reductions and postponements finally agreed upon by both Houses:



*Statement showing the reduction and postponements of appropriations as finally agreed upon.*

Pension.....	\$466,500 00
Military Academy.....	74,675 00
Consular and diplomatic.....	216,405 50
Fortification.....	535,000 00
Legislative.....	4,528,276 99
River and harbor.....	1,643,517 50
Deficiencies.....	3,886,975 62
Post-office.....	2,403,707 00
Naval.....	4,260,651 00
Indian.....	690,437 53
Army.....	1,946,662 10
Sundry civil.....	10,286,444 62
	<hr/>
Deduct deficiency.....	29,944,352 86
	<hr/>
	26,057,377 24
	<hr/>
Deduct Court of Claims.....	\$2,000,000 00
Indefinite for assay office.....	500,000 00
Indefinite.....	500,000 00
	<hr/>
	3,000,000 00
	<hr/>
	23,057,377 24
	<hr/>
Deduct also—	
Centennial.....	\$1,500,000 00
Washington Monument.....	200,000 00
Pennsylvania avenue.....	200,000 00
Fortifications.....	200,000 00
New York post-office.....	227,000 00
Agricultural Reports.....	130,000 00
	<hr/>
	2,457,000 00
	<hr/>
Actual reduction and postponement.....	20,600,377 24

Mr. SAVAGE. Mr. Speaker, in the time granted to me I shall not be able to elaborate any of the points upon which I propose to touch. But I cannot resist the temptation which the opportunity affords to me of indulging in a few remarks upon the testimony taken by the Committee on Expenditures in the Treasury Department. And the temptation is greatly enhanced when I consider some of the speeches made upon the opposite side of this Hall, comparing the corruption and stealing of the present Administration with the democratic Administrations before the war and with the management of the present House of Representatives, notably the speeches delivered by the gentleman from Illinois [Mr. HURLBUT] and the gentleman from Maine, [Mr. HALE.]

The first case of improper conduct (which out in the country where I was raised would be called *stealing*, but which, I suppose, out of deference to the custom which has grown up of late years I must call "an irregularity") is the case of Parkman & Brooks; and that I may do no injustice I will give you a brief statement of the case in the language of Mr. Wilson, the Solicitor of the Treasury, as contained in an official letter to Secretary Bristow, bearing date December 31, 1874. The letter of the Solicitor is printed in full, commencing on page 79 of the statements and letters relative to captured and abandoned property. The extract which I wish to read is as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
Washington, D. C., December 31, 1874.

SIR: \* \* \* It appears that in the year 1865, George L. Carleton, then United States depository and acting surveyor of customs at Memphis, Tennessee, issued to J. W. Page, Jr., president of the Commercial Bank at that place, certificates of deposit on account of subscriptions to 730 Government bonds to the amount of \$556,945, taking therefor, instead of money, Page's individual checks.

It is alleged by Page, and the evidence tends to show, that neither the bank nor himself received any advantage from these transactions other than the difference of exchange, but that the proceeds of the sales of these bonds were all placed, as soon as received, to the credit of Parkman, Brooks & Co., and drawn out by them.

In May, 1875, the checks of Page, thus held by Carleton, were given up by him, and canceled at the solicitation of Page, on the ground that Parkman & Brooks had received the proceeds of the bonds, Carleton receiving in their place from Page the checks of Parkman, Brooks & Co. of like date and amount.

The evidence shows, however, that the checks of Parkman, Brooks & Co. were obtained by Page in April, 1865, in their absence from Memphis, from a Mr. Learned, who was claimed to be their partner, and who was authorized to draw checks in the firm-name in the ordinary course of business, and who also was accustomed to sign as partner the name of the firm.

In May, 1865, Parkman, Brooks & Co. denied the authority of Learned to sign their name to checks.

In this state of affairs the Secretary of the Treasury sent a special agent to investigate the matter. From his report it appears that Parkman, Brooks & Co. acknowledge themselves indebted to the Commercial Bank and were willing to assume and secure, as best they could, \$201,603.12 of the checks held by Carleton on being discharged by the bank.

Acting upon the conclusion that the proposal of Parkman & Brooks was the best on the facts that could be had, the agent of the Treasury obtained from them, on settlement of the checks held by Carleton, five notes aggregating \$201,003.12, four of them dated August 14, 1865, and one August 16, 1865.

The agent, however, did an unauthorized act himself in this matter which he was investigating. He made at the same time—August 14, 1865—in behalf of the United States, a contract with F. W. Brooks, one of the firm of Parkman, Brooks & Co., for collecting and delivering to Treasury agents certain lots of confiscable cotton and property.

The contract was made, as is alleged by the agent, for the purpose of securing the payment of Parkman & Brooks's note.

By its terms the share of Brooks in the proceeds of property delivered over and above actual expenses was to be applied to the payment of four of Parkman & Brooks's notes, amounting to \$150,000. Brooks understood when the contract was made that it was subject to the approval of the Secretary of the Treasury, but, without waiting for this approval, agreed, in writing, to this application of the proceeds, and proceeded to collect the property.

The Secretary, however, refused to ratify the contract and Brooks was notified that it terminated on the 20th of August, 1865.

In the mean time Brooks claimed that he had collected six hundred and forty-four bales of cotton under the contract, and made a claim therefor, which, on the 30th of April, 1866, evidently with some hesitation, the Secretary of the Treasury decided to allow to the extent of one quarter of the six hundred and forty-four bales in full, and to credit the amount allowed upon the notes given by Parkman & Brooks.

This credit, amounting in the whole to \$24,315.75, was accordingly indorsed upon the note of \$24,000, namely, May 18, 1866, \$21,112.55, and June 25, 1866, \$3,203.20.

This is all the money ever awarded to Parkman & Brooks by the Treasury Department for cotton collected under the Risley contract, as appears by the records.

They were allowed, however, another sum, amounting to \$33,297.23, the history of which is as follows: Some time in May, 1865, a claim was made by one A. K. Shepard and Parkman & Brooks for the proceeds of 19,700 bales of cotton collected by the agents of the Treasury, on the grounds that the claimants had purchased it under proper authority from the confederate government for delivery to the Treasury Department.

The Secretary declining to consider the claim thus presented, the parties then made a claim for salvage, alleging that, having acquired an interest in the cotton, they had, through their influence with the military authorities of both armies and by the expenditure of money and personal attention, saved the same from loss and damage.

In this form the Secretary decided to allow \$157,944.66, dividing this sum into three drafts, for the purpose of keeping the interest of Parkman & Brooks, which was 40 per cent., amounting to \$33,297.23, separate, for the reason that at the same time he determined to apportion the share of that firm in part payment of the indebtedness due from them to the United States on their five notes.

This application was made with the knowledge and consent of Parkman & Brooks and their attorney, and the amount was afterward sent to the Treasurer of the United States, and, in point of fact, credited to the indebtedness of Carleton, which was the same thing, for what was paid on the notes of Parkman & Brooks would liquidate to that extent the indebtedness of Carleton.

Parkman & Brooks, not having paid the balance due on their notes, they were afterward, namely, June 25, 1869, put in suit by the United States attorney at Memphis, Tennessee, which suit was pending until May, 1874, when it was dismissed by direction of the Secretary of the Treasury.

The reason of the dismissal was as follows: On the 13th of December, 1873, one P. D. Roddy made an application to the Secretary of the Treasury for the \$33,297.23, the history and the disposition of which I have just related, on the ground that this sum had been adjudged to Parkman & Brooks in settlement of what was known as the Shepard case, and that the interest of Parkman & Brooks in this case and in other cotton and confederate property reported by Brooks under the Risley contract had been assigned to him previous to the settlement.

It will be observed that in the first settlement with Carleton, the defaulting agent of the United States, the special agent sent to settle said claim sacrificed more than one-half of the entire claim; the original claim being \$556,945, and the agent accepting the notes of Parkman & Brooks for \$201,003.12 on their admission that they were indebted to the Commercial Bank in that amount. During the years of 1865 and 1866 Parkman & Brooks, it will be observed, had by their dealing with the Government obtained credit upon said notes to the amount of \$57,613.03, up to this time at least not claiming that they had any defense to said notes. And thus the matter runs along until 1869, when the balance due on said notes not having been paid, they were put in suit, so says the Solicitor of the Treasury; and said suits were permitted to drag along until May, 1874, when they were dismissed by direction of the Secretary of the Treasury, as will be seen by examining the following letters. I read first the letter of the Secretary of the Treasury on page 74 of the document to which I have referred:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
February 20, 1874.

SIR: It having been decided by the proper accounting officer of this Department that certain notes executed by Parkman, Brooks & Co., now in your possession, "are invalid and impose no obligation on the makers," I have to request that they may be returned to this office, and that any suits now pending in relation to said notes may be discontinued.

Very respectfully,

WM. A. RICHARDSON,  
Secretary.

Hon. E. C. BANFIELD,  
Solicitor of the Treasury.

I shall examine hereafter who this "proper accounting officer" of the Treasury was to whom reference is made in this letter.

I now read the letter of Mr. Banfield, the then Solicitor of the Treasury, from the same page, and it will be observed that Mr. Banfield, the law officer of that Department, did not concur with the Secretary's "proper accounting-officer" of the Treasury.

It is as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
Washington, D. C., March 6, 1874.

SIR: It has been decided by the Treasury Department that the notes of Parkman, Brooks & Co., upon which suits are pending in your district, are invalid and impose no obligation on the makers.

While I cannot agree with the decision reached by the Department in this regard, I am constrained by the terms of the Secretary's letter to me, a copy of which I inclose, to ask you to comply with the request therein contained.

Very respectfully,

E. C. BANFIELD,  
Solicitor of the Treasury.

W. W. MURRAY, Esq.,  
United States Attorney, Memphis, Tennessee.

Now how was this decision arrived at, and what was the occasion for it? I will explain. On the 13th of December, 1873, one P. D. Roddy filed a petition in the Treasury Department, claiming to be the owner of the interest of Parkman & Brooks, and also claiming that the original notes were void and created no obligation on the part of said firm of Parkman & Brooks, and asking the Department to pay to him the amounts which had been credited upon said notes. This petition it will be observed was filed more than seven years after the

date of the credits upon said notes; and I might say right here, as I go along, by a party who was before or about the same time mixed up with this same Brooks, of the firm of Parkman & Brooks, in a disreputable swindle of the Treasury Department with a certain seal-lock, with which they swindled the Government out of thousands and thousands of dollars, and therefore the Secretary of the Treasury should have been upon his guard, unless he was a party to the steal, for I can call it nothing less. This petition was referred to Mr. Solicitor Banfield, the only person who, in the language of the Secretary, could be called "the proper accounting officer of the Department," to give an opinion upon such a subject. Mr. Banfield gave the matter his attention and had prepared a letter giving in full his reasons for deciding against Mr. Roddy's claim, but which had not yet been forwarded to the Secretary of the Treasury, when on the 28th of January, 1874, he received the following polite note from Mr. Sawyer, the Assistant Secretary of the Treasury:

Mr. BANFIELD:

Please return the Roddy claim and papers, and oblige yours, very truly

F. A. SAWYER.

Now, why was this claim taken out of the hands of Mr. Banfield just at that time? Plainly for the reason that it had been discovered that he was going to decide against it. There can be and there is no other reason given for the act.

It was no sooner taken out of his hands than it was referred to a Mr. William T. Haines, the Commissioner of Customs, whom the Secretary designates as "the proper accounting officer of the Department." The only reason which I can see from the testimony why he should be called that is that he had his mind made up to allow the claim before it was referred to him, as I think the testimony which I shall quote hereafter will abundantly prove; but on this particular point I desire now to read from the testimony of Mr. Joseph Burr, an employe of the Treasury Department at this time. He said:

Question. Please state to the committee, if you can, who was the proper accounting officer to pass upon the validity of these notes?

Answer. There is no accounting officer that has that power.

Q. Do you know, in fact, what officer it was that assumed to have that authority and power?

A. I know who it was that reported that they were invalid.

Q. State to the committee who it was.

A. It was William T. Haines.

Q. What was his position?

A. Commissioner of Customs.

I have read from page 38 of the testimony taken by said committee, which I think shows very satisfactorily that the reference of this matter to Haines was a mere arbitrary exercise of power on the part of the Secretary of the Treasury, and it might as well have been referred, so far as the propriety of the thing is concerned, to any other officer of the Treasury. The motive which actuated the Secretary, then, must be looked for somewhere else than in the propriety of referring it to this officer. I think, however, before I get through I shall be able to show from the testimony, in the most conclusive manner, just the motive actuating all of the parties to this most infamous transaction. I read from the testimony of Mr. Gough, at present a clerk in the Department, pages 15 and 16:

Question. Do you know anything about the cotton claim of Parkman, Brooks & Co., and about the manner in which it was paid, the amount of it, and the persons at whose instance it was paid?

Answer. Yes, sir.

Q. State now to the committee, without the necessity of more particular inquiry, all you know in reference to that matter.

A. I think it was in January, 1874, W. T. Haines, who was then Commissioner of Customs, sent for me and requested me to withdraw from the files the account of George N. Carleton, who was surveyor and special agent at Memphis, Tennessee. I find the record shows that I went down that day and withdrew the account myself, and took it to Mr. Haines. He then asked me for a receipt and papers given by H. A. Risley in the Parkman, Brooks & Co. case. Mr. Barstow, who was a clerk in the office, was in there with Mr. Haines. I found the papers, and handed them over to him, and he said that was all he wanted of me, and I left. During that week I saw this Frank Brooks and Mr. Barstow and Mr. Haines together, and I had been informed by Mr. Noerr that Parkman, Brooks & Co. were after that claim again; knowing the case to have been brought up some years previous, and that it had been allowed these parties, the same claim, but the money was not to be paid to them, but to be applied to notes held by the Government in the hands of the Solicitor of the Treasury, upon which this money was to be applied to their credit. On the 9th day of February, 1874, Mr. Lockwood, who was then chief clerk, came into my room and laid down in front of me the claim of Parkman, Brooks & Co., and requested me to examine and pass the account and enter it on my book. I told Mr. Lockwood that I would enter it on my book, but I would not examine it and pass it. In that case it required my signature, and I declined to do it. He asked me why. I gave him my reasons: I told him I thought it was a bogus claim, and I believed the claim had been paid once before. Mr. Lockwood replied, "It is ordered by the Secretary, and the Assistant Secretary, and the Commissioner of Customs; what are we to do about it?" I said, "I don't care anything about it. I will enter it on my book, but I will not examine and pass it." I entered it on my book, and passed the account in to Mr. Lockwood. Mr. Barstow was standing alongside of me at the time that I replied to Mr. Lockwood that whoever examined and passed that account should put his name to it, as I was in charge of that branch and it would reflect on me. Mr. Barstow spoke up and asked me why I didn't do it. My reply was, "Not by a damned sight. You do it if you are not ashamed of it." I left the office and went back to my desk. Mr. Mahon, the First Auditor, came in shortly after and asked me what I did with the account. Says I, "I took it in to Mr. Lockwood. I got through with it." He said he was sorry; he wished he had got hold of it. Says I, "He has got it; you can get it there." That was a claim for \$30,000 and odd, and that was on the 9th day of February.

Q. What year?

A. Eighteen hundred and seventy-four; and I noticed, as I opened the account to enter it, that the warrant had been drawn on the 7th, two days before the account was brought in.

Q. Signed by whom?

A. Signed by W. T. Haines, but not signed by any other clerk as having exam-

ined and passed it, and I being in charge of that branch, I didn't like it: I thought at some future day the case might be brought up and the question asked who was in charge of that.

By Mr. STENGER:

Q. The warrant was dated the 7th?

A. The warrant was dated on the 7th of February, and the account was brought in to me to be examined and passed and entered on my book on the 9th, two days afterward.

By the CHAIRMAN:

Q. Proceed now with the history of the case.

A. About a week after that Mr. Lockwood came in and laid down on my desk another account of Parkman, Brooks & Co. I didn't know that was going through. I immediately got up from my desk and told Mr. Lockwood that I would neither examine nor pass that account, nor enter it on my book. Says I, "There is the book; you can enter it yourself." And it is entered in Mr. Lockwood's handwriting.

Q. It is entered?

A. Yes, sir; it is the only case in the book that is entered by Mr. Lockwood, or any one else but myself. I declined even to enter that account.

Q. Lockwood held what position?

A. He was then chief clerk.

Q. What was the amount of this last claim?

A. Twenty-four thousand dollars and odd. The first was \$33,000 and some odd, and I think the next was \$24,000; or it may have been *vice versa*; I have forgotten now which. These are about the two amounts.

Q. Any further facts within your knowledge about that matter?

A. No, sir; not that I know of, of my own knowledge.

By Mr. WILSON:

Q. What position did you say Lockwood held?

A. He was then chief clerk.

Q. Chief clerk of what?

A. Of the Commissioner of Customs.

Q. And he is now what?

A. Deputy commissioner of customs. Mr. Lockwood was working under the instructions of the Commissioner. He could not do otherwise.

Q. Under the instructions of Mr. Haines?

A. Yes, sir. He was authorized to do what he did; he could not help himself.

Q. Was he aware of the nature of the claim?

A. I presume he was, but his reply was that the Secretary had ordered it; the Secretary and Assistant Secretary had ordered it.

Q. The Secretary of the Treasury?

A. Yes, sir; it was approved by Richardson.

Q. And the assistant had ordered it?

A. F. A. Sawyer, the Assistant Secretary, and also the Commissioner of Customs; so he had no one to go to.

By Mr. STENGER:

Q. Could he not have done what you did, and said he could not enter it?

A. I presume he could.

Q. He was not any more bound to do it, was he, than you?

A. I don't know as he was. Neither one of the accounts were signed by any clerk.

By Mr. WILSON:

Q. The entry of it in your book was not necessary to the payment of it?

A. Not necessary to the payment; only recording.

By the CHAIRMAN:

Q. You have been speaking now of the manner and mode in which the Parkman, Brooks & Co. claim was passed?

A. Yes, sir.

Q. Do you know anything about a claim which was made as against this fund of captured and abandoned property in 1866 by Shepherd, Parkman & Co.?

A. That is pretty much the same thing—the same identical amounts. That is what I said in the first place; the claim had previously been allowed these parties.

Q. I observe in the letter of the Secretary of the Treasury that on the 11th of December, 1866, Shepherd, Parkman & Co. were allowed \$157,444.66. What relation do these parties mentioned in this account bear to the firm of Parkman, Brooks & Co.?

A. Shepherd, Parkman & Co. and Parkman, Brooks & Co. are the same concern.

Q. This amount, then, had been allowed in 1866?

A. Yes, sir; I had forgotten the figures. What is the total of these two amounts, \$24,000 and odd and \$33,000? I didn't give you the exact amount. Will they amount to the same thing?

Q. No; this is \$157,000.

A. That is a different case altogether, then. I have got a requisition-book of requisitions drawn on H. A. Risley and also on F. E. Spinner. Those amounts will all be found in those requisition-books.

Q. You know nothing of this particular claim, then, to which I call your attention?

A. I cannot explain it now. These two claims of Parkman, Brooks & Co. were ordered to be paid by the Secretary of the Treasury, I think, seven or eight years ago, to be applied to their credit on notes held by the Treasury Department against Parkman, Brooks & Co., in the hands of the Solicitor of the Treasury. That is as I understand it.

By Mr. STENGER:

Q. And you understand that those credits were so put there?

A. Yes, sir; and it is upon that ground that I objected to having anything to do with this claim.

By the CHAIRMAN:

Q. Notwithstanding that objection, these claims were allowed and the money paid again to these parties?

A. Yes, sir.

By Mr. WILSON:

Q. Have you reason to believe now that those officers who ordered this payment were aware of the identical amounts having been credited on those notes held by the Solicitor of the Treasury previously?

A. I think that W. T. Haines knew all about it.

Q. You are not positive about the other officers of the Treasury knowing it?

A. No, sir.

By the CHAIRMAN:

Q. Did you not, though, state as one of your objections to passing upon the claim and allowing it, and did you not in refusing even to enter it on the second occasion when it was presented, say to the officer who insisted upon its being entered that you would not enter it because you knew that it had been previously allowed?

A. Yes, sir; he asked me to give a statement of the particulars of the case, and I did so. In the records—I don't know where they are—but in this book there is a letter written by me, in lead pencil, with my signature to it, giving the particulars of this case, and I gave that to Mr. Lockwood. The last I saw of it the grand jury had it, and they asked me if it was my writing, and I told them it was.



The method of manipulating clerks and working up a job will be pretty well developed by a careful examination of the extracts which I have read. And let me say here that the clerks in the Department are not apt to tell more than they know to be true, especially where it reflects in the least upon their superiors. I know the gentleman from Maine [Mr. HALE] reflected severely upon the character of the witnesses who testified before our investigating committees, but you will observe thus far I have only alluded to witnesses who are at present in good standing in the Treasury Department with the exception of Mr. Banfield and Mr. Wilson, and as to them I have only referred to their official communication while in office. So that even as to them the term "sore-head" does not apply. You will see by this extract the anxiety exhibited by Mr. Haines to get possession of the papers pertaining to this matter, an anxiety which it is not possible that he could have felt in the matter if he had not an ulterior design. It was not a mere anxiety to protect the Government and to do his duty as a faithful officer, but rather a desire to assist the firm of Parkman & Brooks and Roddy to swindle the Government out of this large sum of money, as I shall show before I get through by the most incontestible evidence. Before following that line any further I desire to read an extract or two from the testimony of another witness showing the fraudulent and rotten character of this whole concern of Parkman & Brooks with P. D. Roddy thrown in. I read from pages 32 and 33 of the testimony an extract taken from the testimony of Mr. Burr, also at this time a clerk in the Treasury Department:

By Mr. WILSON:

Question. You say those papers will tell all that you can tell about it?  
Answer. Those papers will tell everything that is necessary to know in regard to the claim, I think. If there are other papers in the case—and I don't know of any others—I don't think they are material.

By Mr. STENGER:

Q. Your answer was not a direct answer to Mr. WILSON's question. He asked whether those papers will tell all that you know about the case?  
A. All that I know about the one hundred and fifty-seven thousand-dollar case.  
Q. Do the papers in regard to the subsequent claim show all that you know about that?

A. They do not show all matter to which I was called to testify before the Committee on Expenditures in the Department of Justice.

Q. How much was the last claim made for?  
A. My recollection of it is that it was made for \$33,000 and some fraction over.  
Q. Do you know anything of the means resorted to to procure the passage of that claim which do not appear upon the papers as there filed?

A. I have knowledge of a great deal of matter which relates to the passage of the claim which does not occur upon the papers at all.

Q. Did the Committee on Expenditures in the Department of Justice take your testimony fully on that point?

A. Well, they took a good deal of testimony upon that point.  
Q. Did they pump you dry on it?

A. Pretty nearly so, I am inclined to think.  
Q. Did you lay before the grand jury of this District, a short time ago, the official data relating to this claim?

A. I did, sir. Ah, yes, sir; the papers were all there, and I explained them to them as fully as I could.

Q. Those are the same papers that are now on file in the Office of the Solicitor of the Treasury?

A. The same papers, other than a kind of an abstract of the case which I made out some time ago.

Q. Can you procure those papers and lay them before the committee?

A. I can procure all, with the exception of that abstract, which has been lost.  
Q. There was a claim of John Duncan, December 18, 1866, for \$97,284.26. Can you tell me who were the attorneys for that claim?

A. I cannot, sir.

Q. Do you know what attorney it was that finally procured the passage of the Parkman, Brooks & Co. claim?

A. The one hundred and fifty-thousand-dollar claim?

Q. Yes.

A. Mr. Logan.

Q. Who procured the passage of the subsequent Parkman, Brooks & Co. claim?

A. There was no attorney or professional claim agent in the case. The gentlemen who interested themselves to my knowledge were Senator SPENCER, and Mr. Alexander White, a member of Congress from Alabama. Those two gentlemen interested themselves in the matter, but further than that I have no knowledge of any person except themselves, Brooks and Roddy.

Q. Where did Brooks and Roddy reside?

A. I think they may have been said to have resided at that time in the State of New York more than anywhere else.

Q. Are they still living?

A. Mr. Brooks is living; Roddy is also, so far as I know. I have seen Mr. Roddy frequently; Brooks I never saw to know him.

Q. Can you give their full names and their present places of residence?

A. Mr. Roddy always signed his name P. D. Roddy, and I think it is Philip. That is the way he is indicted, as Philip. Brooks's name is Frank W. Brooks. He has been in Washington a great deal; he may be to-day for aught I know.

Q. Do you mean recently?

A. Quite recently, as I have heard; but I do not know him or about him, except as I have been told. Roddy, I am told, has been for four or five months in England.

Q. Who is Parkman?

A. He was a man who was in partnership with Brooks at Memphis, Tennessee, but I am inclined to think he has never been in Washington in regard to any of these claims; that Brooks used the firm-name, signed it; and so far as the firm's having any existence now I have no knowledge. It had existence many years ago, but I have no knowledge that it is in existence now. A great deal of the matter was mythical to my mind—a shadow. It was very hard to find anything about it that was solid.

Q. Either about the firm or the claim?

A. Anything connected with it; the whole performance. The claim which I spoke of for \$33,000 was the only matter that came to the Solicitor of the Treasury and to me as a clerk there. Another amount in addition to that was allowed to these persons, being some \$24,000, which they did not claim originally, which two sums made up the \$57,000. The second amount was considered as due to them necessarily if the first amount was; therefore the amount that was allowed was \$57,000 in the two claims which they secured. The second allowance was composed of two items, one of \$24,000 and one of \$33,000. That was allowed to them in February, 1874.

Q. Can you tell me if any one, and, if so, who argued the case before Mr. Tayler so as to convince him that he could exercise that power under that act?

A. I don't think any one argued the case before Mr. Tayler; but of that I have no knowledge. I know the case was argued before me by several gentlemen. It was not argued, because there was no argument in favor of it that could be produced; there were efforts made to induce me to recommend it.

Q. Was it presented to you with a view to having you recommend its payment?

A. Yes, sir; to the Solicitor.

Q. By whom?

A. Commissioner of Customs William T. Haines and Philip D. Roddy; no others. They had a number of personal interviews with me, and in those interviews they endeavored to present reasons to me why I should report to the Solicitor of the Treasury favorably upon the claim; in my judgment those reasons amounted to nothing. The reasons for its allowance that were given me and urged by Roddy and Haines were that the President had ordered its allowance.

Q. Did they produce you any evidence of that fact?

A. General Roddy showed me a paper to which was signed the name U. S. Grant; whether the President signed it or not I don't know, for I have no knowledge of his signature at all. The paper amounted to a certificate in favor of General Roddy's veracity—that he was a man worthy of belief, and statements made by him could be relied upon. The exact words I cannot clearly call to my mind.

Q. Was there any mention of this claim in the paper?

A. Nothing at all. That is the position I took with these gentlemen—that although they might use the paper to engineer the claim through, nevertheless it did not seem to me that it would bear that construction. I said to them also that there was no use urging it even if it did, for I did not pass papers on that kind of evidence.

Nothing which I could say, Mr. Speaker, would add to the strength of this testimony and from one whom our friends on the other side dare not assail, for he is still in their employ.

Mr. Speaker, I have stated that before I was through I would show that Mr. Banfield's opinion was known, and that the knowledge of his adverse opinion was the cause of the papers being withdrawn from him before he had time to make a report, and further that they were afterward referred to Mr. Haines because it was known that he was a supple tool that could be used, and that in fact the decision was made by him in favor of Roddy's bogus claim before the papers were placed in his hands. I think the circumstances already detailed, added to the direct testimony which I have already cited, abundantly prove both propositions. But I have one more extract on this point which I will detain the House to read. This extract is from the testimony of Mr. Burr, on pages 42 and 43 of the testimony taken by the committee. This testimony shows in the most conclusive manner not only that Mr. Banfield had arrived at an adverse decision of the Roddy claim, as stated by Mr. Wilson in his letter to Mr. Secretary Bristow, but that his adverse decision had been communicated by this witness to both Haines and Roddy. The extract reads as follows:

WASHINGTON, D. C., April 27, 1876.

Examination of JOSEPH BURR continued.

The witness produced paper indorsed "Bluford Wilson, Solicitor, to Hon. B. H. Bristow, Secretary of the Treasury, December 31, 1874. Opinion that money fraudulently obtained by Parkman & Brooks can be recovered by the United States, and stating views in regard to criminal proceedings against the parties to the fraud."

The letter was read to the committee by Mr. STENGER.

By Mr. HOOKER:

Question. Who wrote that letter?

Answer. I wrote it, unless there are changes in it. I am the author of the paper, but it is not in my handwriting. That is a copy of the paper which I did prepare.

Q. Under whose order did you prepare it?

A. Under no one's order.

Q. Who was at that time Solicitor of the Treasury?

A. Mr. E. C. Banfield.

Q. State the whole circumstances about it.

A. The petition of Mr. Roddy for \$33,207.28 was referred to the Solicitor of the Treasury, E. C. Banfield, by the Secretary of the Treasury, Mr. Richardson. When it came to the Solicitor's Office it was sent to my desk for examination. I examined the claim, and I wrote that letter without conference with the Solicitor or anybody else. I laid the letter on his desk with the papers, and it lay there in his possession for some length of time. I have a recollection that he told me that he intended to have signed the letter at the time after he read it, and he told me some two weeks ago here in this city that he intended to sign it, with, it may be, one or two immaterial alterations.

By Mr. STENGER:

Q. Did he say why he did not sign it?

A. The reason why he did not sign it was that an order was received by him from the Assistant Secretary, Mr. Sawyer, sending the paper back. I stated to William T. Haines, Commissioner of Customs, that the claim was groundless and without any foundation, and I gave him my reasons for such conclusion. I stated that also to Mr. Roddy.

Q. Was that statement to Haines and Roddy made by you prior to the order to return the papers?

A. Yes.

Q. When the papers were returned did they go back to the Secretary's Office and were they referred by him to the Commissioner of Customs, or did they go directly from your office to the Commissioner of Customs?

A. I take it for granted, without knowing the fact, that they were taken to the Secretary's Office.

Q. And by him referred to the Commissioner of Customs?

A. Yes; the papers show that. Mr. Banfield desired that this paper written by me should be kept in the office as an indication of his views in the case, and that is how it chances to have been preserved.

The witness also produces a duplicate of the paper actually sent, signed by the Commissioner of Customs himself, and a copy of which has been prepared for the committee.

The witness also presents a copy of the order from Assistant Secretary Sawyer, under which the papers were returned to the Secretary's Office.

The following is a copy:

Mr. BANFIELD: Please return the Roddy claim and papers, and oblige,  
F. A. SAWYER.

JANUARY 28, 1874.

By Mr. HOOKER:

Q. In accordance with that letter, the papers were returned to the Secretary, and were by him referred to the Commissioner of Customs?

A. Yes.

Q. He had previously decided in favor of the claim?

A. Yes; the dates speak for that.

Q. And that decision is to be found in the letter addressed to Hon. Alexander White?

A. Yes.

Mr. HOOKER. If there is any fact or circumstance within your knowledge, derived either from records in your office or from conversation with the parties in interest, in preference to the allowance and the payment of this claim, you may state it.

The WITNESS. I cannot recall anything just now that I deem of particular importance in the matter. There was a good deal developed by a gentleman who had this thing in charge, more particularly with a view to having an indictment found.

Q. Who is that gentleman?

A. His name is Benson; he is the assistant of Mr. Washburn in the secret-service division.

By Mr. STENGER:

Q. Have those papers ever been laid before Secretary Bristow, or has any statement of the facts connected with this whole transaction been laid before him?

A. That letter of the 31st December, 1874, was sent to him. This has been a very notorious thing in the Treasury Department ever since the claim was first filed. Of course the warrant clerk, who has charge of all money matters, (so far as drawing the warrants is concerned,) must have had knowledge of the transaction then and since, because (although I never have talked to him) I heard of his speaking in regard to it.

Q. Who was the warrant clerk?

A. The warrant clerk was Mr. Conant. He is the present Assistant Secretary of the Treasury. The opinion of the First Auditor and the Commissioner of Customs and the First Comptroller was had upon the matter, and after that it went to the warrant clerk, Mr. Conant. The First Auditor was D. W. Mahon, the First Comptroller was R. W. Taylor, both of whom are yet in the Treasury Department. The warrant clerk records the warrants. They are signed by the Secretary of the Treasury, I think. The warrant clerk, as I understand it, is the particular clerk who has in charge the matter of drawing warrants.

Q. And signing the Secretary's name to them?

A. No; I do not think anybody but the Secretary ever signs his name to warrants.

By Mr. HOOKER:

Q. You mean that the warrant clerk draws the warrant and presents it to the Secretary for his signature, and he signs it?

A. I am not well enough acquainted with the exact duties of the warrant clerk to speak of them. I only know that the office is an exceedingly important one under the Secretary. I know that there is a record kept of every warrant, but the particular functions of the warrant clerk I am not able to state exactly.

(Mr. R. W. Taylor, First Comptroller of the Treasury, was invited to appear before the committee, and was given the privilege of making any explanation he might desire in regard to the payment of the claim about which the committee was investigating and about his action in connection with it.)

Mr. Taylor replied that he had no desire of saying further than the record evidence.)

This testimony also shows that some of the officers who had at least a very intimate if not guilty knowledge are still high in authority at the Treasury Department. This transaction is traced to the very door of some of these high officials who now occupy a position where they should be the guardians of the people's Treasury, and when they had an opportunity to explain their connection with it they declined to avail themselves of it. This may not prove guilt, but it at least casts a cloud of suspicion which ought not to hang over a man who occupies a position of such vast importance to the people of this country.

I have no disposition, Mr. Speaker, in this matter to go beyond what is required of a faithful representative of those who have honored me with a seat on this floor. And I certainly have no disposition to treat it in the spirit in which my friend from Maine [Mr. HALE] treated the House of Representatives in his review of it a few days ago. But that there has been a great wrong perpetrated in this matter there cannot be a shadow of doubt, and that the wrong was winked at, if nothing more, by some of the very men who now hold the most important positions in your Treasury Department, is equally well established. I could not, with my view of the matter, suffer it to pass without at least calling the attention of the House to it, in the hope, if it did nothing more, it might at least prevent a repetition of such conduct upon the part of Government officials.

But, Mr. Speaker, there is another matter of still more importance connected with this Bureau to which I wish to call attention, as showing the utter unreliability of the reports emanating from the Treasury Department, as well as of the officers connected therewith. In the finance reports for 1874 and 1875 the total proceeds of captured and abandoned property covered into the Treasury is stated to be \$20,910,656.44. To show the inaccuracy of this statement, allow me to read from the testimony of Mr. Lovell on page 60 of this report:

By Mr. STENGER:

Question. Let me understand whether the figures of twenty-six millions and odd given by you include the premium on sales of coins?

Answer. Yes, that includes the premium as stated in this executive document.

Q. I hold in my hand a letter from the Secretary of the Treasury in answer to a resolution of the House of Representatives of December 8, 1870, dated February 9, 1871, which purports to give a statement of moneys covered into the Treasury as the proceeds of captured and abandoned property; look at that aggregate amount of the payments given, and say whether in your opinion that is a correct statement of the amounts that were covered in from your knowledge of the books.

A. I should suppose it to be more nearly correct than the figures given in Executive Document No. 56 of the second session Fortieth Congress, alluded to in my previous testimony, and having been made up more fully in 1871 than in 1868, and containing as it does, the Holabird contribution to the captured and abandoned fund, would also be more accurate than my estimate made on the 4th of April, 1872. With data that I had I made up a statement for the Treasury in 1868 or 1869, where I found \$26,092,460.96 as the grand total of the captured and abandoned property turned into the Treasury; this Executive Document No. 113 (report of February, 1871, they having access to all sources) proves the same to be \$26,709,268.89, (page 4.)

Q. Then this letter, giving this sum of \$26,709,268.89, embraces the premium of sales of coin and the Holabird sales to which you refer?

A. Yes, sir; it does. I have examined it, and I see it embraces the premium on sales of coin; and on looking at it further I find the Holabird amount.

Q. In your judgment, it gives the accurate statement of the amounts of money covered into the Treasury from the sales of captured and abandoned property?

A. I believe it does, sir.

Q. Do you know who compiled that statement?

A. I do not, sir, of my own knowledge. I had been out of the Treasury Department about a year at that time.

Q. Can you tell me whether or not there is a book in the office of the chief of the division of captured and abandoned property which shows how much was realized from the sales of captured and abandoned property by all the agents of the Government?

A. The statement is contained in Executive Document 56, which shows all the agents that I know of. The returns that were sent in were kept in that office, or manuscript copies of them.

Q. They ought to be there, or in some other department of the Treasury?

A. Yes.

Q. But was there a book in which those statements were entered?

A. Not that I know of.

You will observe that there is a difference in the two statements emanating from the Treasury Department of \$5,798,612.45. A few days ago, when the gentleman from Maine [Mr. HALE] was arraigning this side of the House for their extravagant investigations, which he alleged would cost \$1,000,000, (but which, by the way, is an extravagant estimate,) he had no word of condemnation against this deficiency of over \$5,000,000, which it seems has occurred right under the nose of one of his personal and party friends, as will be abundantly established by the following from the testimony of Mr. Brown, of Kentucky, page 76:

Question. Do you know anything about the former positions held by Noerr or Fessenden?

Answer. Of Noerr's antecedents I know nothing. Fessenden was a paymaster in the Army, and was dismissed from the Army on account of embezzlement. I know that from an examination of the record in the Adjutant-General's Office.

Q. Do you know whether that fact was ever brought to the attention of the present Secretary of the Treasury?

A. It was brought to his attention by myself in 1874.

Q. Under what circumstances?

A. I did it chiefly at Dr. Hamilton's request, believing, from his statement to me, that these people would not do him justice. He called my attention to the matter, and I got an official copy of Fessenden's case from the Adjutant-General's Office.

Q. Do your politics and those of the Secretary of the Treasury agree?

A. Yes, sir; except that I am a republican of the extreme type. I went to Mr. Bristow with the papers in Fessenden's case. Mr. Bristow said to me that Mr. HAMLIN of Maine, Mr. Blaine of Maine, and Mr. EUGENE HALE of Maine had vouched to him for Fessenden's integrity and good character, and that under these circumstances he did not feel called upon to take notice of it.

Q. When did this conversation occur?

A. In the fall of 1874. I only called his attention to the matter, and handed him a copy of the papers from the Adjutant-General's Office. He expressed surprise that Fessenden had been guilty of anything of that kind.

Q. When was Fessenden dismissed from the Army?

A. In 1862 or 1863, and he was appointed in the Treasury in about 1864.

Q. Do you know whether Fessenden's account in which he was a defaulter to the Government was ever settled?

A. The only information I have on that subject is from a printed report of a committee of the Senate of the last Congress on the claim of a man named Colby, to whom Fessenden had furnished about \$12,000 of the funds for which he was a defaulter. In that report the committee stated that this money had never been reimbursed to the United States Government.

It is not to be wondered at, Mr. Speaker, that deficiencies should occur in a Department that is controlled and managed by confessed embezzlers of the public funds. But what shall be thought of the party which in the face of such a record will still continue a man of that character in places of such trust and responsibility? Would not the sincerity of my friend from Maine have been less questionable, if instead of exhausting his vials of wrath upon the unfortunate employés of this House, whom we have dismissed from office, he had expended some of his genius in unearthing and bringing to punishment some of the scoundrels and thieves who now infest the Treasury Department, and many of whom revel in ill-gotten wealth? But I have not time to further discuss this matter. There is one other extract from this same witness, which I must crave the indulgence of the House while I read. It shows the method adopted by the Government agents to make a good thing out of the work of collecting this captured and abandoned property. It is as follows. I read from pages 77 and 78 of the testimony:

Question. Can you inform the committee of any cases where fraudulent charges were made?

Answer. [Referring to the document.] In case of Hamilton & Obenchain there were one hundred and sixty bales of cotton shipped from Sevier County, Arkansas, to New Orleans, by R. G. Curtiss. The cotton was collected by T. Magnus. The expenses of freight to New Orleans were \$6,384.12; the expenses of freight to New York, \$991, and the expenses at New York, \$371.73; making the total expenses of the one hundred and sixty bales \$7,746.85. The cotton was sold for \$20,796.87. Another case was that of H. C. Boyd. The cotton was collected in La Fayette County, Arkansas, by H. A. Miller, and was shipped by A. B. Miller, eighty-three bales. The gross proceeds were \$6,249.99, and the expenses to and at New Orleans, \$4,763.70.

By Mr. WILSON:

Q. What were those expenses for?

A. It was simple stealing; that was all. The expense of getting that cotton from La Fayette County, Arkansas, to the city of New Orleans, ought not, at the very outside, to have exceeded \$20 a bale. In legitimate commerce \$5 a bale would have been a very good price.

Q. Were not the Government agents paid a percentage for collecting this cotton, and would not that be included in the expenses?

A. They were paid 25 per cent. commission. Ordinarily when the cotton was seized, the collecting agent got his portion in cash.

By Mr. HOOKER:

Q. Do you know of their route from La Fayette, County, to New Orleans, and where water carriage would be struck?



A. Water carriage would be struck at Shreveport, Louisiana, which would be four or five days' journey from New Orleans. In that case of Boyd's the expenses were \$6,108.50, and the cotton was sold for \$6,249.99, so that only \$141.40 passed into the Treasury of the United States. Mr. Boyd is now living in Lynchburg, Virginia.

Q. What was the date of that shipment?

A. The cotton was received at New Orleans January 6, 1865, and was sold in New York, September 12, 1865. There was a case of forty-five bales of cotton that were seized in La Fayette County, Arkansas, taken from Thomas B. Triggs, and shipped by the same agent, A. B. Miller. The gross proceeds were \$3,388.55; the net proceeds nothing.

A position in this Bureau for the collection and management of captured and abandoned property was, it seems, a perfect God-send to individuals who had no other views of office than those which embraced the emoluments attached and which they could attach to it. The old farmers and honest yeomanry of my district will agree with this witness when he says, "it was simple stealing;" for, as a class, the people of my district of all parties call things by their right names, and they neither indorse nor approve of stealing, whether it be by republicans or democrats. Neither do I think that the cry raised by Senator MORTON in his speech in Indiana, that the democrats have expended a half million of dollars through their investigations, will avail them; for who can read the extracts from the testimony taken by the Committee on Expenditures in the Treasury Department, which I have quoted, and say that the money expended in unearthing the fraud and corruption that is there brought to light has been misapplied? We expected opposition from the leaders of the party in power; we expected to hear them howl over the waste of money, especially if the testimony taken should be damaging to their party friends. If nothing had been proved, as many of them claim, we should not have heard such a howl raised, but, on the contrary, the result of our investigations would have been paraded before the country by every radical stump-speaker from MORTON down to the smallest cross-roads politician of the party.

But the fact that almost every one of our investigations, like the one I have just been examining, has produced such startling evidence of fraud and corruption that even the party leaders of the great republican party quail before the storm which they feel that it must create, and instead of meeting it in a manly way they resort to the most violent vituperation and abuse of all the witnesses who have dared as became men to testify before our committees to the truth as it actually existed. The fact that the witnesses have in many instances been high in authority and respected and honored by their own party has not availed anything to protect them from the venomous tongue of their former political associates. High and low, rich and poor, republicans and democrats, have all alike been indiscriminately heaped together and charged with being scoundrels and perjurers. This has been the only means which the republican leaders felt were open to them in order to break the force of the startling revelations which the last six months have brought to light, except in the case of Belknap. I see Senator MORTON says that he was a democrat. That is decidedly rich. The idea of a democrat having a seat in President Grant's cabinet is certainly original with MORTON, and I do not think he would ever have discovered it if the late Secretary of War had not been caught in some of his "irregularities." Besides, I do not think the democrats have been treated fairly in this matter by allowing them to be in possession of the War Department all of this time and never letting them know it.

But how about Richardson, Sawyer, Tayler, Haines, Noerr, Fessenden, Miller, and the hosts of others referred to in this testimony, who are if possible more guilty than Belknap? Are they all democrats too? And if they are, why do my friends on the republican side of this House hug them so closely to their bosoms and so industriously labor to ward off every blow which we strike at them? If they belong to us, why do you endeavor to prevent us from exposing and punishing our own thieves? Ah, gentlemen, you know such claims are all bosh, and if you are not, you ought to be ashamed to use it.

I have now said all that I desired to say upon this subject. I had intended to say a few words upon the "irregularities" in the currency department, but I find that I have already extended my remarks too far, and I shall reserve what I have to say upon the other subject for another opportunity if such should offer.

#### ENROLLED BILLS SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* read the same:

An act (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania;

An act (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap; and

An act (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed the following resolution; in which he was directed to ask the concurrence of the House:

A resolution concerning the joint rules, in response to the resolution of the House on the subject.

#### RIVER AND HARBOR BILL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

In affixing my signature to the river and harbor bill, No. 3022, I deem it my duty to announce to the House of Representatives my objections to some features of the bill, and the reason I sign it. If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections, notwithstanding the great inconvenience to the public interests resulting therefrom, and the loss of expenditures from previous Congresses upon uncompleted works. Without enumerating many appropriations are made for works of purely private or local interest, in no sense national. I cannot give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

There is very great necessity for economy of expenditures at this time growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same. The reduction of revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow expenditures upon works not clearly national.

U. S. GRANT.

EXECUTIVE MANSION, August 14, 1876.

Mr. REAGAN. I desire to move that this message just read be referred to the Committee on Commerce and printed, and before the question is taken on that motion I desire to say a few words.

The President in his message announces that he is under no obligation to expend the whole of this money, and that he will in the exercise of his discretion allow the expenditure of only such portion of it as may be for objects which in his judgment are of a national character. I desire to call the attention of the House to the bill about which this observation is made. The first clause of that bill is as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, for the repair, preservation, construction, and completion of the following public works hereinafter named.

This bill, under the forms prescribed by the Constitution, has been passed by the House of Representatives and by the Senate of the United States, and has been approved by the President of the United States. It appropriates money for objects deemed proper by the Congress of the United States, with the assent of the President of the United States. Had the President believed this bill to be unconstitutional, he might in the exercise of his constitutional functions have vetoed it.

That to which I desire to call special attention at this time, for the purpose of marking this message, is that in it the President assumes that, in reference to a bill making appropriations for objects usually in such bills, his personal judgment is to determine how far these appropriations are to be applied to the objects specified by the law. It is essentially an assumption by the President of the right to exercise an act of personal government, instead of obedience to the laws. It is an assumption that the money appropriated in that bill is to be expended, not under the direction of the Secretary of War, but at the discretion of the Secretary of War. The bill gives no such discretion.

The bill properly provides that the money shall be expended under the direction of the Secretary of War, because the corps of officers by whom these appropriations are to be expended are under his general supervision. The President has constitutionally and legally no more right to assume that he will defeat the objects of this law by refusing to permit the appropriations to be expended as provided by it than he has to assume the right to refuse to have expended appropriations that have been made for the Army, for the Navy, or for any other branch of the public service.

I desire simply to call attention to this matter, because it seems to me that a document so remarkable in its character, with all respect to the President, announcing so great a departure from the Constitution, and containing so singular an avowal in advance that he will not obey the law of the land, should not be permitted by the Representatives of the people to go before the country without at least calling attention to it and expressing some dissent.

The President has called attention to other matters which have been met by the gentleman from Pennsylvania [Mr. RANDALL] in regard to an anticipated deficiency in the revenue for the reasons to which he alludes. I do not propose to discuss that portion of the message, and will simply move that this message be referred to the Committee on Commerce.

Mr. HOAR. And printed.

The SPEAKER *pro tempore*. That will be included in the motion.

Mr. HEREFORD. Mr. Speaker, I must confess that when I heard the message of the President read I was very much surprised; not so much, perhaps, as some other gentlemen on this floor were when within the last year and a half, or perhaps two years, the same Executive sent to this House and to the Senate a message in which he told us that the Constitution of the United States, republican in form and I hope always to be republican in fact, was very similar to the constitution of the empire of Germany. I suppose that in his construction of the Constitution of the United States, believing it to be similar to the constitution of the German Empire, he has come to the conclusion that he is clothed with that same power that the Emperor of Germany possesses. That is, when a Congress of the United States



shall have made an appropriation of money for various specific objects, it is in his power to say whether that money shall be so expended or not.

Have we in the history of our Government arrived at the point where the Chief Executive may say to the Congress of the United States that notwithstanding they have made an appropriation of money for specific objects, he will allow only that portion of the money to be expended and upon such objects as in his judgment should receive the appropriation.

As was said by my friend from Texas, [Mr. REAGAN,] my colleague on the Committee on Commerce, this bill makes distinct appropriations both as to certain objects and the amounts for those objects; yet the Executive tells us in this message that he will see to it that no money shall be expended except for such objects as he in his superior judgment may think right and proper! I ask the American Congress to-day whether they believe that the Executive is endowed with any such imperial power; and, if so, whence he derives it? After Congress has made an appropriation of money, and he has signed the bill, and it has become a law, has he authority to say that the money shall not be expended?

But look at some of his reasons. One of them is that "the reduction of revenue districts, the diminution of special agents; and the total abolition of supervisors may result in a great falling off of the revenues." This is one of the reasons why he says he may feel compelled to forbid the expenditure of this money as Congress in its wisdom has directed. Because Congress has not appropriated enough for one purpose he will withhold appropriations for other purposes. In other words, because this House of Representatives of the Forty-fourth Congress, during a tedious session of eight months, has seen fit to act in the line of retrenchment, reform, and economy, he chooses in this message to rebuke both Houses of Congress, and says that the revenues, as he thinks, will not be sufficient. We have not cut down revenues, but stopped extravagance. If the revenues should not prove sufficient, and if the money for these purposes should not be in the Treasury, then of course it will not be expended. But under the provisions of this bill, if the money should be in the Treasury, it is the duty of the President, in accordance with the oath he has taken to protect the Constitution and execute the laws, to expend this money as we have directed.

In this bill we have appropriated moneys for various rivers and harbors by name; appropriated to each a specific amount. What right has the Executive to say as to any of those rivers or harbors, "I do not believe that this is a proper object for the expenditure of money." That is a prerogative of the legislative department. The American Congress has said, "We appropriate so much money for a certain object." The President has signed the bill; it has become a law; yet he now tells us that he will not execute it, although the money may be in the Treasury. In other words, the Executive announces to this House to-day that he intends to set at naught and nullify the laws of the American Congress.

We passed a law, which the President vetoed, declaring that that officer should, after the 4th of March next, receive only \$25,000 a year. In that act we spoke our views in tones unmistakable; yet he vetoed that bill, though it was in the line of retrenchment and reform. But when we come to appropriate money to improve the rivers of the United States so that the farmers may be able to get their wheat, their corn, and their cattle to market at less rates than they now have to pay, the President says, "If I do not find it to meet my views I will not allow this money to be expended." How is he going to stop it? We have directed the money to be expended under the direction of the Secretary of War. Is the President going to issue his command, his *mandamus pronunciamento* to the Secretary of War saying, "I do not believe this river should receive the amount appropriated by Congress; and therefore you shall not expend a dollar upon it." Have we arrived at that?

If the President had seen proper, it was in his power to veto the bill as a whole. But he has no authority to override the Constitution and veto part of this law by non-action. In signing this bill, he comes in here and assumes the prerogative to lecture both branches of the American Congress. This measure has been discussed fully—certainly in the Senate; it has met the approval of committees of both Houses; it has been reported from the conference committee, and has received the vote of two-thirds of each branch of Congress; yet the President comes here to-day and in his message says, "I will not allow this or that money to be expended, although it is the law of the land, if it does not meet my approbation." If the President can prevent the expenditure of one dollar of these appropriations, he can prevent the expenditure of every dollar. He can say that the amount appropriated for the improvement of Hell Gate shall not be expended. He can go into Texas or Michigan or any other State and say, "Although the American Congress has passed a bill appropriating so much money and directing it to be expended in a designated manner, and notwithstanding I have signed the bill, yet I, as President of the United States, will issue my mandate in some form or another to a subordinate officer directing that this money shall not be expended," and the law of Congress is nullified. If he can do so with one appropriation bill, he can do so with each and all.

I heartily approve of the motion made by my colleague upon the Committee on Commerce for the reference of this message to that committee. What right has the President to say that this or

that object is not national? What is the nature of a river and harbor bill? I may be permitted to refer in no spirit of criticism, but simply to illustrate my argument, to what occurred the other night when the appropriation for Hell Gate was under consideration. One of the Senators from New York objected to that appropriation, because in his opinion the amount was insufficient; and the Senator from Connecticut [Mr. EATON] opposed it on the same ground.

Mr. HOAR. I rise to a question of order. The gentleman from West Virginia, [Mr. HEREFORD,] in undertaking to repeat the debates in the other branch of Congress, is transgressing the rules of the House.

Mr. HEREFORD. I have endeavored to confine myself within proper limits and I do not desire to transcend the rules of the House. What was the reason given.

Mr. HOAR. I ask for the ruling of the Chair on my point of order. The SPEAKER *pro tempore*. The gentleman will again state his point.

Mr. HOAR. My point is that the gentleman from West Virginia, in designating by name members in the other branch and stating what they uttered in debate, is transgressing the rules.

The SPEAKER *pro tempore*. Such references are out of order. The gentleman will proceed in order.

Mr. HEREFORD. I will do so. It has been said elsewhere (I suppose that is in order) that the appropriation for Hell Gate was not sufficient; and for what reason? Because for want of the completion of the work at that point the people of the New England States are obliged to pay a greater rate of insurance in order to get their products to the markets of New York. In other words, (and this is all there is in a river and harbor bill; this is its length, breadth, its height, and depth,) the reason assigned elsewhere why an appropriation was too small was because the obstructions at Hell Gate increased the rate of freight paid by the people of New England in getting their products to market.

If you make an appropriation for Hell Gate, which they say is a great national work, in order to let the people of New England and elsewhere get their produce to market, why is it you cannot make an appropriation so that the people along the Tennessee, the Cumberland, the Kanawha, the Kaskaskia, Wabash, the Illinois, the Fox, and Wisconsin, shall also have the same facilities for the transportation of their products to market at a less cost? Why shall not the French Broad River be improved and those living along it furnished cheap transportation to market? Why shall we not make likewise an appropriation in the same bill to enable the farmers along all these streams in the interior to get what they raise cheaply to market and to develop the hidden wealth of our mountains and valleys?

And that, Mr. Speaker, is all there is in these river and harbor appropriation bills. Bills exactly like this have been signed by all the Presidents of the United States; by Adams, by Jackson, by Van Buren, by all of them. Such bills as this have been signed session after session by the present Executive. Bills have been signed by him making appropriations for nearly every single object contained in this bill to-day, except a few which may happen to be in the down-trodden South.

Last year an appropriation bill similar to this for precisely similar works, for almost the same works, appropriated \$6,000,000, and the President of the United States, this same President of the United States, signed that bill without accompanying it with a lecture to Congress, while the present bill, which only appropriates \$5,000,000, he accompanies with a lecture, a criticism, which we have now before us. He signs without hesitation and without deeming it necessary to accompany it with a word of remark a bill last year on the same subject, for the same objects, appropriating \$6,000,000, and yet he comes here to-day, when we appropriate in a similar bill only \$5,000,000, saying that it is too much. When did the light break upon the Executive that it was too much? Is it because a few dollars have been given to the down-trodden South for the improvement of the Cumberland, the Tennessee, and other streams throughout the South and the North, where appropriations for the improvement of those rivers are very much needed?

The Executive says that certain works are of a national character and others are not of a national character. Now, what does he mean by works of a national character? Is it for the Executive to decide? Both branches of Congress have already decided that all the appropriations embraced in this bill are within the purview of the Constitution. The President, by signing the bill, has said that all these appropriations are within the purview of the Constitution, or else he would not have signed it. He has decided the bill to be constitutional, in his judgment, by putting his signature of approval to it.

But he comes to Congress with a lecture and says that he thinks we should not have made certain appropriations because they are not national. Wherein are the appropriations in this bill not national? Is not the Mississippi with all its tributaries national? Is not the Ohio River with all its tributaries national? Is not the improvement of Hell Gate in New York harbor a national work? Why, sir, the commerce of the Ohio River alone, which gets by this bill only \$170,000, is more than the whole foreign commerce of the United States. Is not that a national work? Are the people of the interior to be called upon year after year, for a long series of years, to make appropriations for rivers and harbors upon the Atlantic coast and upon the



Pacific coast; to improve the harbors of Boston, of New York, of Baltimore, of New Orleans, of San Francisco, of Toledo, and of Cleveland, and is the great Mississippi Valley not to have its rivers improved, so the farmers living there can get their grain, their wheat, their corn, their coal, and all the products of their industry to market at a cheap rate? Is the President and his party opposed to cheap transportation? That is what this bill proposes to accomplish. It is to secure the improvement of our navigable streams, so that the farmers shall be enabled to transport to market their wheat, and their corn, and their other produce at a cheap rate. Shall this people be refused this transportation, and shall they be bound hand and foot to the railroad monopolies of the country? Is that what the President means?

How is the President to decide which are national and which are not? Can he say that Hell Gate is not a national work? Has he the power to say the improvement of the Mississippi River is not a national work and that he will not give it a dollar of this appropriation?

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. HEREFORD. The President in his message says it may be a question to consider whether any expenditure can well be authorized under a river and harbor appropriation bill further than to provide for works already begun and paid for. Under no circumstances, he says, will he allow expenditures on works not clearly national. What right has this great Caesar to decide what are and what are not national, when the American Congress has decided the question by making these appropriations?

On what meat hath this our Caesar fed?

What right has he to say, when this Congress, representing the people of the United States under the Constitution, have made these appropriations and he has signed the bill, that he will not allow one dollar of this money to be spent except to preserve works already begun? Why, sir, there are works which have already received from first to last four or five million dollars, and because they have received so much are they and they only to receive additional appropriations? Are these works only to be kept up? Is it true that to those who have to them shall be given; that those who have received in the past to them shall be given more, while to those who have received nothing to them nothing shall be given? The spirit of his message is, I do not believe a dollar of this money should be expended upon certain rivers and harbors because nothing has been expended upon them heretofore. The money should be expended because the improvements are needed. There is not an appropriation in this bill not recommended by the Secretary of the Treasury. There is not a dollar not recommended by the Chief of Engineers. We have acted on the reports of the executive officers, and they have said these works are necessary. They are appointed for this purpose: to examine these works, to examine the practicability of them, to examine the cost of them, to examine the resources of the country, to examine and report to this Congress how much by these works the commerce of the country will be developed. The Committee on Appropriations of the Senate and the Committee on Commerce of the House have read all these reports diligently and carefully, and have talked to all the members of both Houses.

I say to-day, that as chairman of the Committee on Commerce I have prepared a just and fair and equitable bill, a bill fair to all parts of the country, north, south, east, and west, and all the members of the committee will give me credit for so doing. There is no political significance in the framing of this bill. We have read all these reports, and I have myself talked to no fewer than two hundred members on this floor in order to get additional information about these rivers and harbors. And after doing all that we have made as economical a bill as would do justice to all parts of the country, north, south, east, and west. And yet the President says he will not allow money to be expended except where he—he, the Chief Executive—may think it is a national work.

What right, I ask again, in conclusion, after this has become a law, has he to say to us, as he does to-day, "I will not carry out the law; I notify you in advance I will nullify and set at nought a law of Congress passed by both branches and signed by myself. I notify you I will not carry it out unless in so far as it may suit my views." I will put it "where it will do the most good." I tell you, Mr. Speaker, it is high time we should come back to the simplicity of the olden times, and stand by the Constitution of our fathers and the laws, and see that the Executive set neither at nought, shall set neither at defiance. Such a message as this sent to the British Parliament would cost Queen Victoria her crown. And, therefore, Mr. Speaker, I hope that this message will take the direction indicated by my friend from Texas [Mr. REAGAN] and be referred to the Committee on Commerce, where the full measure and magnitude of its monstrous proposition may receive full consideration.

Mr. CONGER. I have listened with very great surprise to the remarks of my distinguished friend from Texas, [Mr. REAGAN,] a good lawyer, careful generally in his statements and in his conclusions;

and I have listened with still greater surprise to the chairman of the Committee on Commerce, the gentleman from West Virginia. Sir, the President in approving a bill which was passed hastily, with very many changes, through both Houses, on the report of a conference committee, has seen fit while approving the bill to send a message to Congress suggesting that there may be some imperfections in the bill, that there may be some appropriations which are not warranted in the present state of the finances of the country, and perhaps some danger of money being spent on works of such inferior necessity that they may be postponed. And he asserts in his message that inasmuch as Congress has left under his direction, or that of an executive officer in his Cabinet, the expenditure of the whole of this \$5,000,000 of money, he does not feel disposed to veto the bill, to return it with his objections to Congress; but he does desire, exercising the discretion which the bill itself specially commits to him and to his direction, to join the great army of the reformers that come up here in their panoply of strength to prevent any appropriations from being made for an improper purpose. He announces in a very modest way that he desires to join this army of southern reformers and northern reformers in looking over these appropriations; and inasmuch as Congress confides in his discretion, he announces to the House he will exercise that discretion under the Constitution, and under the very orders and direction of this bill, for the welfare of the country; so that the money shall not be squandered on trout streams, so that the money shall not be squandered to enlarge cracks in the clay banks on the shores of our lakes and oceans to make harbors on mere possibilities of harbors, but that it shall be expended for valuable purposes; that it shall be expended as far as in his judgment and discretion it can be for the purpose of promoting the national benefit, the benefit of the American people at large.

What is there in that message that calls up the antagonism of the genial gentleman from Texas? What is there, except an assertion of the Chief Executive, communicated to the House of Representatives and to the Congress of the United States, that inasmuch as they have left the expenditure of \$5,000,000 to his direction and to his discretion, he will not be behind all these other gentlemen in economy, in reform, in retrenchment, and that he, so far as lies in his power, will see to it that the Republic receives no detriment, and that this money is not expended for unworthy purposes.

Now, Mr. Speaker, I ask the gentleman from Texas to rise in his place and tell this House whether any appropriation for his State in that bill is for an unworthy purpose; whether any appropriation for all Texas of the thousands of dollars that are appropriated to be expended there is not to promote our national commerce? If not, why does he fear for Texas?

Mr. REAGAN. I will answer the gentleman.

Mr. CONGER. The gentleman can wait until I am through, and then answer. I am asking these questions that the gentlemen out of their own time and in their own manner may reply to them.

I ask the chairman of the Committee on Commerce what appropriation for West Virginia, and, as he is chairman of the Committee on Commerce for the whole land, what appropriation in that bill for the whole land is not national in its character? He argues that all these waters upon which commerce flows, whether in great quantities or in small quantities, are the rills, the rivers, the streams, the lakes, and the oceans—that all go together to make up the grand national commerce of the country. If he is right in his argument, the President is right in his message. And if the President is right in his message, the gentleman is wrong in condemning it. But why is he afraid of the message? Can it be possible—I have heard no objection from this side of the House—that any of my friends on the other side who have come up here from their wanderings in the wilderness to their father's house and "have come here to stay" could possibly have imposed upon the chairman of the Committee on Commerce with the improvement of an unnational work?

Mr. HEREFORD. Will the gentleman allow me to answer his question?

Mr. CONGER. I decline to be interrupted. I am thrown off the track very easily, and I cannot be interrupted. I want an answer from the gentleman in his own time when he takes the floor again. Now I ask if any of my friends who have come up from their wanderings to stay, as the gentleman from Georgia says "to dwell in their father's house," and who seem to have come here, and come here for the sole purpose of taking their father's business out of his hands and managing the household themselves while they stay here, gentlemen who come here blazing and glowing and sparkling with retrenchment and reform—can it be possible that any of these gentlemen have crowded into this river and harbor bill an appropriation for a work that is not national? I trust not, sir. I trust when the wanderers come here with reform on their tongues and the glory of retrenchment like a halo around their heads, who have come back here whether the master of the household was willing or unwilling for them to stay, have come back to turn the master out and take the control of the household; I trust that not one of my friends has come and imposed upon the gentleman from Texas, and imposed upon the chairman of the Committee on Commerce, and imposed upon my friend from Massachusetts, [Mr. PIERCE,] the careful and cautious man, in regard to these appropriations, and has secured appropriations for works that are not at all national, and are, therefore, subject to the censure of this message. Why in the world should



it be that my friends are so excessively sensitive when their whole souls are glowing, burning, and yearning for reform and retrenchment; when they are so exceedingly active and earnest that every officer of this Government shall not only know his duty but shall perform it; shall scan closely every law; shall scan closely every proposition of every law, and not even by any possibility wander a hair's breadth from its strict construction. Why is it that they blame our President when he announces to the House his determination to scan this law and see if all these appropriations are really for national works? When retrenchment is the great peace-cry of my brethren, why is it that they raise such a tumult in this House because the President says that on account of changes of law, and failures of appropriations, and the cutting off of revenue officers, it is more than probable that there will be such a diminution of the revenues received this year that he cannot carry on all the works of the Government, that he cannot find the money in the Treasury that is unappropriated to fulfill all the demands of the law, and says that if that shall happen he would withhold the money from those works which are not national, from those for which there is no immediate and pressing necessity for this expenditure, and he will thus save the Treasury.

O, sir, I have thought for some time that if these gentlemen who have instituted thirty-three investigating committees to watch every officer of the Government and see whether they stepped a hair's breath aside from the strict construction of the law and have been ready upon a violation by a high officer to impeach that officer and upon a slight violation to condemn, (for the reports of the majorities of the committees are full of these things,) I had hoped that they would not have complained of the President when he, in his message to the House, announced his conviction that it is his duty to comply strictly with the law and expend the money directly in the discretion the House has given him for national objects and for the preservation of works on which money has already been expended. Why did not gentlemen, if they had secured appropriations for such works, repent and ask that the appropriation be withdrawn? Why did not the work of reform then commence? Why does each individual gentleman of the House, when talking so loudly for reform for everybody but himself, if he has got into this bill appropriations of this kind, work out some reform within himself? But, sir, the reports of this House will show that the reformation demanded by the majority is continually the reformation for somebody else besides themselves.

Why, sir, the example of their standard-bearer should have taught them a different lesson. There has been no more pathetic episode in the political history of this year than that exhibited by their own standard-bearer when, in the society of a few friends at his own home, he received the first intimation that he had been selected as the democratic candidate for the Presidency. His friends sat by his side, like the friends of Job, and spoke no more until his own heart, his own judgment, could work out in their own volition his true inwardness, and, at last, I ask the gentlemen to remember what their leader said about himself. He was not looking to everybody else for reform. What did he say about himself? He said in a whispered tone, "I know what the American people want; they want reform," and thinking a moment or two longer, reflecting upon it, he said, with spasmodic violence, pointing directly to his own heart, "they shall find it here." [Laughter.] How little, Mr. Speaker, has that example been followed by his followers here? They all want reform; they all know that the people mean it; they want reform, but, unlike their shrewd, sagacious leader, they do not take the precaution to interpret to the people, as he did, how it was to be in their own heart. O, no; ever since that tender expression of your leader of the campaign I have sat here with extreme impatience for some one of the gentlemen, the followers of your candidate, in a modest manner, in a feeble way to intimate that reform had commenced in their own hearts, because, sir, after the standard-bearer of the democratic party had struck his hand upon his heart and announced that the people could find reform there, I solemnly believe that not one of these faithful followers who sat around him listening with bated breath his penitential utterances but had some reason to believe that the work of regeneration had already commenced in that immortal soul. [Laughter.]

I commend that example of the chieftain to his followers. I would say that they have followed that example if my conscience would permit.

Now, sir, I again ask any gentleman of this House, the gentleman from Texas, [Mr. REAGAN,] the gentleman from West Virginia, [Mr. HEREFORD,] or any other gentleman, when he has the opportunity to reply to me, any gentleman who finds fault with this message of the President, to tell this House which one item in this bill which the President signs is for a work which they condemn as not desirable for national commerce and national prosperity? When they will tell that, then I guarantee that every other man in this House will say that the message of the President is just and righteous, and that that particular work which they condemn as not national ought not to receive the appropriation made for it.

Mr. HOUSE. Which one does the President condemn as not national?

Mr. CONGER. I will tell the gentleman. The great Congress that the gentleman from West Virginia alludes to, composed of two

Houses, and each House composed of an almost innumerable number of great men, the great Congress of the United States told the President that this money was to be expended under his direction and within his discretion. In old times all the money for this purpose was appropriated in mass. Until six years ago there had been but one or two river and harbor bills ever passed specifying the objects of the appropriation. The appropriation was made in a gross sum, to be expended entirely at the discretion and under the direction of the Secretary of War. It is a new thing for Congress to take from the President that power to direct the Secretary of War and the Engineer Department how much and where they shall expend this money. This has been done within the last six or eight years. I think before that time there never had been but two, or at the most three, of these bills passed specifying where the appropriation should be expended. The President, therefore, is returning to the old democratic way, and in so far as he does that he has my most hearty condemnation. [Laughter.]

Up to 1871 there had been expended for the purpose of improving the rivers and harbors of the country \$27,863,000. Since that time there have been expended in 1871 one and a half millions, in 1872 two and a half millions, in 1873 three and a half millions, in 1874 five millions, and in 1875 five million six or eight hundred thousand dollars.

Mr. DOUGLAS. Who did it?

Mr. CONGER. A republican Congress of the United States.

Mr. DOUGLAS. Then you introduced the novelty.

Mr. CONGER. Mr. Polk vetoed every river and harbor bill ever presented to him; and in the last part of his term the Congress of the United States passed over his veto a river and harbor bill appropriating one and three quarters millions of dollars. Under President Buchanan not one dollar was ever appropriated for the improvement of any river, North or South, except to the extent of \$30,000 in all in some bills to repair particular works.

The democratic policy never was in favor of the improvement of rivers and harbors. Since I have been a member of this House, and while I was a member of the Committee on Commerce, southern Representatives came by scores before that committee asking for appropriations for their rivers and harbors, as my friend from Indiana [Mr. HOLMAN] very well knows. They were asked if they would vote for the bill if their appropriations, such as the committee thought should be put in, were embraced in the bill, or whether their constitutional scruples would prevent their so doing. And they told the committee that their constitutional scruples were of more importance than the improvements of their rivers and harbors. That is the reason why the South heretofore has not had all their rivers and harbors improved that they should have had, because their Representatives have been opposed to that policy.

It seems that they have changed their views, and I am gratified that they have done so. I believe that such means of improvement of water transportation is one of the most effectual for keeping transportation cheap and free throughout the land and preventing monopoly in the means of communication and freightage.

To my mind the message of the President was an appropriate one to make to this House. When I remember that in almost every annual message of the President he has directly called the attention of this House to the importance of legislating in favor of cheap modes of transportation by water and by land, when I recollect that he has called the attention of this House to three plans of water-communication from the Ohio River to the Atlantic and to the Gulf, and when I remember that in all his messages he has urged upon Congress the importance of improving the national water-courses and highways of the country, I cannot condemn his objections to appropriations which, in his judgment, may be for objects purely local and entirely unnecessary.

In view of the President's uniform recommendations in all his messages where he has referred to that subject, encouraging and inciting Congress to make proper appropriations to secure cheap transportation for the whole country, I think these strictures from the gentlemen who have spoken are unjust and unworthy of the occasion. But the habit of making these strictures is so strong, my friends on the other side of the House in their caucuses and in their own hearts have become so accustomed to condemn everything that is done by the President or by the republicans that I think they can hardly avoid it. When the President sent a message to this House, as it was his duty to do, to inform us that our legislation would prevent sufficient revenue being received for the ordinary expenditures of the Government, that message was criticised even more harshly than this has been; and so it is through all the legislation of this House.

Sir, I have no objection to gentlemen wearing out their lives in shouting for reform and retrenchment. I know they are wasting valuable time; I know they are exhausting their stalwart frames; I know they are running their minds into a series of charges and accusations unworthy of the American citizen; but it is their privilege and their right. The people will hear them for a moment and then turn them aside, and still let the father of the household manage his own affairs.

Mr. HOAR and Mr. RANDALL addressed the Chair.

Mr. CONGER. Mr. Speaker, I have not relinquished the floor.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman to have the floor except for his own remarks. The Chair



will gladly recognize the gentleman from Massachusetts [Mr. HOAR] for a moment. His endeavor is to parcel out the floor fairly.

Mr. CONGER. There was no limit to my time except the hour rule.

Mr. HOAR. I rise to a question of order. Under the rules of the House when any member takes the floor he is entitled to it for one hour, unless he is speaking under some special limitation; and the Speaker cannot deprive him of this right. And under the rule, as it has been administered for many years, he has the right to yield any portion of his hour to any other member.

The SPEAKER *pro tempore*. The Chair recognizes that rule; and he is inclined to be entirely fair toward both sides of the House; but the right to one hour for each speaker has not been claimed at all in this debate; and if the rule is resorted to, the Chair must decide that the gentleman from Texas [Mr. REAGAN] is entitled to the floor, as he did not exhaust his time.

Mr. RANDALL. I think there need be no controversy between the gentleman from Massachusetts, [Mr. HOAR,] the gentleman from Michigan, [Mr. CONGER,] and myself as to the occupancy of the floor.

Mr. HOAR. I think there can be no controversy between us; but I cannot assent to the idea that the Chair has a right to take a member off the floor before his hour has expired. The gentleman from Texas yielded the floor and sat down; the Chair recognized another gentleman in his own right; and now under what rule can the Chair deprive him of the right to give part of his hour to another member?

Mr. RANDALL. The gentleman from Texas had the right to the floor to call the previous question at the end of his hour, but by a sort of general consent had allowed the debate to run on.

Mr. HOAR. He yielded the floor.

The SPEAKER *pro tempore*. The gentleman from Texas has sent word to the Chair that he desires to move the previous question, and regards himself as holding the floor. Under these circumstances the Chair does not feel inclined to take the floor from him. Although he recognizes fully the rule as stated by the gentleman from Massachusetts, he cannot see how the gentleman from Michigan can take from the gentleman from Texas during his hour the right to control the floor upon his own motion.

Mr. CONGER. I submit to the Chair that a member obtaining the floor has a right to it for one hour. I obtained the floor in my own right without any limitation from anybody; I asked nobody's consent; but the Chair recognized me.

Mr. HOAR. I will remind the Chair that much more than an hour has elapsed since the gentleman from Texas took the floor.

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. HOAR. Since the gentleman from Texas took the floor and spoke, the gentleman from West Virginia [Mr. HEREFORD] and the gentleman from Michigan [Mr. CONGER] have spoken. More than an hour and a quarter must have elapsed.

Mr. REAGAN. I did not expect any extended debate on this motion. I only desired to state my opinion upon the question, and as soon as other members who might desire it had briefly expressed their views, I proposed to call the previous question.

Mr. CONGER. I hope that this may not come out of my hour. I either wish to go on myself or to yield to another gentleman.

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman as entitled to an hour within the hour of the gentleman from Texas.

Mr. CONGER. That hour had terminated or nearly terminated when I took the floor.

Mr. RANDALL. It was extended by common consent.

The SPEAKER *pro tempore*. All gentlemen know that debates of this kind frequently proceed by common consent, and when there is no objection the Chair is not inclined to interfere; but if it becomes a question of right, the Chair must hold that the gentleman from Texas is entitled to the floor.

Mr. REAGAN. I will yield a moment to the gentleman from Pennsylvania [Mr. RANDALL] and then I will ask to yield a moment to the gentleman from Iowa.

The SPEAKER *pro tempore*. That can be done by common consent. The time of the gentleman from Texas has expired; but if there is no objection the Chair will first recognize the gentleman from Pennsylvania [Mr. RANDALL] and then the gentleman from Massachusetts, [Mr. HOAR.]

Mr. RANDALL. Mr. Speaker, I have the highest respect for the Chief Magistrate of the Union, and hence I feel very great regret when I find him falling into errors. In one portion of this message he distinctly implies, if he does not directly state, that by our legislation the collection of the revenues has been crippled, and that therefore the revenues may fall off during the coming year.

Now I want to state the fact that more than one-half of the revenue comes by receipts from customs, which in no wise whatever passes under the control of Congress so far as to make appropriations necessary for their collection.

Mr. KASSON. Yes, there is one to which the President alludes.

Mr. RANDALL. So far as that part of the revenue is concerned appropriation by Congress has nothing whatever to do with it, and therefore the President's complaint in that respect is entirely unfounded.

There is, however, in the appropriation bill something to do with the collection of internal revenue. In regard to the internal revenue the House recommended that the collection districts should be re-

duced to one hundred and five; the Senate raised the number to one hundred and thirty-one, but lest the Government should be embarrassed in the collection of the internal revenue the House receded from the number they had fixed at one hundred and five and conceded the number asked by the Department, one hundred and thirty-one, which the Senate insisted upon.

The House conferees also consented to a very considerable addition to the amount as fixed by the House committee and the House in connection with the pay of collectors and deputy collectors of internal revenue, and further as to pay of storekeepers, gaugers, and other officers employed in the other branch. Therefore I wish to say to this House that I do not believe any of the conferees on this or the other side of the House or of the Senate will consider that we have embarrassed in any degree whatever the collection of the internal revenue.

Mr. REAGAN. My colleague on the Committee on Commerce from Massachusetts [Mr. PIERCE] desires a few minutes, and I therefore yield to him.

Mr. PIERCE. Mr. Speaker, I cordially approve of the position which the President assumes in his message just laid before the House, and admire the manliness and courage which induced him to send it to the House. He only occupies the position uniformly taken heretofore by previous Administrations in reference to appropriations for river and harbor improvements.

Now, sir, the only authority controlling his action is to be found in the first section, which provides that "the following sums of money be, and are hereby, appropriated to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the repair, preservation, construction, and completion of the following public works herein-after named." There is nothing mandatory in that provision. It does not say that he shall spend a single dollar upon any one of the works provided for in the bill. If in his judgment any appropriation is wasteful, extravagant, or a useless expenditure of the public money, then he need not expend it. Indeed, if he expended any of the amount appropriated for any work deemed by him to be wasteful, extravagant, or useless, he would be guilty of wrong-doing, and I will say to my democratic friends he would then deserve condemnation.

He is only doing his duty when he says that he will not spend a single dollar of this money, when he is satisfied such expenditure will result in no good whatever. Nor does he claim in his message the right to divert any of this money appropriated for a given object to any other object. He simply says that if he believes the object for which it has been appropriated is not a fit object then he will not expend the money, but will let it lie in the Treasury for the future action of Congress.

I remember in the examination of this river and harbor bill in the Committee on Commerce various instances in which the Engineer Department reported that the sum appropriated could not be used to advantage, and therefore they did not use it at all, and that the money was permitted to remain in the Treasury. The President has simply announced to Congress that he will follow what has always heretofore been the practice of the Engineer Department.

I may be permitted to say here that the preparation of a river and harbor bill is one of the most difficult pieces of work which can be confided to any number of members of this House. The Committee on Commerce is constantly approached by perhaps two hundred members of this House, urging upon them appropriations for various localities in the country, and it has sometimes seemed to me, Mr. Speaker, as though they left their consciences outside of the committee-room. [Laughter.] It is, therefore, with the greatest difficulty such an appropriation bill is framed, and I do not believe there has ever been passed by this House any bill which did not contain some items which ought not to have been included. I believe there are some such items in this bill, but, on the whole, it is a better bill than most of those which have been heretofore passed through this House. When I consider how this bill was made up, how the committee was importuned by members of the House to make appropriations for this little river and that little harbor, I feel that it is of the utmost importance to sustain the President in the position he has assumed, which is simply the position the Engineer Department has always held and acted upon, that if there are any appropriations useless and extravagant, and which will accomplish no good whatever, he will not authorize the expenditure of the public money for that purpose, but will allow it to remain in the Treasury so that Congress may review their action at the next session. We ought not to forget that we are to meet here again in less than four months, and that no harm can be done by any such action, but that, on the contrary, a considerable sum of money may be saved if the President fearlessly carries out the policy which he has indicated in his message.

Mr. REAGAN. Before calling the previous question I desire to occupy just a single minute in responding to the gentleman from Michigan.

The SPEAKER *pro tempore*. The Chair will state that the time of the gentleman from Texas expired several minutes ago. Objection not having been made, the Chair supposed the debate was proceeding by unanimous consent; but unanimous consent has only been given to the two gentlemen who have now spoken; and, unless by unanimous consent, the gentleman from Texas cannot longer retain the floor.



Mr. REAGAN. I ask unanimous consent to occupy not more than one minute in responding to the gentleman from Michigan.

There was no objection.

Mr. REAGAN. I wish to say that if the President had made the objections to the bill which the gentleman from Michigan made he had a perfect right to do so. It was not complained that he objected to items in the bill that ought not to be appropriated. The complaint was that he declared that a law passed by both Houses of Congress and signed by himself would be just so far executed as to his private judgment it seemed fit it should be executed.

The gentleman from Michigan asked me a question to which he desired an answer, whether there was any appropriation in Texas that would be affected? I am very glad to be able to say, as the gentleman from Michigan also knows, that we have no appropriation there except for works which are confessedly national, unless it be for Cypress Bayou, which is a work for which appropriations have heretofore been made by the Government under the sanction of the gentleman from Michigan [Mr. CONGER] as chairman of the Committee on Commerce. The others are all works on tide-water, and confessedly national. It was because there are no works in my State that are at all affected that I felt free to call attention to the assumption by the President of a right to regard or disregard at his pleasure an act of Congress approved by himself.

I now ask the previous question.

Mr. KASSON. Allow me to say that I think the Speaker misunderstood the gentleman from Texas, [Mr. REAGAN.] That gentleman said he would yield a few moments to one other gentleman, and then he would yield to the gentleman from Iowa. The Speaker said: "The gentleman from Massachusetts;" and I was not disposed to interfere with the gentleman from Massachusetts proceeding. I desire, however, five minutes to speak to a single point.

The SPEAKER *pro tempore*. The Chair did not understand that that was the arrangement; but he will willingly recognize the gentleman from Iowa if it was arranged that he should have unanimous consent to speak.

Mr. KASSON. Five minutes are probably enough.

The single point to which I wish to call attention is the charge made by the gentleman from West Virginia, the chairman of the Committee on Commerce, that the President has assumed an unconstitutional authority in the message which he has sent. If gentlemen will observe the careful language of the President, any such impression I am sure will disappear, and even the gentleman from West Virginia will regret the illustration with which he commenced his address to the House when he made the comparison between the President and a person exercising imperial authority.

Mr. HEREFORD. Did the President not say in one of his messages that our Constitution was similar to that of the German Empire? Does the gentleman deny that?

Mr. KASSON. The gentleman from West Virginia compared the President to an officer exercising the authority of the Emperor of Germany. Let us see. The President says in his message:

If it was obligatory on the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections.

Thus the President assumes that it is not obligatory on him to spend all the money appropriated, and, resting upon that hypothesis, he declares that he will exercise his authority as an executive officer of the Government, directing the Secretary of War so to disburse these moneys that no part of them shall be expended on objects of private or local interest, or, in other words, which are unconstitutional. Now, sir, does this bill compel the President by force of law, *ex vi termini*, to expend each of these sums on each of these places? If it does, and if such an act is constitutional, then the President has proposed to violate the Constitution. But, sir, the entire precedents of this Government, to which my honorable friend from Massachusetts referred, are against this proposition. In most instances the year expires with a balance in the Treasury. In some cases the expenditure is found to be a mere waste and is stopped; and more than that, the language of the bill is not mandatory on the President, but simply appropriates for various purposes a maximum sum of money and nowhere tells the President that he must spend it on each one or spend all of it; so that on the bill, without the Constitution, there is nothing which prevents the President from taking that position. But let us see further. Suppose the gentleman from West Virginia was right and the President violates the Constitution by not spending the money, we will say for example, for a survey of "Towne Creek, Monroe County, Mississippi," or for the improvement of the "Etowah River near Thompson's bridge," Georgia, or of "Murder Kill Creek," or of "Mispillion Creek." We will take Mispillion Creek, as for that there is some money to be expended. Suppose the President should not spend it all; for what will the gentleman impeach him? He will come next session, if he is here, and impeach the President of high crimes and misdemeanors, and he will specify what the high crimes and misdemeanors are, to wit, that whereas he might have expended \$15,000 on this Mispillion Creek he only expended \$5,000 on it, and left \$10,000 in the Treasury; and therefore he will present articles of impeachment against him to the Senate of the United States for high crimes and misdemeanors!

Mr. DURHAM. Will the gentleman look at the paragraph of the bill beginning at line 544, in regard to the duty of the President and Secretary of War under this bill?

Mr. KASSON. I have not so many lines in my copy of the bill. Does the gentleman have Laurel Creek, Kentucky, in his bill?

Mr. DURHAM. No, sir; that was stricken out. I again ask the gentleman to look at line 544 of the bill, where the duty of the Secretary of War in the expenditure of these moneys is prescribed.

Mr. KASSON. I will answer the gentleman. Where the work can be done by contract, the Secretary is required to cause it to be done by contract; that relates to the mode of doing the work.

Mr. DURHAM. But the whole power is given to the Secretary of War, and the President has no power to control it.

Mr. KASSON. And the work is to be given to the lowest bidder under that section. The gentleman says that the Secretary of War must do it, because wherever it is required by law that the work shall be done by contract he is required to let it. I will say that President Grant, in case the Secretary failed in his duty, would stand where President Jackson stood, and will say, "I took the oath to support the Constitution as I understand it, and if the Secretary of War stands in the way of the observance of the Constitution I will turn him out as Jackson did Duane, when he put Taney in the Treasury, and will appoint some man who will observe the Constitution."

These are the points touching which I wanted to show, first, that there is nothing in the bill that requires the President to spend all the money appropriated for any one place or for all the places; and second, that under the Constitution he is not compelled to spend money for an unconstitutional purpose simply because a certain sum is appropriated for it. We have just appropriated \$60,000 for extra clerical service in our Executive Departments. Suppose they do not spend it all; will you impeach the Executive for not spending the whole of it?

[Here the hammer fell.]

Mr. REAGAN. I demand the previous question.

Mr. HOLMAN. I ask the gentleman from Texas to allow me a single word.

The SPEAKER *pro tempore*. The gentleman from Texas has no longer a right to the floor.

Mr. HOLMAN. I merely wish to protest against the assumption that the Executive is bound to expend the money appropriated by Congress, and especially in a bill of this character.

The SPEAKER *pro tempore*. The Chair must insist that the gentleman is not entitled to the floor.

Mr. HOLMAN. I ask unanimous consent for one moment

No objection was made.

Mr. HOLMAN. It is clear that if the Executive or the Engineer Department of the Army discovers that an appropriation of money has been made for an object purely local; having no national importance whatever; not designed to promote the national commerce of the country, that that money ought not to be expended.

Mr. REAGAN. That question is not in debate here. Nobody is insisting on any such thing. The gentleman is discussing an abstract proposition, and not the bill.

Mr. HOLMAN. It is clear that money cannot be appropriated constitutionally for purely local objects; it can only be appropriated and applied to the promotion of the general commerce of the country.

Mr. KASSON. Then you stand by the President?

Mr. HOLMAN. I stand by that doctrine.

Mr. KASSON. And by the President.

Mr. HOLMAN. That has been the doctrine of the dominant party in this House in all its past history.

Mr. KASSON. It is the doctrine of the President now.

Mr. HOLMAN. Under the Constitution we have no right to appropriate a single dollar for local purposes.

Mr. HEREFORD. I say to the gentleman that if that was the doctrine of the party I would uphold it nowhere. [Loud cries of "Order!" and "Regular order!"]

Mr. HOLMAN. I want to have my own time, and I will occupy the balance of it. [Cries of "Time is up!" and "Regular order!"] I only wish to say that this bill is of the same class of bills making appropriations for the improvement of rivers and harbors that have passed during the last five years. I have been here all that time protesting against appropriations of money for purely local purposes, and during that period I have voted, I believe, for but a single one of that class of bills.

Mr. HEREFORD. The gentleman sustains the imperial power of the President. [Loud cries of "Order," "Regular order."]

Mr. REAGAN. I insist on the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the message of the President was referred to the Committee on Commerce, and ordered to be printed.

Mr. REAGAN moved to reconsider the vote by which the message was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House take a recess until eight o'clock.

The question was taken; and on a division there were—ayes 131, noes 36.

Mr. BANNING called for tellers.

Tellers were not ordered.

So the motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House took a recess until eight o'clock p. m.



## EVENING SESSION.

The recess having expired, the House resumed its session at eight o'clock.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had agreed to the concurrent resolution of the House to print additional copies of the report of the Superintendent of the Coast Survey.

The message further announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) relating to the petition of real-estate owners in the District of Columbia.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others.

The message further announced that the Senate had passed without amendment the bill to repeal part of section 5 of an act authorizing the repavement of Pennsylvania avenue, approved July 19, 1876.

## ORDER OF BUSINESS.

Mr. RANDALL. Is there a quorum present?

The SPEAKER *pro tempore*. The Chair has not inquired, and no vote has been taken which shows that fact.

Mr. RANDALL. I object to proceeding with business unless a quorum is present, and for the purpose of testing the question I move that the House take a recess until nine o'clock to-morrow morning.

Mr. BANNING. I would like to offer a bill in the first place.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, in order to ascertain if there is a quorum present, may either move to take a recess or demand a count of the House.

Mr. RANDALL. I ask a count on my motion to take a recess until to-morrow.

Mr. THORNBURGH. I ask for tellers.

Mr. EAMES. Pending that motion I move to suspend the rules.

Mr. RANDALL. I want to state a fact in reference to legislation. In the Senate to-day an objection has been made under their rules to the consideration of the Indian appropriation bill, which compels it to go over until to-morrow, as I understand. [Cries of "What of that?"] It is better perhaps that I should modify my motion and propose that we should take a recess until nine o'clock this evening.

Mr. BANNING. I would like to state a fact with reference to legislation. I have in my hand a bill asked for by the President providing for an addition of twenty-five hundred men to the Army, in order to aid in the Indian war.

The SPEAKER *pro tempore*. The Chair cannot hear that at this time.

Mr. PAGE. I am credibly informed that the Senate will be ready to adjourn at twelve o'clock to-night.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will modify his motion so as to make it a recess until nine o'clock this evening.

Mr. RANDALL. I have already modified my motion so as to make the recess until nine o'clock to-night.

Mr. HOAR. I hope the gentleman from Pennsylvania will be permitted to inform the House of the condition of the public business and as to when we shall probably be able to adjourn.

The SPEAKER *pro tempore*. If there is no objection the gentleman from Pennsylvania will make the statement.

No objection was made.

Mr. RANDALL. From the information which I gather from Senators I do not believe it is possible that the Senate will be ready to adjourn before to-morrow at twelve o'clock; but out of abundant caution I have modified my proposition so that we shall take the recess until nine o'clock this evening that we may learn with more certainty whether an early adjournment on the part of the Senate can be arrived at. I therefore insist on my motion for a recess.

Mr. PAGE. And I hope it will be voted down.

Mr. THORNBURGH. I call for tellers.

Mr. PAGE. I do not see why the gentleman from Pennsylvania should undertake to clog the progress of public business.

The question was taken on Mr. RANDALL's motion; and on a division there were—ayes 62, noes 59; no quorum voting.

Mr. PAGE. I call for tellers.

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

The House divided; and the tellers reported—ayes 54, noes 49; no quorum voting.

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

The yeas and nays were ordered, 27 members voting therefor, (being more than one-fifth of the last vote.)

The question was taken; and there were—yeas 58, nays 83, not voting 145; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Bradford, Bright, John B. Clarke of Kentucky, Cochran, Cook, Cowan, Dibrell, Durham, Eden, Forney, Gause, Gunter, Andrew H. Hamilton, Hardenbergh, Hartzell, Haymond, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Holman, House, Joyce, Kehr, Levy, Lewis, Mackey, Magoon, Maish, McMahon, Morrison, New, Payne, Poppleton, Randall, Reagan, Riddle, John Robbins, Miles Ross, Savage, Slemmons, A. Herr Smith, Teese, Terry, Thomas, Thompson, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Whitthorne, Willard, James Williams, and Jeremiah N. Williams—58.

NAYS—Messrs. Ashe, John H. Baker, Banks, Banning, Boone, Bradley, Cannon, Cason, Cate, Caulfield, Chittenden, Clymer, Conger, Crapo, Crounse, Cutler, Davy, Douglas, Durand, Eames, Felton, Finley, Franklin, Goode, Goodin, Henderson, Henkle, Hereford, Hopkins, Hunton, Hyman, Thomas L. Jones, Kasson, Kimball, Franklin Landers, Lane, Lapham, Lawrence, Lord, Luttrell, Lynch, McCrary, McDill, Money, Monroe, Mutchler, O'Neill, Packer, Page, Pierce, Piper, Potter, John Reilly, James B. Reilly, Rice, Roberts, Sampson, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Spencer, Springer, Strait, Stevenson, Stone, Tarbox, Thornburgh, Throckmorton, Washington Townsend, Tufts, Van Vorhes, Erastus Wells, White, Whiting, Wigginton, Alpheus S. Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Young—83.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, Jr., William H. Baker, Bailon, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Chapin, John B. Clark, Jr., of Missouri, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Jenks, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moynes, Lynde, MacDougall, McFarland, Meade, Metcalfe, Miller, Milliken, Mills, Morgan, Nash, Neal, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, William A. Phillips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, William M. Robbins, Robinson, Sobieski Ross, Rusk, Saylor, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Stenger, Stowell, Swann, Martin I. Townsend, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodworth, and Yeates—145.

During the call of the roll the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is confined to his room by indisposition.

Mr. COOK. My colleague from Georgia, Mr. SMITH, is detained at his room by severe illness.

Mr. STEVENSON. My colleagues, General ANDERSON and Judge CAMPBELL, are absent by leave of the House.

Upon the announcement of the vote as above recorded

Mr. RANDALL said: No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, no business is in order except to adjourn or a motion that there be a call of the House.

Mr. BANNING. I move that there be a call of the House.

Mr. BANKS. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio [Mr. BANNING] that there be a call of the House.

The motion was agreed to upon a division—ayes 88, noes 35.

Mr. WILSON, of Iowa. I understand that the gentleman from Massachusetts [Mr. BANKS] has the floor on the unfinished business. I suppose there will be no objection to his proceeding with his remarks even if there be no quorum present. I ask unanimous consent that the order for the call of the House be withdrawn, and that the gentleman from Massachusetts [Mr. BANKS] be allowed to proceed.

Mr. RANDALL. I object.

The clerk proceeded to call the roll; when the following members failed to respond to their names:

Messrs. Adams, John H. Bagley, Jr., William H. Baker, Bailon, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Chapin, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Freeman, Frye, Fuller, Gibson, Glover, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurlbut, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moynes, Lynde, MacDougall, McFarland, Meade, Miller, Milliken, Money, Nash, Neal, O'Brien, Odell, Oliver, Phelps, John F. Phillips, Plaisted, Platt, Poppleton, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Stenger, Stowell, Swann, Martin I. Townsend, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodworth, and Yeates—126.

The SPEAKER *pro tempore*. The Clerk reports that one hundred and sixty members have responded to their names; more than a quorum.

Mr. SPRINGER. I move that all proceedings under the call be dispensed with.

The motion was agreed to.

Mr. BANKS. I call for the regular order.

Mr. HOLMAN. I move that the House now take a recess for a half an hour.

Mr. LAWRENCE. I rise to make a report from a committee of conference.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Ohio [Mr. LAWRENCE] to submit a report from a committee of conference.

## PARTITION OF REAL ESTATE IN DISTRICT OF COLUMBIA.

Mr. LAWRENCE submitted the following report; which was read by the Clerk:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 3168 entitled "An act relating to partition of real estate in the District of Columbia," respectfully report that

they have met, and after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate; and agree to the same, with the following amendment:

Strike out all after the word "may," in line 3 of said amendment, and insert "in the discretion of the court be compelled in any court of competent jurisdiction to make or suffer partition of such estate or estates. In proceedings for partition all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction. And in proceedings for partition under this act the court may, in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court."

"SEC. 2. That the court in all cases in decreeing partition, may, if it satisfactorily appears that said lands, tenements, or any estate or interest cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale among the parties according to their respective rights and interests."

"SEC. 3. That in all such sales, unless the court shall, by special order, direct or require, for good cause shown, that the sale be made for cash, the purchase-money shall be payable, one-third on the day of sale, one-third in one year, and one-third in two years thereafter, with interest; the deferred payments to be secured to the parties according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court."

And that the Senate agree to the same.

WILLIAM LAWRENCE,

SCOTT LORD,

GEORGE F. HOAR,

Managers on the part of the House.

FRED. T. FRELINGHUYSEN,

J. W. STEVENSON,

T. O. HOWE,

Managers on the part of the Senate.

Mr. RANDALL. I would like to hear some explanation of this report.

Mr. LAWRENCE. I presume it is not necessary to make any extended statement in regard to this report. The original bill providing for the partition of real estate in the District of Columbia was passed by the House and sent to the Senate, where it was amended in matters not very material except the addition of a provision that sales in partition proceedings, unless otherwise ordered, should be for one-third cash in hand and the balance in deferred payments of one and two years, with interest.

The bill coming back to the House, the House disagreed to the amendment of the Senate and asked for a committee of conference. The committee of conference has unanimously agreed upon this report, there having been no objection to the report as it stands from any member of the committee. It has been agreed to by the Senate. It has been submitted to members of the bar of the District of Columbia and meets their approval. I suppose there is no objection to it from any quarter. I hope the House will agree to the report.

The report was adopted.

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

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. BANKS. I call for the regular order.

Mr. PAGE. What is the regular order?

The SPEAKER *pro tempore*. As the Chair understands, the gentleman from Massachusetts [Mr. BANKS] has the floor on the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the President's message in regard to the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. PAGE. Was not that laid on the table to-day?

The SPEAKER *pro tempore*. It was not.

[Mr. BANKS addressed the House on the bill to utilize the products of gold and silver mines. His speech will appear in the Appendix.]

Mr. KASSON and Mr. SPRINGER addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] served notice that he would during the session of to-day, if he could obtain the floor, move to lay the motion to reconsider on the table, and the Chair, therefore, recognizes him to test the sense of the House upon that question.

Mr. SPRINGER. I do not wish to deprive any gentleman who desires to discuss this question of the opportunity of doing so, but I did intend to move to lay the motion to reconsider on the table for the purpose of getting the motion out of the House.

Mr. RANDALL. We shall probably be compelled to remain here until to-morrow, and there is one gentleman I know of who desires to speak on this question, and if the gentleman from Illinois would postpone his motion that gentleman might be enabled to go on.

Mr. SPRINGER. If the gentleman from New York [Mr. HEWITT] desires to discuss the question, I will yield to him.

Mr. KASSON. I believe I am next in order.

The SPEAKER *pro tempore*. Does the gentleman from Illinois withdraw his motion?

Mr. SPRINGER. I do; and I yield to the gentleman from New York, [Mr. HEWITT.]

Mr. DURHAM. I make the point of order that the gentleman from Illinois has not the floor to parcel it out.

The SPEAKER *pro tempore*. That is perfectly correct, and the point of order is well taken; he must either occupy the floor with his motion or not at all.

Mr. WADDELL. I move that the House do now adjourn.

The question was put; and on a division there were—ayes 84, noes 45.

#### LEAVE OF ABSENCE.

Before the announcement of the vote, Mr. REA was granted an indefinite leave of absence from to-morrow.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. A. S. WILLIAMS, leave was granted for the withdrawal from the files of the House, of the papers in the case of Peter D. Rank, no adverse report having been made.

On motion of Mr. WELLS, of Missouri, leave was granted for the withdrawal from the files of the House of the papers in the case of M. S. Mephum, W. Mephum, and A. H. Shaw, of Saint Louis, Missouri, asking compensation for the loss of the steamboat Jimmie.

#### ENROLLED BILLS.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same: An act (S. No. 897) granting a pension to Andrew Evarts; and An act (H. R. No. 4085) to repeal part of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

#### ORDER OF BUSINESS.

Mr. KASSON. I wish to inquire—

[Loud cries of "Regular order!"]

The SPEAKER *pro tempore* then announced the result of the vote on the motion to adjourn.

Mr. KASSON. I call for tellers if gentlemen will not hear the request I have to make, which is simply that instead of an adjournment a recess be taken.

Mr. MORRISON. I object.

Mr. RANDALL. We are tired of waiting the convenience of the Senate.

Mr. BANNING and Mr. HANCOCK called for the yeas and nays on the motion to adjourn.

Mr. BANNING. Before the question is put on the yeas and nays—

Mr. DURHAM. I object.

The SPEAKER *pro tempore*. The Chair cannot entertain anything but the regular order.

Mr. BANNING. I think there will be no objection.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is now demanded, and that is objection sufficient.

The yeas and nays were not ordered; only 20 members voting therefor.

Mr. FORT. I call for tellers on the motion to adjourn.

Tellers were ordered; and Mr. WADDELL and Mr. BANNING were appointed.

The House divided; and the tellers reported—ayes 50, noes 55.

So the House refused to adjourn.

Mr. PAGE. Is it not in order to move to suspend the rules?

Mr. RANDALL. Was that a quorum?

The SPEAKER *pro tempore*. It does not require a quorum to adjourn or refuse to adjourn, [cries of "Regular order!"] so the Chair will recognize on the regular order the gentleman from Iowa, [Mr. KASSON,] who claims the floor.

Mr. BANNING. Will the gentleman from Iowa yield to me.

Mr. ATKINS. I object.

The SPEAKER *pro tempore*. The gentleman from Iowa cannot parcel out the floor to any one.

Mr. ATKINS. I shall object to the gentleman from Iowa yielding to any one at all.

The SPEAKER *pro tempore*. The Chair has already so objected.

Mr. KASSON. Mr. Speaker, I desire now to inquire whether there will be objection if I yield the floor for a motion to adjourn or to the gentleman from Ohio [Mr. BANNING] to report a bill for the protection of the frontier?

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

Mr. BRADFORD. I object.

Mr. KASSON. Then I will proceed with what I have to say, and will endeavor to dispose of this motion, so that the gentleman from Ohio may be in order. I regret to introduce what I have to say in the presence of the fact of an objection coming from that side of the House which is detrimental to the public interest, as the objection to the reporting of the bill from the Military Committee of this House designing to save the Army from further destruction and our frontier settlements from pillage and plunder and slaughter by the Indians.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. PAGE. Is it not in order for the gentleman from Ohio [Mr. BANNING] to move to suspend the rules and pass his bill? This is Monday.

The SPEAKER *pro tempore*. That motion is not in order while the gentleman from Iowa [Mr. KASSON] holds the floor.

Mr. PAGE. But if that gentleman yields the floor would it not be in order for the gentleman from Ohio to move to suspend the rules and put his bill on its passage?

The SPEAKER *pro tempore*. Unquestionably if the gentleman from Iowa [Mr. KASSON] chooses to yield the floor he can do so, and the Chair will then recognize whom he may see fit. But the Chair does



not propose that the gentleman from Iowa or any other gentleman shall assign the floor, that being the province of the Chair.

Mr. ATKINS. I desire to make a parliamentary inquiry.

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

Mr. ATKINS. My parliamentary inquiry is, Has the gentleman from Iowa [Mr. KASSON] the right to discuss military matters at this time? There is no question of that sort now before the House.

The SPEAKER *pro tempore*. The Chair regards that as scarcely a parliamentary inquiry.

Mr. ATKINS. I make the inquiry, and with all due deference to the Chair I think it is a proper parliamentary inquiry.

The SPEAKER *pro tempore*. The motion to reconsider, upon which the gentleman from Iowa [Mr. KASSON] holds the floor, opens up the subject to a wide range of debate. The gentleman from Tennessee [Mr. ATKINS] knows as well as the Chair knows that on such motions there is always wide latitude of debate. The gentleman from Iowa certainly cannot trespass upon any rights of members. But the Chair cannot determine what shall be the line of his remarks.

Mr. KASSON. Mr. Speaker, if all the parliamentary inquiries of gentlemen have been answered, I will once more endeavor to proceed with what I have to say.

My honorable friend from Pennsylvania [Mr. RANDALL] made an elaborate speech to-day, embracing many tables, many figures, and a great deal of mathematics. He was followed by my able and honorable friend from Ohio [Mr. FOSTER] with counter-tables of correct figures and better mathematics. I do not propose to go into the mathematical questions which were debated by those two gentlemen. I will say, however, that my friend from Pennsylvania in his figures often reminded me of a remark once made in my hearing. One said that no doubt the old maxim that "two and two make four" was absolutely true. But said he, two and two also make twenty-two; and that was what he could not understand. Now it depends upon the manner in which you arrange your figures as to what they will make. I think I may say, without doing any injustice to the gentleman, that one 2 was put after the other 2, instead of under it, in many places by my honorable friend from Pennsylvania.

In the course of that gentleman's remarks he expressed his desire that ere long we might have an Executive who would be in harmony with his side of the House, and he promised great things in the way of reform should such an Executive be elected. Availing myself of the accustomed liberty of debate on a motion of this kind, I propose now, as briefly as I may, to inquire which of the two parties have offered a candidate for Chief Executive of the country who, if elected, would be most likely to gratify the people in their aspirations for an honest and loyal Government and reform.

I will first ask whether the candidate supported by my honorable friend from Pennsylvania is that Executive by whom the people may expect their honest aspirations to be realized? Who is Samuel J. Tilden, and what is his record?

"THE CANDIDATE IS THE PLATFORM."

Prior to his nomination at Saint Louis we often heard the phrase that "the candidate will be the platform." Is the democracy of this House and of the country willing to accept that maxim and apply it to their candidate?

I need not say that during the last few years, since 1860, this Government has been partially remodeled. The masses of the northern people have become possessed of new desires and new principles; and those principles yet remain deeply ingrained in their hearts, as deeply, I trust, as they were at the time Ohio gave 100,000 majority against a colleague of Mr. Tilden in the convention at Chicago in 1864—Mr. Vallandigham, of Ohio.

What, then, has been the record of Mr. Tilden in respect to the issues which will be presented to the people of this country in the course of the pending canvass? What was his position in 1860 touching the fundamental doctrine upon which the battles for the Union were fought, the perpetual unity of the nation, for which on our side so many hundred thousands of men shed their blood or laid down their lives? Was Mr. Tilden in harmony with the Union sentiment of the country? Was he in harmony with the sentiment of the country which sustained the war? Did he urge the people to sustain the Union? Did he urge the filling of our armies? Did he censure the secession movement out of which the war grew? Is he anywhere or anyhow upon the record as the strong friend of the Union in its time of danger?

MR. TILDEN AS A SECESSIONIST.

In 1860 Mr. Tilden wrote a letter, under date of October 12, to Hon. William Kent, then a democratic elector for the State of New York, in which he said:

The masters of political science who constructed our system preserved the State governments as bulwarks for the freedom of individuals and localities against oppression from centralized power. They recognized no right of constitutional secession; but they left revolution organized when it should be demanded by the public opinion of a State; left it with power to snap the tie of confederation as a nation might break a treaty, and to repel coercion as a nation might repel invasion. They caused us to depend in a great measure upon the public opinion of the States in order to maintain a confederated Union.

Again he said:

Especially is this true of a compact of confederation between the States, where there can be no common arbiter invested with authorities and powers equally capable with those which courts possess between individuals for determining and enforcing a just construction and execution of the instrument.

Here, then, in 1860 we find upon the written record of Mr. Tilden a declaration that this was a confederation of States instead of a Union; that the States by their own action could "snap the tie." After that, in 1860 and 1861, the South acted upon his declaration of doctrine and proceeded to "snap the tie," supported clearly by the doctrines then enunciated by Samuel J. Tilden, whom they now seek to make President of the United States and of the restored Union. Calhoun was not stronger nor Buchanan weaker than this. It was the identical doctrine adopted by Buchanan when he denied the power to coerce the rebellious States, and left them to organize armies and batter down the walls of our forts. Nobody claimed the right to secede by the terms of the Constitution. They only claimed that the Constitution "left" them with such a right.

MR. TILDEN AS AN OPPONENT OF THE WAR FOR THE UNION IN 1863.

Again, Mr. Speaker, in February, 1863, we once more hear from Mr. Tilden upon these doctrines that connect themselves with the question of the Union. There was a conference called at Delmonico's, in the city of New York, and of that conference Mr. Tilden was a member. The members of it were all known throughout the war as copperheads. In that conference in February, 1863, they organized a Society for the Diffusion of Political Knowledge. I myself received month after month the issues of that society, of which Mr. Tilden was one of the organizers and members. In their declarations they took secession ground. They assailed the Government of the Union; they urged a counter-sentiment against the work going on in the war for the maintenance of the Union. They endeavored to terrify the people touching the destruction of the Constitution, which they charged against the government of Mr. Lincoln. They did everything except support the country and maintain our nationality one and indivisible. They argued constantly against the right of the Union Government to save the nation by the power of arms and discouraged the loyal people in their struggle in their darkest hours, before the sunburst of our victories at Vicksburg and Gettysburg.

This was the first half of 1863. I will not stop to read extracts from those articles, which showed clearly the object of the society and the influence they were designed to exert; but I will call to the minds of gentlemen that this society organized in February, 1863, and commencing immediately afterward their publications, was followed by those fearful and bloody riots in the city of New York in the succeeding month of July.

We thus far find Governor Tilden commencing as a secessionist and proceeding as an encourager of the disunionists, embarrassing the operations of the Government, and endeavoring to sow the seeds of secession broadcast in this country by means of this "Society for the Diffusion of Political Knowledge."

Mr. SPRINGER. Will the gentleman allow me a question?

Mr. KASSON. On this point?

Mr. SPRINGER. Yes, sir. Did I understand the gentleman to say that Governor Tilden was a secessionist and disunionist in 1863?

Mr. KASSON. I tell the gentleman that he wrote that secession doctrine which I have read, in a letter to Hon. William Kent in 1860. I tell him that Governor Tilden was a member of that Society for the Diffusion of Political Knowledge, of which the literature was all copperhead and all discouraging to the war. Is the gentleman answered?

Mr. SPRINGER. No, sir. Does the gentleman say that Governor Tilden was a secessionist and a disunionist in 1863?

Mr. KASSON. I say what I have said upon the record. The gentleman may consider it as exhibiting him as a disunionist or he may consider it as the highest exposition of loyal Union sentiment. I only know that in my part of the western country, and in the State of Illinois, such doctrines were met with denunciation, and men hid their heads behind the blackberry bushes when they uttered them. [Laughter and applause.]

Mr. SPRINGER. The gentleman will not assert and does not assert and dare not assert that Governor Tilden was ever a secessionist or disunionist.

Mr. KASSON. I dare assert exactly what I have asserted, and let the gentleman deny it if he can.

Mr. SPRINGER. I deny it, sir; and every man will deny it who knows anything about the history of the country. [Applause on the democratic side.]

Mr. KASSON. I refer you to the record.

Mr. SPRINGER. Governor Tilden never was a secessionist or a disunionist, and the gentleman from Iowa knows it.

Mr. LUTTRELL. Where was the gentleman from Iowa during the war?

Mr. KASSON. I will tell the gentleman where I was during the war. I was on this floor passing appropriation bills to maintain the Army which fought the men you supported and with whom you are acting. [Applause.]

The SPEAKER *pro tempore*. The Chair cannot consent to the continuance of these demonstrations of applause or dissent upon the floor of the House. They are unparliamentary; and the Chair hopes they will not be repeated.

A MEMBER. They came from the galleries.

The SPEAKER *pro tempore*. If repeated in the galleries, the galleries will be cleared. The gentleman from Iowa will proceed in order; and gentlemen upon the floor will not interrupt him without his consent.

Mr. KASSON. And at another time I was taking care of the records of this Government, which were threatened by men coming over from Virginia to take possession of the city of Washington and haul down the Union flag and trample it under their feet, as they recently did in the State of Virginia and in one or two other States of this Union on the 4th of July last. That is the work which some of us were engaged in; while others, more fortunate perhaps in obtaining honors, were gallantly fighting the enemy at the front with Rutherford B. Hayes.

MR. TILDEN IN 1864 DECLARING THE WAR A FAILURE.

Now where was Governor Tilden in 1864 when the convention met that nominated McClellan? He was at the convention at Chicago with Vallandigham, representing the State of New York upon the committee on resolutions, a member of the committee on the platform which declared this war to have been a failure. Let me give the exact words. I send them to the Clerk's desk and ask to have read the resolution then adopted and it will show where Governor Tilden was in 1864, following out the theory upon which he acted in 1860 and 1863.

The Clerk read as follows:

*Resolved*, That this convention does explicitly declare, as the sense of the American people, that, after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the Federal States.

Mr. KASSON. Thus, Mr. Speaker, you find him uniting in reporting from the committee on the platform that resolution declaring the war a failure, assailing the government of Mr. Lincoln, denouncing the administration for the manner in which they were carrying on the war, and asking the American people to condemn it, as they are going to ask them again in November next, but with a result in the former case well known in the history of this country. The people put their foot upon the platform. They put their foot upon the men who stood upon the platform; and they will put their foot, as long as loyalty to the Union and Constitution is respected, upon the men who have not changed their faith, but still dare to come before them and ask their suffrages.

Mr. HEREFORD. Let me ask the gentleman from Iowa whether the people put their foot upon General McClellan who headed their Army?

Mr. HEWITT, of New York. Let me ask the gentleman from Iowa a question.

Mr. KASSON. If the gentleman from New York says any fact I have stated is not correct I will yield to him.

Mr. HEWITT, of New York. I ask whether the gentleman from Iowa does not know as a matter of fact that Governor Tilden as a member of that committee voted against that resolution.

Mr. KASSON. I will answer the gentleman that as far as the record goes I know the contrary. Mr. Guthrie, who was on that committee, stated, in speaking of their not being ready, that it was in the hands of a subcommittee for revision, but the general committee were unanimous in their views. Mr. Tilden followed Mr. Guthrie in the declaration, "I wish to add that upon the adjournment of the general committee there was no dissent among the members." That is my answer to the gentleman from New York.

Mr. HEWITT, of New York. Governor Tilden voted against that resolution.

Mr. KASSON. Further evidence publicly given of Mr. Tilden's concurrence appears in the published reports of that convention:

Mr. Brown, of Delaware, one of the committee, said:

There is not the slightest dissension among us. We have been a unit from the first.

Mr. Weller, of California, said:

The subcommittee have agreed upon the only portion of the platform which by any possibility can divide this party. We are all in favor of peace, and the only difference of opinion is as to the phraseology to be used in making that declaration.

Mr. Smith, of Wisconsin, added to the general testimony upon this point, as follows:

There is no difference in the committee except upon mere matters of expression.

Mr. McKeon, of New York, explained the cause of delay as originating with Mr. Vallandigham, who wanted the language of the resolution changed, not because it was too strong, but because it was not strong enough to suit him. Finally the resolution was reported from the subcommittee to the committee, and from the committee to the convention, and was adopted without the dissent of a single member of the committee openly expressed in convention.

As to the platform adopted, there is no power unless they raise the dead, who are Guthrie and Vallandigham; no power that is able to prove the contrary of the unpatriotic record.

The further proof I cite is this: that when it was presented to the convention not a syllable of dissent was expressed by Tilden, who was a member of that committee when it came before the convention. And now shall gentlemen go into the secret operations of the committee, unknown to the public, against this evidence, and say he dissented from it in committee? Why if he loved the Union did he

not rise like a man who loved his country and dared to hold a patriotic opinion, why did he not rise when it came into the convention and say, "I cannot accept that insult to the Army and to this country? The gallant soldiers at the front are fighting in the hope that the people behind them will sustain them. I will not support that clause of the platform, and I will not support the man who stands upon it." Shall I answer why he did not do it? Because of his doctrines of 1860 and 1863. Because he dared not oppose southern sympathizers. Because, as a politician, he inherits the compromising, evasive character of Martin Van Buren. I suppose 10,000 men in this country when they read his letter of acceptance said, "Martin Van Buren over again." Words to disguise thoughts, phrases to disguise principles, sentences with a double meaning, and he had not the courage to avow in the open convention the opinion, if he ever entertained it, which is attributed to him by my honorable friend from New York.

MR. TILDEN'S RECORD OF WHAT HE DID NOT DO FOR THE UNION.

Here in 1860, in 1863, and in 1864, we have the positive record of the position of Governor Tilden on these fundamental questions. The negative record is more convincing still. Where is the speech he made in the great city of New York to support the war? Where is the speech he made to encourage the soldier? Where is the speech he made to sustain the government of Mr. Lincoln in the days of its trials? Where is the speech he made to denounce the attempt of foreign governments to aid in the breaking up of this Union?

Where is the voice, I ask gentlemen on both sides of the House, and I will ask the whole country through this House, where is the voice shown by any record that that gentleman ever uttered for his country in the time of its peril? (A pause.) Nobody replies.

Mr. HOUSE rose.

The SPEAKER *pro tempore*. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. KASSON. If he rises to produce a public declaration of Governor Tilden in support of the war for the Union, I yield to him.

Mr. HOUSE. I want to ask the gentleman a question in regard to what he has just had read.

Mr. KASSON. Do you propose to give me that information?

Mr. HOUSE. I am asking the gentleman to give me some information.

Mr. KASSON. I have already given you a great deal, and I will give you more if you will be seated.

Mr. HOUSE. I only desire to say—

The SPEAKER *pro tempore*. The gentleman from Iowa declines to be interrupted.

Mr. KASSON. This is his record, positive and negative, during the war for the Union which closed in 1865. I might stop here and ask any soldier in the United States whom he urged to go to the war to vote for him. I might ask the relatives of any dead soldier whom he comforted for their loss and encouraged with the hope that the sacrifice was for the preservation of the Union to vote for him. I might call upon the fund to answer for him to which he ever personally contributed for the like purposes. But, Mr. Speaker, the positive and negative evidence, considered separately or together, is ample to maintain the proposition I have made, that his principles, his heart, and his action were not with the effort to save the Union; that neither his judgment nor his heart was with the soldiers who fought for the Union, and that no man who ever wore the blue can come to the polls and cast his vote for him without reflecting upon the memory of the dead who died for that cause.

Mr. Speaker, I search this question so particularly because I maintain that deep down in the hearts of the people of the Union States, the war democrats as well as the republicans, there is a deep and affectionate regard for the men who helped them in the time of trouble and of peril; and a deep and lasting censure for the men who withheld their hand, their voice, their heart, their vote from the good cause for which they fought and for which so many perished. It is a profound and honorable instinct of patriotism, which ought to be maintained for the security of the nation in the future as well as a grateful recognition of patriotic action in the past.

MR. TILDEN AS A "REFORMER."

Now, sir, I ask what is the record of this same gentleman as a "reformer" that should lead my honorable friend from Pennsylvania to offer his prayer and aspiration that he might have an opportunity to work in harmony with him in another Congress? We are not without a record on this point. There have been certain political associations of that gentleman in the past and some public action which is known to the world. In 1868 he was chairman of a committee of which William M. Tweed was an active and efficient member, and at that time a circular was sent out over his signature as chairman, which is so significant upon this question of reform that I wish to secure the attention of the House for a few moments while I ask the Clerk to read it.

The Clerk read as follows:

[Private and strictly confidential.]

ROOMS OF DEMOCRATIC STATE COMMITTEE.

October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person in three or four principal towns and in each city of your county, and request him (expenses duly arranged for this end) to telegraph to William M. Tweed, Tammany Hall, at



the minute of closing the polls, not waiting for the count, such person's estimate of the vote.

Let the telegraph be as follows:

"This town will show a democratic gain (or loss) over last year of (number); or this one if sufficiently certain: This town will give a republican (or democratic) majority of —."

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in the telegraphic communications over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages; and give orders to watch carefully the count.

Very truly, yours,

SAMUEL J. TILDEN, *Chairman.*

Mr. KASSON. "An important object is to be attained" —

Mr. CLYMER. Will the gentleman allow me to interrupt him a moment?

Mr. KASSON. For what purpose?

Mr. CLYMER. To ask him a question. Does he not know that Mr. Tilden has pronounced this circular to be without his authority? And does he not know that he has said solemnly that he had never signed it and never knew anything about it?

Mr. KASSON. I do happen to know certain facts about it which I should be as willing to state, and intended to state without a question being put to me, as with it.

Mr. CLYMER. Does the gentleman not know that that is a forgery; that Mr. Tilden never authorized it to be issued, and never saw it before it was issued?

Mr. KASSON. I understand that question distinctly, and I am glad the question has been put; for otherwise I should have volunteered to answer it. He was in association on that committee with William M. Tweed. He, this reformer, had previously received a contribution of \$5,000 from William M. Tweed, his associate on committee, for election purposes; and this circular was sent out with Mr. Tilden's signature attached, as it is alleged by Tweed, an active member of committee, and not by the chairman. This was in 1868, and in 1873, five years after, Mr. Tilden, so far as I know, is first heard from in a pamphlet, which he published, denying that it was his signature, and asserting that it was put there without his consent.

Mr. COX. I have a letter from Mr. Tilden in 1868 denying that under his own hand and seal. I ask to have it put in the RECORD along with that falsehood.

Mr. KASSON. I do not yield for that purpose.

Mr. COX. Of course not.

Mr. KASSON. I have learned how to appreciate all these private suggestions —

Mr. COX. I desire to have it in the RECORD.

Mr. KASSON. That does not go into my speech till I know what it is.

Mr. CLYMER. It ought to go into the gentleman's speech.

The SPEAKER *pro tempore*. The gentleman from Iowa must not be interrupted except with his own permission.

Mr. COX. Of course not; I am not interrupting him.

Mr. KASSON. The course pursued by gentlemen on the other side of the House is exactly characteristic of their leader, Governor Tilden. They evade responsibility for action by disclaiming words. There was no time prior to 1873 or prior to the exposure of Tweed, so far as I know, that Governor Tilden ever came out with this disclaimer.

Mr. CLYMER. In 1868 he did it.

Mr. KASSON. That was when the governorship had been already stolen from the people of the State by this gigantic fraud which startled two continents and put the democratic governor into the gubernatorial chair of New York, to the exclusion of Griswold and as successor of Governor Dix; a fraud perpetrated at least by some of the committee of which he was chairman.

Now there is one witness whom I quote against all the private letters and all the private adherents of Mr. Tilden, because his character has been indorsed by the democrats of the whole country for the high office of the Presidency of the United States. Horace Greeley said this to Mr. Tilden on the very point we are now discussing:

You hold a most responsible and influential position in the counsels of a great party. You could make that party content itself with polling legal votes if you only would. In our late constitutional convention I tried to erect some fresh barriers against election frauds. Did you? The very little that I was enabled to effect in this direction I shall try to have ratified by the people at our ensuing election. Will you? Mr. Tilden, you cannot escape responsibility by saying with the guilty Macbeth:

"Thou canst not say I did it: never shake  
Thy gory locks at me,"

for you were at least a passive accomplice in the giant frauds of last November.

But, says the gentleman from New York, [Mr. Cox,] Mr. Tilden in 1868 did say, "Thou canst not say I did it," and shook his gory locks after the fact accomplished and the fruits realized; but Mr. Greeley warns him against that very thing, and gives this reason for it:

Your name was used, without public protest on your part, in circulars sowed broadcast over the State, whereof the manifest intent was to "make assurance double sure" that the frauds here perpetrated should not be overborne by the honest vote of the rural districts. And you, not merely by silence, but by positive assumption, have covered those frauds with the mantle of your responsibility.

On the principle that "the receiver is as bad as the thief," you are as deeply implicated in them to-day as though your name was Tweed, O'Brien, or Oakley Hall.

Mr. Greeley's real opinion of Mr. Tilden's excuses and of his relation

to the fraud appears further and very plainly in this additional extract from that historical denunciation of election fraud:

On one very important point, however, your bitterness as a partisan has impelled you to ignore and come short of your duties as a citizen and a professed upholder of government by the people, and for this dereliction I here arraign you. I allude to the preservation of the purity of the ballot-box.

I can imagine how a man may shut his eyes to many things which he deems it convenient not to know; but I must speak of what you must know, however you may wish to seek to be ignorant of it.

Now I put the evidence of that great and honest man, for whom Mr. Tilden himself voted in the last presidential campaign, against any evidence that the gentleman from New York may produce. This was the testimony of a man upon the spot who had been nearly forty years side by side with Mr. Tilden, who knew his character and all the facts as well as any member from New York upon this floor, and he pronounced that Mr. Tilden must have known the scheme of fraud, and that he was a "passive accomplice" in the frauds; and further tells him he could have stopped them if he chose. Now is that the kind of reformer to place in the presidential chair? A man who was one of the executive officers of that committee and sat on the committee with Mr. Tilden, and signed Mr. Tilden's name, as it is claimed, to this circular without his consent; and yet Governor Tilden did not denounce it, nor reject the benefits of it, and gave no light to disclose the frauds so that the perpetrators might be punished, and the man who had been truly elected might be seated, a man who was as truly entitled to his seat as any member here is entitled to a seat on this floor.

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

Mr. KASSON. I cannot yield at this point.

Mr. CLYMER. He declines to hear the truth.

Mr. KASSON. I am repeating the truth, and that is what hurts. Whenever you touch his history prior to the disclosures in the New York Times of the Tweed ring and of their frauds, you touch that organization of which Mr. Tilden was an active member on the executive committee or as a member of the Tammany ring. Such is his history as a "reformer" in respect to the purity of elections.

#### MR. TILDEN IN CONNECTION WITH RAILROADS.

But that is not all. Sir, we have some further evidence touching his qualities as a "reformer." We have had many railroad questions before this House. We have investigated them, and we have been endeavoring to settle them on a principle that would protect the people and the Government of the United States.

It will be claimed that if Mr. Tilden is elected he will reform the legislation of the country in respect to the railroad system. I am frank to admit that he has considerable knowledge of the disposition to be made of a bankrupt railroad, and a knowledge of the manipulation of railroads, which gives him a practical idea as to the things to be amended and reformed. But that history is such a one as will not give the people of the country confidence in his disposition to reform them in the public interest. Among various railroad corporations investigated in this House was one which was called the Credit Mobilier a corporation connected with the railroad which was charged with having defrauded the Government of the United States by improper contracts made with themselves under the name of the Credit Mobilier and with plundering the Government of the United States of many millions of money. We took evidence in that investigation before a committee of the House. I give the following questions and answers from the record of this House in the examination of Mr. Oakes Ames:

Mr. HOAR. Were you not informed by the counsel who drew the contract that this was a violation of law?

Mr. AMES. We were informed by counsel whom we consulted that this issuing of stock (to the C. M.) as a payment upon the contract for building the road was in entire compliance with the law.

Question. Who were the counsel that gave you that advice?

Answer. Mr. SAMUEL J. TILDEN, Mr. Charles Tracy, and Judge Allen.

Q. All of New York?

A. All of New York.

Again, Mr. John B. Alley put upon the stand and examined. I quote from his testimony:

Question. And further, I understood you to say that you were instructed by eminent counsel, upon whose advice you relied, that the course you took was a compliance with the law?

Answer. Yes, sir.

Q. Have you ever seen, or do you know whether that opinion of eminent counsel is in existence now in writing?

A. I do not know. I do not know whether it was given in writing.

Q. Was it given to you by these eminent counsel?

A. Mr. TILDEN, I know, told me that he regarded it as a compliance with the law.

There, sir, you have a record of this House proving that this "reformer" was one of the counsel who advised the very thing that has shocked the whole country with the enormities of the wrong and the extent of the robbery involved in it. What would you not have said of him had he been the republican candidate for the Presidency? How you would have investigated him, what committee reports you would have supplied, and what inquiries into his stocks and bonds and bank account! And yet we are asked to believe, the country is asked to believe, that Mr. Tilden is to purify this Government and to restore it to the purity of our fathers.

It is not necessary for me to proceed much further in this direction, for the simple reason that Mr. Tilden is so well known, particu-

larly to the people of the West, if not to the people of the whole country, in his relation to railroads, that I need not further detail the evidence. Mr. Tilden has spent nearly his whole life in the city of New York; he has made nearly all his fortune in stock operations centered in that city and in connection with railroads. I do not allude to the question of his fortune, said to be so very large, except as it is involved in this exhibition of his relation to railroads, of which the journals of the country have been full, and which has an interest for the public in view of possible legislation touching railroads and their subsidies of land and money.

This, however, I will say, that the farmers of the West, the people of our villages, the people who believe in the characteristic disregard of the people's interest by the speculative rings of Wall street, will not accept for their candidate for the high office of President a man whose education upon these subjects has been almost exclusively received in Wall street, and who has had no relation with the interests of the great masses of the people of this country and no sympathy with them.

#### TAKING HONORS WHICH BELONG TO GOVERNOR DIX.

One word upon his relation to the State government of New York as exhibited by himself. He claims to be a reformer in another respect, which I think is inconsistent with his honor as a public officer. Governor Dix, during his term of office, found that the sinking fund of the State of New York had been depleted by his democratic predecessors to the extent of many millions of dollars in order to save themselves from the responsibility of taxing the people for their extravagant expenditure. Governor Dix replaced that entire sinking fund and paid off a large amount of public debt, as the fruit of the taxation and economies practiced during his term of office. Governor Tilden has since made a speech in regard to the reduction of the public debt of that State and of the taxes—a reduction which his republican predecessor had brought about by the purity, economy, and high honor of his administration—and has claimed himself the credit for what had been secured by that noble statesman and soldier of two wars, Governor John A. Dix. In this respect I charge Governor Tilden with having stolen the honors that belonged to Governor Dix and with having shown that, instead of being a reformer himself, he claims the honors which belong to the reforms of his predecessor, the fruits of which he enjoyed in his official capacity as governor of the State of New York. His own official claim to reform rests upon his movement against the canal ring, in which, however, he has stopped with the conviction of a single offender.

#### THE RESULT OF THIS INVESTIGATION.

I have now shown Mr. Tilden's relation to the doctrines of secession, his committal to the theory of disunion, his abstinence and silence in the time of his country's peril, his failure to put on record any word or act of cheer to our army, and his presence and association with Vallandigham and others of like stamp in the anti-war convention of 1864. I have also shown the unsoundness of his claims as a representative reformer, because of his relations to the election frauds of 1868, his silence after their discovery, and his failure to condemn them or the perpetrators of them when called upon to do so by Greeley; because of his association with Tweed until others had exposed and denounced him; because of his willful appropriation to himself of the reform honors of Governor Dix; and because of his failure to carry on the war against the canal ring from the moment it appeared likely to injure his anticipated nomination for the Presidency by the help of New York.

Does this candidate represent the aspirations of the Union-loving and reform-loving people of the United States?

#### RUTHERFORD B. HAYES, THE REPRESENTATIVE REPUBLICAN.

Whom have the republicans presented to oppose him? Not a lawyer from the speculative ranks of Wall street. Not a man bred in the views of public life which pertain to the peculiar associations of a great money center where speculation supersedes productive industry. But they present a man born in the country, in a comparatively new State, and raised in the country, in the midst of its simple life and toil; a man who from his maturity devoted himself to the hard work of his profession until higher and more dangerous duties called him away; a man of education, a man who has established a reputation for honesty in professional life and in public life perfectly irreproachable, unassailed as well as unassailable; a man whose record on the questions of secession and of disunion is shown by the offer of his life to his country, by the marks of the wounds that still leave their traces upon his body; shown by manuscript written with his patriotic blood and proved by every word that he has uttered since the outbreak of the war.

The candidate for whom we ask the votes of the men who fought for the Union is a comrade of theirs. He is the man who, when lying upon the ground at South Mountain with broken arm and wounds bleeding, arose in his pain and rushed forward to save his command from the peril into which he conceived they were going. He is the man who has dismounted from his horse to allow the weary-foot soldier to ride him. He is the man who while in the field was offered an office at the rear, and replied by a laconic letter worthy of the noblest Spartan whoever fought in phalanx—a letter dated in camp, in which he took time to say between battles, "Any man who would leave the Army at this time to electioneer for Congress ought to be scalped," and signed and sent it.

No man doubts his position in respect to the war; no man doubts his courage, his discretion, his devotion to his country. No widow mourning for the loss of her husband can hesitate to ask her son to vote for the man who fought on the same field, for the same cause, and endured the same deprivations and dangers. No orphan now grown up and old enough to cast his vote for the Union his father helped to save, can hesitate as to the man he should vote for to secure the great rights preserved by the war and the perpetuity of the Union.

And, sir, he is equally acceptable to the country in its aspirations for reform. I have known him and served with him on this floor. Show me, if you can, where ever a corrupt thing was done by him or encouraged by him. Show me his advice to a Credit Mobilier job at the expense of the Government. Show me the William M. Tweed of whom he ever solicited \$5,000 for a corrupt election fund. Show me the William M. Tweed with whom he ever associated on a campaign committee. Show me the Vallandigham with whom he ever sat in council to draw up the platform of principles upon which a political campaign was to be fought and a nation saved. Show me the man, enemy of his country or corruptionist in his country, with whom Rutherford B. Hayes was ever an intimate associate!

#### THE VICE-PRESIDENTIAL CANDIDATES.

And if you look at those associated with these candidates on the same ticket, you will see how inconsistent the nominee of the democratic party is with the platform which they have adopted. For instance, they denounce the republican party for granting the public lands to aid in the building of railroads, a "waste" they call it of the public domain and demand reform in it, and then they nominate Mr. Hendricks as their candidate for Vice-President, who turns around and accepts the situation confidently. Our own republican convention had already denounced the system, and had put a stop to it by legislation in the interest of actual settlers. Yet when Mr. Hendricks was a Senator of the United States he rose in his place in 1864 to advocate the land grant (one of the most enormous ever made, I think 37,000,000 acres) for the Northern Pacific Railroad. He said:

The bill before the Senate proposes to encourage the construction of a very important railroad to connect the waters of Lake Superior with the waters of the Pacific Ocean. Everybody can see at a glance that it is a work of national importance. It proposes to grant lands in a northern latitude, where without the construction of a work like that the lands are comparatively without value to the Government. No person acquainted with the condition of that section of the country supposes that there can be very extensive settlements until the Government shall encourage those settlements by the construction of some work like this. I do not think that a work of such national importance ought to be embarrassed in its passage through this body and through the House of Representatives by amendments proposing works that are comparatively local.

Again, in 1868, he said:

Now, sir, this is a great work. It can be accomplished with the aid of the land grant; it is one of the greatest achievements this country has ever contemplated. But all that is proposed to this road is to give it lands that are to-day not worth one cent per acre to the Government. There is not a Senator here who would give for that vast region of country, unaided by some work of this sort, one cent per acre. Senators forget what it is that gives value to the public lands.

Again, in respect to the Hannibal and Saint Joseph Railroad grant he said in debate:

It was constructed in part by the Government of the United States. As a member of the House of Representatives, a number of years ago, I felt it to be my duty to vote in favor of a land grant to enable the State of Missouri to build that very important road.

I also refer to the Senate debates of 1864 for his liberality in land grants, and especially to the Bayfield and Saint Croix Railroad.

If you look to the democratic candidate for the Vice-Presidency in reference to his loyalty to the Union and his relations to secession, you find him in 1864, after his election to the Senate, making a speech at Seymour, in Indiana, in which he so mildly spoke of the errors of the soldiers who deserted that he was cheered by the men around him who had sheltered the deserters in their midst, and spoke so severely of the men who should come to arrest them and take them back to the Army that the whole audience burst out into a roar of applause.

That meeting was called by a remarkable paper, which probably most of you have seen, which invited "all who favored peace, who desired to be free from the death-grip of this infamously wicked, imbecile, and tyrannical administration, its arbitrary and illegal arrests, its drafts and conscription laws, by which peaceful citizens are dragged from their homes and all the endearments of domestic life to butcher and be butchered"—inviting all these to "come out and hear this advocate of peace and reunion;" and that advocacy was made in the manner I have stated.

So, Mr. Speaker, in respect to the constitutional amendments which the nation secured at such cost and holds so dear, he always voted in the negative. We are asked to elect to administer the Constitution, as amended, the very man who voted against and opposed every one of those amendments and who is still bitterly hostile to them in principle.

Mr. LANDERS, of Indiana. Has the gentleman before him the speech of Governor Hendricks to which he has referred?

Mr. KASSON. Yes, sir, I have that speech; not at full length, but very interesting parts, in which in a manner not precisely peaceful he recommended that the men who came to arrest deserters should meet an unwelcome reception. I cannot stop to read it. I will refer the gentleman to almost any of the newspapers, particularly the Chicago Tribune and other papers in which I have seen it.



This is the record of Governor Hendricks in respect to these questions.

On the other hand, we have nominated for Vice-President WILLIAM A. WHEELER, of New York, a man with whom many of us have stood here for years side by side; against whom a corrupt thing was never charged, to whom a disloyal sentiment was never attributed; a man above reproach and fearless for the right, and who has been one of the most admirable presiding officers we have ever had in the chair, either permanently or temporarily.

I have spoken of the candidates particularly and their records, because I earnestly believe that there is great import in the declaration which we heard before the nominations, that this year the candidate would be the platform.

Mr. CLYMER. I would like to ask the gentleman a question. How does Mr. WHEELER's record in reference to railroad grants compare with that of Mr. Hendricks?

Mr. KASSON. I have not examined it, and remember no speech of his about it. I think that in some cases he may have voted for grants; but generally Mr. WHEELER was more prudent and careful than Mr. Hendricks.

Mr. CLYMER. Mr. WHEELER voted for everything of that kind.

Mr. KASSON. I have no doubt that in the old times, before the evil of this system had developed, Mr. WHEELER, like Douglas, may have voted for some of the land grants. But we have not done as the democrats have; we have not denounced the men who formerly voted for land grants and then nominated one of them on that platform.

Mr. CLYMER. You are for them all the time.

Mr. KASSON. The gentleman knows that I am not.

Mr. CLYMER. I mean your party.

Mr. KASSON. Our party has long since declared against them, as the gentleman and every one else knows, and the grants are stopped.

Now, Mr. Speaker, if the candidates are the platform, for which of these should the votes of Union men and reformers be cast?

Mr. SPRINGER. For Tilden and Hendricks.

Mr. KASSON. I think a weak voice said, "For Tilden and Hendricks;" a weak voice, and but a single voice. The question is to be put to the country; and there we are perfectly content to leave it.

Mr. SPRINGER. So are we.

Mr. KASSON. The time has not come when the people of the United States have forgotten the experience of the last fifteen years and the fruits of the war, which even the southern gentlemen on this floor say they do not desire to disturb. We have not forgotten the records of public men during that war; and until the waters of Lethe flow over our minds we shall not forget to sustain the men who have been true to their country and oppose the men who in the time of peril have faltered or gone back from their duty to their country.

When these questions of fidelity to cause and country are put to the people you may attempt to rally them under party cries; you may sound the bugle-call and promise the rewards of office; but gentlemen must not forget that there is deep down in the hearts of the North and of the patriotic men of the border States a feeling that they must intrust the Constitution as it now exists and the Union as now restored to the men who have maintained it and stood by it from the beginning to the end.

#### THE SOUTHERN QUESTION.

I should perhaps neglect my duty if, for a single moment, I did not speak of another political difference. I have taken no part hitherto in the debates upon the so-called southern question. Let me, before I sit down, say a few frank words to the democrats of the Southern States.

We are not, as they charge, desirous to control the Southern States in their domestic affairs. We are not desirous to have incompetent or dishonest men elected to office because they call themselves republicans. If, when you speak of "carpet-baggers," you speak of men who have no interest in the South, who own no land there, who were not born there and have gone there not to exercise any lawful calling or profession, but to speculate upon office, we condemn them as heartily as you condemn them. We have every possible desire to see the men who really have a stake in the country, who have interests there, who belong there, and who are heartily for the Union, take the control of the southern State governments, if they have not already done so.

We wish as a nation, if possible, to have nothing to do with them outside of their Federal relations; and only one thing has led even to the moral interference which is heard from this side upon the floor of this House. That is, that you give us no assurance of repose in respect to your observance of the constitutional amendments. The National Government has taken its hands off as far as practicable. We desire to leave elections free and to leave you exempt from interference on this floor, or by the Executive; but then comes up to us suddenly a great cry from the neighbors and families of murdered black or murdered white republicans, shocking the entire sentiment of the North once more, until we are led to believe you do not intend to observe in good faith the constitutional amendments and rights of citizens.

Here is precisely our trouble. We have the power to enforce those amendments by the Constitution itself. We wish not to have it to do, but you will not enforce them yourselves. You say these outbreaks and massacres are simply the demonstrations of the bad por-

tion of your population. That may be true, but what troubles us is that while the bad organize to commit wrongs and outrages the good have no counter-organization to protect victims against wrong. They accept its fruits. Your society as a society does not organize to suppress them; you do not bring the perpetrators to punishment; you do not bring your moral influence at home to suppress them. All these things lead us to believe it is not yet safe to intrust your candidate with the administration of the amendments to the Constitution or with the protection of the liberties and the rights of citizens under them. Mr. Speaker, it is certain that these violations of life, of liberty, and of right have been frequent, that these crimes are perpetually repeated; and I say in all candor that the only cause why we insist upon the whole power of legislation under those amendments and demand an Executive who believes in them is because the occasion for enforcing them is perpetually presented to us.

I know the northern people feel that the greatest boon which can be given to them in this relation, the greatest demand we present on this side of the House, is simply that every man who by the Constitution is secured in his rights and is authorized to vote shall be permitted to speak, to work, and to vote without intimidation and without doing it at the peril of his life. When that day shall come we have done with all protective interference in elections in the Southern States and the Union will be really restored.

The North looks with hope to the old whig element in the South, which did not originally advocate secession doctrines or accept the resolutions of '98, to return to its prominence in political affairs as an organization for the maintenance of the Constitution and the Union, and with a following of all voters who ask their constitutional rights only. I venture further to say that when that old Union-loving element shall declare itself the protector of the rights of all men, white and black, under the amended Constitution, it will be recognized in its relations to the Federal Government as fully as it ever was before the war; for that is all that republicanism demands. It is to secure such results and the restoration of an era of good feeling that we earnestly advocate the election of Governor Hayes.

Here, then, without detaining the House longer, are the views which I present at this late period of the session in reply to the expressed hope of the gentleman from Pennsylvania for the election of his candidate for President of the United States. I do not share his aspirations. I do not recognize them as justified either by the condition of the country or by the interests of the Union, of the Constitution, or of reform, nor by the record his candidate has made.\*

The SPEAKER *pro tempore*. Has the gentleman from Iowa concluded?

Mr. KASSON. I stated to the gentleman that I would move to lay this motion to reconsider on the table. Does any gentleman desire to speak on the subject?

Mr. COX. Yes, I do.

Mr. KASSON. I move the House adjourn.

Mr. COX. The gentleman cannot adjourn the House in that way.

Mr. KASSON. I can move to adjourn, and I make that motion.

Mr. BANNING. The gentleman promised to yield to me.

Mr. RANDALL. I hope the gentleman will not shoot and then run away.

Mr. KASSON. I beg pardon. I promised to yield to the gentleman from Ohio.

Mr. COX. The gentleman makes an attack and then runs away from it.

Mr. KASSON. I want to yield to the gentleman from Ohio to offer his bill.

\*Mr. HEWITT, of New York, having inserted in the RECORD, as a note to his speech, an article never read nor alluded to in the debate, nor shown to me, although supposed to contradict my statements, it only remains to me to speak of it in a like note.

The certificate of Mr. Marble, like the certificate of Mr. HEWITT, to Mr. Tilden's loyalty, is simply the partisan's declaration of his private recollections, and both involve the color of their own opinions as to what constituted Unionism in 1860 and 1864. As I understand Mr. Marble's only quotation from Mr. Tilden's language—all the rest being a general affirmation of political good character, without production of evidence furnished by Mr. Tilden—this only quotation is made from a "manuscript" which I do not understand Mr. Marble to certify was ever published over Mr. Tilden's signature.

So far as this certificate is concerned it would only prove a facing two ways by Mr. Tilden. Certain it is that he wrote the public letter to Mr. Kent which I read from, and which is a secession letter in its doctrines; certain it is that he belonged to that copperhead society for the diffusion of political knowledge in 1863; certain it is that he was a member of the anti-war convention at Chicago which nominated McClellan, and that he served with Vallandigham on the platform committee; certain it is that he did not oppose nor dissent from the peace resolution openly in the convention, where he ought to have done it. These things are certain, and are not denied by Mr. Marble nor by Mr. HEWITT; certain it is that Mr. Tilden did not publicly repudiate the election frauds of 1868 perpetrated under color of his name, nor make a single effort to punish the criminals who were on the same committee with him for their alleged forgery of his name and their consequent frauds.

These things I charged, and these things Mr. Marble does not deny. Now when I make charges resting on a public record in part, like the Kent letter, and the organization of the copperhead society in February, 1863, and in part on the want of a good public record for the Union, it is no sufficient answer to tell me of individual instances resting in private knowledge, and which made no record committing Mr. Tilden openly and publicly to the support of the Union cause and Government. He may have attended meetings, but also have carefully kept his name from papers and speeches committing himself to our cause. He may have sent private messages of advice, but carefully kept them from public knowledge till the Union cause had won. It was the public record I demanded, and Mr. HEWITT now alleges private knowledge of individuals, revived as twelve-year-old recollections from the willing memories of his partisans. It utterly fails to meet the issue presented by me.

## VOLUNTEER FORCE.

Mr. BANNING. I move to suspend the rules and pass the bill (H. R. No. 4106) to authorize the President to accept the service of volunteers to aid in the suppression of Indian hostilities.

The bill, which was read, provides that the President shall be authorized, if in his opinion the exigencies of the public service may require the same, to accept the service of volunteers to be employed as part of the Army of the United States against the Sioux and other hostile Indians, provided that not more than five thousand volunteers, to be organized into companies or regiments of cavalry, shall be accepted, and their term of service shall not extend beyond six months from the date of commencement, and such volunteers shall be discharged at any time when their service can be dispensed with, and the sum of \$1,000,000, or so much thereof as may be necessary, is thereby appropriated out of any money in the Treasury not otherwise appropriated for defraying the expense of carrying into effect the act.

Mr. ATKINS. Is it in order to move that the House adjourn?

The SPEAKER *pro tempore*. It is.

Mr. ATKINS. Then I make that motion.

The SPEAKER *pro tempore*. The Chair will entertain this motion to suspend the rules. The morning hour expired, as the Chair understood, at the expiration of the first call and at the time the gentleman from Pennsylvania [Mr. RANDALL] presented his conference report. The Chair thinks, therefore, it is in order now to move to suspend the rules. And pending that motion the gentleman from Tennessee [Mr. ATKINS] moves that the House do now adjourn.

Mr. PAGE. On that I demand the yeas and nays.

Mr. LAWRENCE. Let me suggest that a motion to suspend the rules suspends the right of adjournment.

The SPEAKER *pro tempore*. The Chair thinks not. Before putting the motion the Chair asks leave to lay before the House a report from the Committee on Enrolled Bills.

## ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same: An act (H. R. No. 3168) relating to partition of real estate in the District of Columbia.

## VOLUNTEER FORCE.

Mr. ATKINS. I withdraw the motion to adjourn. When I made it I did not know that another gentleman desired to speak.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. BANNING] moves to suspend the rules and pass the bill which has been read by the Clerk.

The question being taken, there were—ayes 101, noes 42.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

## EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. RANDALL. If the gentleman from New York will allow me, I desire to introduce and have put upon its passage a bill providing for the payment of employés of the Bureau of Engraving and Printing who have been discharged permanently, in regard to which a difficulty has arisen. I move that the rules be suspended and the bill passed.

The Clerk read the bill, as follows:

A bill to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing.

*Be it enacted, &c.*, That the clause in the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes," approved July 31, 1876, appropriating \$25,000 for the purpose of paying each of the employés recently furloughed and finally permanently discharged from the service in the Bureau of Engraving and Printing one month's pay, is hereby so amended as to read \$29,500 in lieu of \$25,000, and the entire sum shall be paid out in accordance with the provisions of said clause, and with the further provision that said sum shall be distributed in payment only to said employés whose wages did not exceed \$3 per diem, whether by monthly or daily rate of payment.

Mr. RANDALL. I ask to have inserted in the RECORD a letter from the Superintendent of the Bureau in which he states that \$29,500 will be sufficient for this purpose.

There was no objection. The letter is as follows:

TREASURY DEPARTMENT,  
BUREAU OF ENGRAVING AND PRINTING,  
August 11, 1876.

SIR: In reply to your personal inquiry of to-day, I have the honor to inform you that it will require the sum of \$29,501 to pay each of the persons lately employed in this Bureau, and who have been permanently discharged, whose wages did not exceed \$3 a day, an amount equal to one month's wages.

Very respectfully,

HENRY C. JEWELL,  
Chief of Bureau.

Hon. SAMUEL J. RANDALL,  
Chairman, &c.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Pennsylvania to allow me to offer a substitute for the bill.

Mr. RANDALL. I cannot allow any amendment. My motion is to suspend the rules.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman to allow it to be read.

Mr. RANDALL. I cannot yield for that purpose. I have no objection to its being inserted in the RECORD.

The question being taken, the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 4107) was passed.

## SALE OF DESERT LANDS.

Mr. LANE. I move that the rules be suspended to enable the Committee on Public Lands to report with amendments and the House to pass the bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California.

Mr. COX. I have not yielded, if I have the floor.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman from New York [Mr. Cox] has obtained the floor. The Clerk will read the bill on which the gentleman from Oregon moves to suspend the rules.

The Clerk read as follows:

A bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California.

*Be it enacted, &c.*, That it shall be lawful for any citizen of the United States, or any person of the requisite age, "who may be entitled to become a citizen, and who has filed his declaration of intention to become such," to file a declaration with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land, "not exceeding one section, by conducting water upon the same, within the period of two years thereafter;" said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of two years after filing said declaration, upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, and upon the payment, to the receiver, of the sum of \$1.25 per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

SEC. 2. That all lands, exclusive of timber lands and of mineral lands, which do not produce grass or which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act.

The amendments of the Committee on Public Lands were read, as follows:

Amend the title by striking out "Modoc and Siskiyou Counties, California," and inserting "California and Nevada" in lieu thereof.

Insert after the word "situated" in the eighth line, section 1, the words "in the States of California and Nevada;" and after the word "land" in the same line insert the word "therein."

Mr. CLYMER. Is this bill subject to the point of order? Should it not go the Committee of the Whole, inasmuch as it makes disposition of the public lands?

The SPEAKER *pro tempore*. It is not subject to the point of order under a motion to suspend the rules.

Mr. CLYMER. This bill received the approval of the Committee on Public Lands last year only for a single county.

Mr. HOLMAN. Does this bill include mineral lands?

Mr. LANE. It does not. It is only applicable to lands which are essentially arid and desert, and which are capable, as a matter of fact of which I can speak from my own personal knowledge, of producing only alkali, lizards, horn-toads, and rattlesnakes. If this bill be passed these lands can be utilized.

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

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

Mr. HOAR. It is that the motion being to suspend the rules and take up the bill, it is not in order to explain the bill until that motion is adopted.

The SPEAKER *pro tempore*. This has only been by common consent.

The question being taken on Mr. LANE's motion, there were—ayes 68, noes 45; no quorum voting.

The SPEAKER *pro tempore*. Is further count demanded?

Further count was not demanded.

The SPEAKER *pro tempore*. Two-thirds not having voted in the affirmative, the House refuses to take up the bill.

## HOUSE EMPLOYÉS.

Mr. HOLMAN. I desire to ask unanimous consent to present two resolutions, which I send to the Clerk's desk, in regard to the organization of the House and the business during the vacation. I ask that they be reported.

The Clerk read as follows:

*Resolved*, That William H. Smith be paid out of the contingent fund of the House the sum of \$3.60 per day for services rendered as messenger in the office of the Clerk of the House from and including the 1st of July ultimo and until otherwise ordered by the House.

Mr. HOLMAN. I now ask that the other resolution be read.

The SPEAKER *pro tempore*. The gentleman cannot have two resolutions pending at the same time.

Mr. HOLMAN. Before the House votes on the resolution which has been read I ask that the other resolution be read.

The SPEAKER *pro tempore*. It may be read for information, but the gentleman must know that two resolutions cannot be offered at the same time.

Mr. HOLMAN. Then I withdraw the resolution which has been read and ask for the reading of the other resolution.

The Clerk read the resolution, as follows:

*Resolved*, That a foreman, to be placed in charge of the book-folding room of the House of Representatives, to be paid at the rate of \$3.75 per day, may be employed until the 1st day of November next, and the Clerk of the House is hereby directed to pay said foreman as above out of the contingent fund of the House, one of the laborers authorized to be dispensed with in the folding-room.



The SPEAKER *pro tempore*. If there be no objection the Chair will entertain both these resolutions under the motion to suspend the rules and adopt them.

There was no objection made; and the question being put on suspending the rules (two-thirds voting in favor thereof) the resolutions were agreed to.

#### PAY OF A CLERK.

Mr. FORT. I am instructed by the Committee of Accounts to report the resolution which I send to the Clerk's desk, and recommend its adoption. It is merely to pay a clerk for extra services.

Mr. RANDALL. We shall have as many employés on the House force as we ever had if we keep on in this way.

Mr. HOLMAN. The effect of my resolutions was not to increase the force except as to the old-time messenger of the Library.

The SPEAKER *pro tempore*. This discussion is out of order and the Chair will direct the Clerk to read the resolution offered by the gentleman from Illinois.

The Clerk read the resolution, as follows:

*Resolved*, That the Clerk of the House be authorized and required to pay to Albert Ordway the sum of \$2 per day from the 16th of May, 1876, to the 8th of August, 1876, including both dates, for extra services rendered by him as clerk on the special committee to investigate the charges against Judge Wylie, which compensation was agreed upon between the said clerk and Hon. W. W. WARREN, chairman of the said committee, and which services were in addition to services that he was required to render as clerk to other committees.

Mr. FORT. I move to suspend the rules and pass that resolution.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The Chair understands that this is the regular order.

Mr. HOLMAN. I want to get the gentleman from New York [Mr. Cox] on the floor now.

The SPEAKER *pro tempore*. The Chair would be glad to recognize the gentleman from New York, but the gentleman from Illinois has the floor now.

The question was taken on Mr. FORT's resolution to suspend the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution was adopted.

#### EXTRA PAY TO EMPLOYÉS OF THE HOUSE.

Mr. HUNTON. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. EDEN. I move that the House adjourn.

Mr. RANDALL. The gentleman from New York [Mr. Cox] was recognized and yielded the floor to the gentleman from Ohio, [Mr. BANNING.] I move to suspend the rules to enable the gentleman from New York to have the floor.

The SPEAKER *pro tempore*. The Chair will recognize that motion when the pending motion to suspend the rules has been disposed of.

Mr. EDEN. I withdraw the motion to adjourn.

Mr. HUNTON. I now ask that my resolution be read.

The Clerk read the resolution offered by Mr. HUNTON, as follows:

*Resolved*, That there be paid out of the contingent fund of the House compensation to the 1st of September, 1876, to the members of the Capitol police and all the employés of the House discharged by reason of the reduction of force provided for in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes," said compensation to be at the rate provided by law before the passage of said act.

Mr. HOLMAN. I trust the resolution will be reported again, so that we may distinctly understand it.

Mr. HUNTON. It only provides for the payment of the discharged employés to the end of the current month, by which time they will be ready to leave the service of the Government.

The question was taken on the motion, and (two-thirds voting in favor thereof) the resolution was adopted.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will now state that if the gentleman from New York obtained the floor, neither the Chair nor the clerks at the desk knew the fact.

Mr. RANDALL. Well, the gentleman had the floor and yielded it to the gentleman from Ohio, [Mr. BANNING.]

Mr. KASSON. No; on the contrary, I yielded the floor to the gentleman from Ohio.

Mr. RANDALL. O, no; your time is out.

The SPEAKER *pro tempore*. Then either side of the House has, by motion to suspend the rules, been pursuing the regular order of business.

Mr. COX. I do not desire to be ruled by the Chair and the clerks at the desk.

The SPEAKER *pro tempore*. The Chair will entertain a motion to suspend the rules for the purpose of further considering this question.

Mr. HOLMAN. If the Chair recognizes the gentleman from New York on the pending question, which is the regular order, why of course it will not be necessary to suspend the rules.

Mr. LAWRENCE. Let him be heard by unanimous consent.

Mr. HOLMAN. I call for the regular order, which is the motion to reconsider the vote by which the message of the President was referred.

The SPEAKER *pro tempore*. Certainly not; the regular order is the motion to suspend the rules. As the Chair hears no objection, he will recognize the gentleman from New York, [Mr. Cox.]

Mr. HOAR. Before the gentleman proceeds will he allow me to ask—

Mr. COX. Not now. All I desire is one minute to call the attention of the House to a statement made by the defender of Belknap in this House, the gentleman from Iowa, [Mr. KASSON.]

Mr. HOAR. Will the gentleman allow me before he proceeds to ask a question of the gentleman from Pennsylvania, [Mr. RANDALL] about the public business?

Mr. COX. Not now. The gentleman from Iowa repeated an apocryphal statement—

Mr. KASSON. If the gentleman does not withdraw that statement—

Mr. COX. I have the floor.

The SPEAKER *pro tempore*. The Chair protected the gentleman from Iowa, and will now protect the gentleman from New York.

Mr. COX. The apologist of the post-traders made a statement here—

Mr. KASSON. I call the gentleman to order; his statement is untrue.

Mr. COX. I did not say it was you.

The SPEAKER *pro tempore*. What is the point of order by the gentleman from Iowa?

Mr. KASSON. That the gentleman has no right to state an untruth on this floor against any member.

Mr. COX. I call the gentleman to order, for he lied deliberately about Governor Tilden.

Mr. HOAR. I call the gentleman to order, and ask that his words be taken down.

Mr. COX, (passing over to the other side of the Hall.) I send to the Clerk's desk a statement of Governor Tilden, which refutes the statement of the gentleman from Iowa.

Mr. FOSTER. I insist that the words of the gentleman be taken down.

Mr. HOAR. I rise to a question of order, and a demand that the words of the gentleman from New York be taken down.

Mr. RANDALL. There is no occasion for any excitement.

Mr. HOAR. I insist upon my question of order. I call the gentleman from New York to order, and ask that his words be taken down.

The SPEAKER *pro tempore*. They will be taken down.

Mr. HENDERSON. I also want it taken down that the gentleman came to this side of the House in an assaulting manner. [Laughter.]

Mr. SPRINGER. I hope that will be taken down.

The SPEAKER *pro tempore*. Under the rule it is the duty of the gentleman from Massachusetts [Mr. HOAR] to state the words he desires to have taken down.

Mr. HOAR. I do not understand that it is my duty to repeat the words.

The SPEAKER *pro tempore*. If the gentleman will refer to the sixty-second rule of the House he will see that it is the duty of the member calling another to order to repeat the words excepted to, and they shall be taken down at the Clerk's table.

Mr. HOAR. I demand that the words of the gentleman from New York, where he said the gentleman from Iowa lied, be taken down.

Mr. RANDALL. Let the prior remarks be taken down also.

Mr. HOAR. That is the right of the gentleman, of course. I request that the reporter write them out.

The SPEAKER *pro tempore*. That is being done by the reporter.

Mr. LANDERS, of Indiana. I hope the gentleman from Massachusetts—

Mr. HOAR. Nothing is in order but the reading of the words upon which I ask the ruling of the Chair.

Mr. RANDALL. I insist that the prior words be taken down also.

The SPEAKER *pro tempore*. It is too late to demand the taking down of any words except those which were excepted to at the time they were spoken.

Mr. HOAR. Undoubtedly justice requires that any words of provocation be taken down also.

Mr. HOLMAN. Certainly, that is the universal rule. All the remarks that provoke any given set of words should also be taken down.

Mr. LANDERS, of Indiana. Mr. Speaker—

The SPEAKER *pro tempore*. The Chair cannot recognize anything but this question of order.

Mr. HOAR. I rise to a question of order; that is, that gentlemen are not in their seats.

The SPEAKER *pro tempore*. The point of order is well taken, and the Chair hopes that gentlemen will resume their seats. [After a pause.] The gentleman from Massachusetts [Mr. HOAR] rose to a point of order and requested that certain words of the gentleman from New York [Mr. Cox] be taken down. He afterward modified that by requesting that the words of the gentleman from Iowa [Mr. KASSON] be also taken down.

Mr. HOAR. I merely demanded that the words of the gentleman from Iowa be taken down as introductory to what had been said by the gentleman from New York.

The SPEAKER *pro tempore*. The Chair understood the gentleman. The words will be read as soon as they are furnished by the reporter.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. The gentleman from Iowa has not been called to order.

Mr. RANDALL. He will be the first in order on this censure if there is any.

Mr. CANNON, of Illinois. I suppose that I have the right to make a point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman, of course.

Mr. CANNON, of Illinois. Notwithstanding the gentleman from Pennsylvania, I will state my point. I do not understand that the gentleman from Iowa has been called to order. The gentleman from Massachusetts did call the gentleman from New York to order, and asked that his words be taken down. Now I make the point of order that the words should first be taken down upon the point of order made by the gentleman from Massachusetts; and then if it be in order for anybody to ask that the words of the gentleman from Iowa be taken down, I have no objection; but let us attend to one thing at a time.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the gentleman from Massachusetts himself requested, as he stated as a matter of fairness, that the words which were provocative of the remarks of the gentleman from New York should be presented in the same connection. No point of order has been made against the gentleman from Iowa, as the Chair understands.

Mr. HEREFORD. In this connection I wish to make a statement. The gentleman from Tennessee, [Mr. ATKINS,] immediately following the language used by the gentleman from Iowa, asked that it be taken down; he desired that the language be taken down formally and for the purpose that such language is taken down.

The SPEAKER *pro tempore*. Was that prior to the time when the gentleman from New York obtained the floor?

Mr. HEREFORD. Just as the words passed from the lips of the gentleman from Iowa, the gentleman from Tennessee rose and asked that the language of the gentleman from Iowa be taken down. It is now asked that it be taken down formally.

Mr. HOAR. There is no right of any member to require any other gentleman's words to be taken down unless he first call that other gentleman to order for the words, as I did in regard to the gentleman from New York. Then after the call to order the words may be, must be, taken down in writing at the Clerk's table. The rule goes on to say:

And no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

I submit that nothing is in order except the reading at the Clerk's table of the words taken down under this rule.

The SPEAKER *pro tempore*. The reporters are writing out the words of the gentleman from Iowa in connection with those of the gentleman from New York. As soon as they are prepared they will be submitted to the House.

Mr. RANDALL. The language was very laconic.

The SPEAKER *pro tempore*. The Clerk will now report the words to the House.

The Clerk read as follows:

Mr. COX. The gentleman from Iowa repeated an apocryphal statement—

Mr. KASSON. If the gentleman does not withdraw that statement—

Mr. COX. I have the floor.

The SPEAKER *pro tempore*. The Chair protected the gentleman from Iowa, and will now protect the gentleman from New York.

Mr. COX. The apologist of the post-traders made a statement here—

Mr. KASSON. I call the gentleman to order; his statement is untrue.

Mr. COX. I did not say it was you.

The SPEAKER *pro tempore*. What is the point of order by the gentleman from Iowa?

Mr. KASSON. That the gentleman has no right to state an untruth on this floor against any member.

Mr. COX. I call the gentleman to order, for he lied deliberately about Governor Tilden.

Mr. HOAR. I call the gentleman to order, and ask that his words be taken down.

Mr. RANDALL. I move that the gentleman from New York be allowed to proceed in order.

The SPEAKER *pro tempore*. The gentleman from New York may be permitted to explain, or to proceed in order, if it is the will of the House.

Mr. RANDALL. I move that the gentleman be permitted to proceed in order. I believe that motion is parliamentary.

The SPEAKER *pro tempore*. That motion is in order unquestionably.

Mr. HOAR. I move to substitute—

Mr. RANDALL. On my motion I call the previous question.

Mr. HOAR. I move, as a substitute for the motion of the gentleman from Pennsylvania, that the gentleman from New York be called to the bar of the House and censured for the words used by him in debate.

Mr. RANDALL. I have called the previous question, and I did not yield the floor to the gentleman from Massachusetts.

The SPEAKER *pro tempore*. The Chair must necessarily put the question on the motion of the gentleman from Pennsylvania, that the gentleman from New York be permitted to proceed in order. If the House refuses to sustain that motion then the Chair will recognize the motion of the gentleman from Massachusetts.

Mr. HOAR. Will not the Chair recognize me as rising to offer a substitute?

The SPEAKER *pro tempore*. The Chair cannot. The gentleman

from Pennsylvania has taken the floor and demanded the previous question.

Mr. HOAR. Does the Chair recognize the gentleman from Pennsylvania for that purpose on a point of order raised by me?

The SPEAKER *pro tempore*. The Chair will state, in his judgment, that it is the proper question to put at any rate. [Cries of "Question! question!"]

Mr. RANDALL. I do not want any points of order. I want to have the motion I have made put to the House.

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman from Massachusetts.

Mr. HOAR. I wish to be heard.

Mr. RANDALL. Is the gentleman entitled to the floor when I have demanded the previous question?

The SPEAKER *pro tempore*. Only for the purpose of making such suggestions as he may see proper as to the point of order, but not as to the motion of the gentleman. The Chair will certainly hear him.

Mr. HOAR. I understood this transaction to have occurred in this assemblage of gentlemen—

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to the point of order.

Mr. HOAR. I was about to state how the question arose.

Mr. RANDALL. The gentleman asked to put in an amendment.

The SPEAKER *pro tempore*. That the Chair has decided cannot be done.

Mr. HOAR. Now, the gentleman from New York—

Mr. HEREFORD. The gentleman from Massachusetts has risen to no point of order.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must be permitted to make his statement.

Mr. HOAR. I wish to state how this thing occurred. The gentleman from New York [Mr. COX] uttered a personality toward the gentleman from Iowa, [Mr. KASSON,] who had uttered a personality to no person, calling him an apologist of post-traders. Thereupon the gentleman from Iowa replied that what had been said was untrue, which certainly imputed no motive to state anything wrong to the gentleman from New York. On being asked to state his point of order by the Chair he replied that the gentleman from New York had stated what was untrue.

Mr. RANDALL. What is the difference between that and a lie?

Mr. HOAR. Thereupon the gentleman from New York cries out, leaving his seat and shaking his fist near the face of the gentleman from Iowa—

Mr. RANDALL. That is not a point of order.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to his point of order.

Mr. HOAR. Thereupon he uttered the words read from the Clerk's desk.

Mr. RANDALL. I insist on my motion being put to the House.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to the point of order.

Mr. HOAR. This is the question of order.

Mr. RANDALL. The gentleman's statement so far has nothing to do with a point of order.

Mr. HOAR. My point of order is that when one member, saying another member lied deliberately, and knew it, a resolution to expel the gentleman from New York is in order as an amendment to the motion of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. Under the rules of the House the first question in order is on the motion of the gentleman from Pennsylvania. The House may permit the gentleman from New York to explain, or it may permit him to proceed in order. This is the first motion in order, and if it chooses to do so, it certainly has the right to let him proceed in order.

Mr. RANDALL. Is it debatable?

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HOAR, (while the House was dividing.) Is the gentleman from New York [Mr. COX] permitted to vote?

Mr. RANDALL. The gentleman from New York is not voting. The gentleman from New York is not dangerous now, nor was he dangerous to the other side.

The House divided; and there were—ayes 101, noes 49.

Mr. HENDERSON. I demand the yeas and nays.

Mr. WILSON, of Iowa. I ask unanimous consent to say one word.

Mr. HEREFORD. I object.

Mr. WILSON, of Iowa. Let me plead for one word. I am the colleague of the gentleman from Iowa and the friend of the gentleman from New York.

[Cries of "Hear him!"]

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman from Iowa, if there be no objection.

Mr. WILSON, of Iowa. I know the House will hear me.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman will proceed.

Mr. WILSON, of Iowa. In the capacity of friend to both parties,



it is only proper to say that both gentlemen were a little hasty, and the House certainly has been very hasty. The first thing to be done in cases of this kind is to permit the gentleman whose words were taken down to explain if he volunteers or will offer any explanation, and to ascertain whether we have the words in the shape they were uttered, and whether we understand them as he meant to have them understood. We cannot afford to be hasty in dealing with members of this House, while I admit if a gentleman does volunteer an insult to another member the House cannot pass over it. I should like the House to hear the gentleman from New York before proceeding further in this matter.

Mr. RANDALL. I must insist on my motion. The provocation came from that side.

The SPEAKER *pro tempore*. The pending question is on ordering the yeas and nays on the motion of the gentleman from Pennsylvania.

The question being taken, there were ayes 43; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 32, not voting 174; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Banning, Bland, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cochran, Cook, Cowan, Dibrell, Douglas, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Franklin Landers, Levy, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Poppleton, Powell, Randall, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, Jeremiah N. Williams, and Young—80.

NAYS—Messrs. John H. Baker, Banks, Bradley, Cannon, Conger, Crounse, Eames, Fort, Foster, Henderson, Hoar, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, William A. Phillips, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Thornburgh, Washington Townsend, Tufts, G. Wiley Wells, White, William B. Williams, and James Wilson—32.

NOT VOTING—Messrs. Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, Jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crapo, Culberson, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibbons, Glover, Goodin, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Harbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lane, Leavenworth, Le Moynes, Lewis, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Page, Phelps, John F. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Parman, Rainey, Rea, John Reilly, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Martin I. Townsend, Van Vorhes, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Willard, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodburn, Woodworth, and Yeates—174.

During the roll-call the following proceedings occurred:

Mr. LANE. I was not within the bar before the last name on the roll was called. I ask unanimous consent of the House that I may record my vote.

Mr. BAKER, of Indiana. I object.

Mr. LUTTRELL. I move that the reading of the names be dispensed with.

There was no objection.

Mr. PAGE. I desire to vote "no."

Mr. LANE. I object unless the gentleman from California [Mr. PAGE] was within the bar of the House before the last name on the roll was called.

The SPEAKER *pro tempore*. The gentleman from California votes on that assurance.

Mr. PAGE. I have just come in.

Mr. LANE. And I just came in, and my vote was objected to.

Mr. PAGE. Very well; if the gentleman from Oregon objects—

Mr. LANE. I do object. At the same time I desire to announce that if permitted I would have voted "ay."

The SPEAKER *pro tempore*. On the motion of the gentleman from Pennsylvania [Mr. RANDALL] the yeas are 80 and the nays are 32.

Several MEMBERS. No quorum.

Mr. LUTTRELL. I move that there be a call of the House.

The question being taken on Mr. LUTTRELL's motion, there were—ayes 21, noes 62.

So the motion was not agreed to.

Mr. THORNBURGH. I move that the House do now adjourn.

The question being taken on Mr. THORNBURGH's motion, there were—ayes 46, noes 76.

Mr. THORNBURGH. I call for tellers.

The SPEAKER *pro tempore*. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Tennessee [Mr. THORNBURGH] and the gentleman from California, [Mr. LUTTRELL.]

Mr. HOLMAN. I desire to make a remark. It is very desirable that this matter should be disposed of by the House as soon as possible. I submit that the language was somewhat unparliamentary on

both sides. Perhaps the House will allow a proper apology to be made to the House for the words spoken on the part of both these gentlemen. Certainly gentlemen cannot object to that.

Many members called for the regular order.

Mr. HOAR. Does the gentleman from Indiana [Mr. HOLMAN] understand that for a gentleman to say that something that another gentleman has said in debate is not true is not parliamentary?

Mr. HOLMAN. The language, in my judgment, of both these gentlemen was somewhat unparliamentary.

Mr. HOAR. What language?

Mr. HOLMAN. I think the language of both was unparliamentary.

Mr. HOAR. What language of the gentleman from Iowa?

Mr. HOLMAN. The remark about the untruthfulness of the gentleman from New York, that he had spoken what was untrue. That was certainly not parliamentary language.

Mr. ATKINS. I raise the point of order that all of this debate is out of order.

Mr. HOAR. The gentleman raises it after letting his own side be heard.

Mr. ATKINS. The gentleman from Massachusetts has been speaking a good deal to-night.

The SPEAKER *pro tempore*. Remarks made in the nature of a personal explanation are certainly out of order pending a motion to adjourn.

The question was taken; and the tellers reported—ayes 40, noes 67.

So the House refused to adjourn.

Mr. MILLS. I move that there be a call of the House.

The question was taken; and on a division there were—ayes 16, noes not counted.

So the House refused to order the call.

Mr. COX. All I desire to say to the House is simply this—

[Loud cries of "Order!" "Order!"]

Mr. BANKS. Not now, certainly not now.

Mr. TERRY. I want gentlemen opposite to understand that we will stay until daybreak if necessary.

[Loud cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The Chair cannot consent that the House shall proceed in this disorderly manner; gentlemen must resume their seats and preserve order.

The Chair will state that there is an absence of a quorum and that no motion is in order, and that no business is in order except a motion to adjourn or a motion for a call of the House, and he must insist that the rules of the House be observed.

Mr. RANDALL. I suppose that the last vote disposed of the question as to the right of the gentleman from New York to proceed.

[Cries of "No!" "No!"]

Mr. HOAR. No quorum has appeared.

The SPEAKER *pro tempore*. No quorum has voted, and that objection has been made.

Mr. BANKS. I rise to a question of order, and it is that the gentleman from New York is not entitled to the floor without the leave of the House.

The SPEAKER *pro tempore*. That is undoubtedly true.

Mr. BANKS. The Chair rules in that way?

The SPEAKER *pro tempore*. Unquestionably; no motion is in order except to adjourn or for a call of the House.

Mr. LUTTRELL. I move that there be a call of the House.

Mr. MAGOON. I move that the House adjourn.

Mr. HOLMAN. Would it not be in order to move that the gentleman from New York be permitted to make an explanation to the House?

The SPEAKER *pro tempore*. It certainly would be in order; and if the House will permit it, the gentleman from New York may make an explanation.

Mr. PIERCE. I object.

Mr. RANDALL. I suppose the gentleman from New York should be consulted on the subject.

Mr. HOLMAN. Is it not in order to permit the gentleman from New York to explain?

Mr. PIERCE. I object.

The SPEAKER *pro tempore*. It is certainly not in order while a motion to adjourn is pending.

Mr. YEATES. That was the last motion put to the House; we have done nothing since. I raise the point that it is not in order.

Mr. LUTTRELL. I moved a call of the House immediately after taking the vote on adjournment, and I believe my motion is the only one that can be entertained now.

The SPEAKER *pro tempore*. The journal shows that the Chair is right. The gentleman from Texas [Mr. MILLS] moved a call of the House, and that was the last motion entertained by the Chair. The gentleman from Wisconsin [Mr. MAGOON] now moves to adjourn.

Mr. YEATES. Why, Mr. THORNBURGH, who had just come into the House and was standing by the door, moved to adjourn.

The SPEAKER *pro tempore*. The Chair is necessarily controlled by the Journal, and he thinks it very likely to be correct.

Mr. YEATES. The Journal is not correct in this case. [Laughter.]

The SPEAKER *pro tempore*. The question before the House is the motion of the gentleman from Wisconsin [Mr. MAGOON] that the House adjourn.

Mr. FOSTER. I suggest that unanimous consent be given to the gentleman from New York to explain his language. [Cries of "No!" "No!"]

Mr. BANKS. Not at all.

Mr. RANDALL. Let the gentleman from Iowa explain.

Mr. HOAR. The gentleman from Iowa used no language that was not parliamentary and proper under the circumstances.

The question was taken on Mr. MAGOON's motion; and on a division there were—ayes 49, noes 101.

Mr. MAGOON called for the yeas and nays.

The yeas and nays were ordered; 45 members voting therefor, being more than one-fifth of the last vote.

The question was taken; and there were—yeas 39, nays 83, not voting 164; as follows:

YEAS—Messrs. Bagby, John H. Baker, Banks, Bradley, Cannon, Crouse, Cutler, Davy, Eames, Fort, Foster, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, William A. Phillips, Piper, Potter, John Robbins, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Tarbox, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, and William B. Williams—39.

NAYS—Messrs. Abbott, Banning, Bradford, Bright, John H. Caldwell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cowan, Crapo, Dibble, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hancock, Hardenbergh, Hart, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Franklin Landers, Lane, Levy, Lewis, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Page, Payne, Pierce, Poppleton, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Seales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Thompson, Tucker, Turney, John L. Vance, White, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, James Wilson, Yeates, and Young—83.

NOT VOTING—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goodin, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyné, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Savage, Saylor, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Throckmorton, Martin I. Townsend, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—164.

So the motion to adjourn was not agreed to.

Mr. MORRISON. I move that there be a call of the House.

The question was taken; and upon a division there were—ayes 87, noes 35.

Before the result of this vote was announced,

Mr. THORNBURGH called for the yeas and nays on ordering a call of the House.

The yeas and nays were ordered, there being 28 in the affirmative.

The question was taken; and there were—yeas 80, nays 42, not voting 164; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cutler, Dibble, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hancock, Hardenbergh, Hart, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Franklin Landers, Lane, Levy, Lewis, Lord, Luttrell, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, William A. Phillips, Poppleton, Powell, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Seales, Schleicher, Sheakley, Singleton, Springer, Stenger, Tarbox, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Wigginton, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, Yeates, and Young—80.

NAYS—Messrs. John H. Baker, Banks, Bland, Bradley, Cannon, Conger, Crapo, Crouse, Davy, Eames, Foster, Goodin, Hancock, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Mackey, Magoon, Monroe, O'Neill, Packer, Page, Pierce, Potter, John Robbins, Sinnickson, A. Herr Smith, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, White, Willard, William B. Williams, James Wilson, and Woodburn—42.

NOT VOTING—Messrs. Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banning, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyné, Lynch, Lynde, MacDougall, McCrary, McDill, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Randall, Rea, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Saylor, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Strait, Stevenson, Stone, Swann, Teese, Terry, Thomas, Martin I. Townsend, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—164.

So the motion of Mr. MORRISON was agreed to.

#### A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3473) making appropriations for the current and contingent expenses of the Indian Department and for the fulfilling of treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

#### ORDER OF BUSINESS.

Mr. FOSTER. I think it is possible to arrive at some solution of this difficulty.

Mr. MORRISON. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is a call of the House, which has been ordered by a vote of the House.

Mr. FOSTER. I would like to be heard a moment.

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman if there is no objection.

Mr. CONGER. Pending the call of the House I move that the House now adjourn.

Mr. FOSTER. I understand that the gentleman from New York [Mr. Cox] is willing to make a personal explanation on the point of order, and I suggest that the House give unanimous consent to hear him.

Mr. SPRINGER. And also the gentleman from Iowa, [Mr. KASSON.]

Mr. FOSTER. Do not complicate it.

Mr. ATKINS. What does the gentleman propose?

Mr. FOSTER. I understand that the gentleman from New York desires to make a personal explanation on the point of order.

Mr. BANKS. We do not want any explanation; we understand the point of order.

Mr. FOSTER. He may say something that will relieve the House from this dilemma.

Mr. BANKS. He may say something else.

Mr. WILSON, of Iowa. There is no propriety in the proposition of the gentleman from Ohio, [Mr. FOSTER,] for this reason: in the first place we refused to hear the gentleman from New York; we refused to allow you, Mr. Speaker, to decide whether the words were disorderly; we took the matter out of the hands of both of the gentlemen implicated and of the Speaker, from whose decision we could have appealed, if we did not like it. The only way out of this difficulty is either by unanimous consent to begin where we should have begun or to have the gentleman from Pennsylvania withdraw the resolution which he never should have offered.

Mr. RANDALL. I think the call of the House had better go on.

Several MEMBERS. Regular order.

Mr. WILSON, of Iowa. Mr. Speaker, while I have all proper respect for all men in office and all due respect for men high on committees, I do not think the gentleman from Pennsylvania, after having got in a resolution which was entirely out of order because no point was raised against it, has any right now to insist that we shall stay here all night.

Mr. RANDALL. I hope the gentleman will not say anything unpleasant about me. I am not going to get angry under any contingency whatever.

Mr. WILSON, of Iowa. I never get angry myself. [Laughter.]

The SPEAKER *pro tempore*. The Chair must state that a call of the House has been ordered.

Mr. CONGER. Pending that I move that the House now adjourn.

Mr. FOSTER. I hope that the suggestion I made may be adopted.

Mr. HOLMAN. There certainly ought not to be any objection to that.

Mr. PIERCE. I consider that the remarks made here by the gentleman from New York were highly improper. If he is now ready to apologize for them, I for one am ready to hear him; but I am not ready to hear him upon this point of order.

The SPEAKER *pro tempore*. A call of the House has been ordered.

Mr. CONGER. Pending that I have moved that the House adjourn; and on that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 41, nays 78, not voting 167; as follows:

YEAS—Messrs. Banks, Bradley, Cannon, Conger, Davy, Eames, Fort, Foster, Goodin, Hancock, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, O'Neill, Packer, Page, William A. Phillips, Pierce, Piper, Potter, Reagan, John Robbins, Sampson, Sinnickson, A. Herr Smith, Strait, Stevenson, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, William B. Williams, and James Wilson—41.

NAYS—Messrs. Abbott, Ainsworth, Anderson, Atkins, Banning, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Crapo, Cutler, Dibble, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hancock, Hardenbergh, Hart, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Franklin Landers, Lane, Levy, Lewis, Luttrell, Mackey, Maish, Meade, Metcalfe, Morgan, Morrison, Mutchler, Payne, Poppleton, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Seales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Thompson, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Willard, James Williams, Jeremiah N. Williams, Wilshire, Yeates, and Young—78.

NOT VOTING—Messrs. Adams, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Cald-



well, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crouse, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyné, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Mills, Money, Monroe, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Savage, Saylor, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Tarbox, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodburn, and Woodworth—167.

So the motion to adjourn was not agreed to.

#### ENROLLED BILL SIGNED.

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

An act (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

#### ORDER OF BUSINESS.

Mr. JONES, of Kentucky. I desire to make a suggestion. [Cries of "Regular order!"] I think the House is weary of this proceeding, and it is due to the gentleman from Iowa and the gentleman from New York that they should have an opportunity for personal explanation. I understand that these gentlemen have heretofore borne the kindest relations to each other, [renewed cries of "Regular order!"] and it seems to me proper that he who has been the aggressor should say that he spoke under the impulse of the moment, and did not intend to be offensive to the other. It is the first duty of gentlemen when they speak under impulse to be understood and make the *amende honorable*. I think it is due to them they should have an opportunity for this personal explanation as well as due to the House. I am sure with that concession they will both appreciate the suggestion and the attitude in which they stand to each other and the House, and I hope, therefore, each one will acquit himself as a gentleman and as a man of courage to each other and to the House.

Mr. TERRY. This side of the House—

Mr. HOAR. I call for the regular order of business.

Mr. JONES, of Kentucky. I desire to say further—

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman cannot hold the floor against the demand for the regular order.

Mr. JONES, of Kentucky. According to my recollection, although the gentleman from New York made a remark which was somewhat offensive—[laughter.] Hear me out. Do not interrupt me until I get through. On the other side—

Mr. CANNON, of Illinois. I call for the regular order of business.

Mr. MORRISON. I have been demanding it for some time.

Mr. JONES, of Kentucky, made some remarks which were inaudible to the reporter, the Speaker beating with his gavel and calling to order.

Mr. EAMES. Mr. Speaker—

The SPEAKER *pro tempore*. The regular order is demanded, and the Chair can recognize nobody. The House has ordered that there shall be a call of the House, and the Clerk will call the roll.

Mr. HOLMAN. If unanimous consent—

Mr. MORRISON. I call for the regular order.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll. The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, Jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyné, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Robinson, Sobieski Ross, Rusk, Savage, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, and Woodworth.

The SPEAKER *pro tempore*. One hundred and thirty-five members have answered to their names, which is not a quorum. The doors will be closed.

Mr. MORRISON. I move that the Speaker issue his warrant to the Sergeant-at-Arms to take into custody and bring to the bar the absentees.

Mr. CANNON, of Illinois. I move the House adjourn.

The House divided; and there were ayes 19, noes not counted.

Mr. CANNON, of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 41, nays 70, not voting 175; as follows:

YEAS.—Messrs. Bagby, John H. Baker, William H. Baker, Bradley, Cannon, Conger, Crapo, Crouse, Davy, Eames, Goodin, Hoar, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Pierce, Piper, Potter, John Robbins, Sampson, Simeckson, A. Herr Smith, Strait, Stevenson, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Van Vorhes, G. Wiley Wells, White, Whitthorne, Willard, William B. Williams, James Wilson, and Woodburn—41.

NAYS.—Messrs. Abbott, Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cochran, Cook, Cowan, Cutler, Dibrell, Durand, Durham, Egbert, Finley, Forney, Franklin, Gause, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Thomas L. Jones, Franklin Landers, George M. Landers, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Page, Payne, Poppleton, Powell, Randall, John Reilly, James B. Reilly, Riddle, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Yeates, and Young—70.

NOT VOTING.—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, Jr., Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Eden, Ellis, Ely, Evans, Faulkner, Felton, Fort, Foster, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Raymond, Hays, Hendee, Henderson, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kehr, Kelley, Kimball, King, Knott, Lamar, Lane, Leavenworth, Le Moyné, Levy, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Packer, Phelps, John F. Phillips, William A. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Rice, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Saylor, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, and Woodworth—175.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Illinois [Mr. MORRISON] that the Speaker issue his warrant to the Sergeant-at-Arms to take into custody and bring to the bar members of the House absent without its leave.

Mr. CONGER. I move that all further proceedings under the call be dispensed with.

Mr. MORRISON. Does not my motion take precedence?

The SPEAKER *pro tempore*. The motion to dispense with all further proceedings under the call takes precedence.

Mr. PAGE. I demand the yeas and nays on the motion to dispense with all further proceedings under the call.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 35, nays 72, not voting 179; as follows:

YEAS.—Messrs. John H. Baker, Bradley, Cannon, Conger, Crapo, Davy, Eames, Foster, Henderson, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, Page, Pierce, Potter, Sampson, Sinnickson, Strait, Stevenson, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, William B. Williams, and James Wilson—35.

NAYS.—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cochran, Cook, Cowan, Cutler, Dibrell, Durand, Durham, Egbert, Finley, Franklin, Gause, Goodin, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Raymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hutton, Thomas L. Jones, Kehr, Lane, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Poppleton, Powell, Randall, John Reilly, James B. Reilly, Riddle, Miles Ross, Scales, Sheakley, A. Herr Smith, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Yeates, and Young—72.

NOT VOTING.—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, Jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crouse, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoar, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, Franklin Landers, George M. Landers, Leavenworth, Le Moyné, Levy, Lewis, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Payne, Phelps, John F. Phillips, William A. Phillips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Saylor, Schleicher, Schumaker, Seelye, Singleton, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, Jr., Fernando Wood, Woodburn, and Woodworth—179.

So the motion was not agreed to.

Mr. FOSTER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair cannot entertain that motion. The Chair must direct a warrant to issue to take into custody absentees and bring them to the bar of the House.

Mr. FOSTER. Why so?



Mr. HOAR. I rise to a question of order. The House has not ordered the warrant to be issued. That was the motion pending when the motion was made to dispense with further proceedings under the call. The House has not voted on it.

The SPEAKER *pro tempore*. After the House has refused to suspend further proceedings under the call the Chair certainly recognizes it as his duty to issue his warrant for the arrest of the absentees.

Mr. HOAR. Without the authority of the House?

The SPEAKER *pro tempore*. Yes, sir.

Mr. HOAR. I take an appeal from that decision.

Mr. RANDALL. I move to lay that appeal on the table.

Mr. PAGE. And upon that I call for the yeas and nays.

Mr. HOLMAN. I rise to a parliamentary inquiry. Has the House ordered the absentees to be sent for.

Mr. HOAR. It has not.

The SPEAKER *pro tempore*. The House, however, has ordered a call of the House, and has refused to suspend further proceedings under the call. Under those circumstances nothing is left to the Chair but to rule that his warrant should issue, so that upon that warrant the absentees may be brought to the bar of the House.

Mr. HOLMAN. I think the usual practice has been otherwise.

Mr. HOAR. I believe the gentleman from Indiana [Mr. HOLMAN] and every other experienced member will agree with me in saying that that has never been done without the order of the House.

[Cries of "Regular order!"]

Mr. HOLMAN. The rule is very clear in regard to this matter. And I desire now to submit the usual motion that the Speaker do issue his warrant to the Sergeant-at-Arms to take into custody the absentees and to bring them to the bar of the House.

The SPEAKER *pro tempore*. The Chair has looked at the rule and the Chair stands corrected. The order for the issue of the Speaker's warrant must be made by the House.

Mr. LUTTRELL. I move that an order do now issue for the arrest of the absentees.

Mr. FOSTER. I have moved that the House do now adjourn.

Mr. HOLMAN. I rise to a question of order. When the two motions, the motion to adjourn and the motion to dispense with further proceedings under the call have been voted down, I submit that the only other motion in order is the purely formal one that the Speaker issue his warrant for the arrest of the absentees. I submit that this is the motion now pending.

Mr. HEREFORD. Otherwise we never could have a call of the House?

The SPEAKER *pro tempore*. The Chair must entertain the motion to adjourn. The consequence pointed out by the gentleman from West Virginia is not the fault of the ruling of the Chair, but of the rules themselves.

Mr. HEREFORD. I submit that the ruling has been uniform. When a call of the House has been ordered, these dilatory motions have not been recognized.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio that the House do now adjourn.

Mr. CLYMER. I move to reconsider the vote by which the House refused to adjourn.

Mr. THORNBURGH. Pending that, I move that the House adjourn.

Mr. CLYMER. I submit that my motion is more highly privileged.

The SPEAKER *pro tempore*. The last vote was not a vote on the motion to adjourn.

Mr. CLYMER. It was a prior vote, and I move to reconsider that vote.

The SPEAKER *pro tempore*. But a motion to adjourn is now pending.

Mr. CLYMER. The motion to reconsider is of higher privilege. I do not yield for a motion to adjourn.

The SPEAKER *pro tempore*. The gentleman cannot hold the floor against a motion to adjourn.

Mr. CLYMER. When I have made a motion to reconsider the vote by which the House refused to adjourn, I ask what right has another gentleman to be recognized to make a motion to adjourn?

Mr. FOSTER. My motion to adjourn was made before the gentleman from Pennsylvania took the floor.

Mr. CLYMER. Then I am in error.

Mr. JAMES B. REILLY. I rise to a parliamentary inquiry. The gentleman from Illinois [Mr. MORRISON] made a motion that the Speaker issue his warrant to the Sergeant-at-Arms, commanding him to bring in the absentees. Pending that a motion was made to adjourn, which was voted down. Then a motion was made to dispense with all further proceedings under the call. That also was voted down. My inquiry is whether the motion of the gentleman from Illinois is not now properly before the House; whether the proceedings do not recur to that?

Mr. MORRISON. May I also be allowed to make an inquiry? and all these inquiries can be answered at once. I understood the Speaker to rule that absentees cannot be brought in except on a motion submitted and an order made by the House. I understood him also to rule that the motion to dispense with further proceedings under the call would have precedence over such a motion and that the motion to adjourn would have precedence over that motion. If that be so, there is no way in which absentees can be brought in at all under the ruling of the Chair.

Mr. FOSTER. That is the fault of the rules.

Mr. MORRISON. And therefore I move that the House adjourn.

Mr. HEREFORD. I hope upon that statement the House will adjourn.

Mr. RANDALL. I do not want the statement just made to go unchallenged; because I believe that when the House is without a quorum the rule provides that there are but two motions in order, a motion to adjourn and a motion for a call of the House.

Mr. JAMES B. REILLY. I respectfully ask for the ruling of the Chair on my motion.

The SPEAKER *pro tempore*. The Chair has ruled upon it.

Mr. HEREFORD. I move that we adjourn.

The SPEAKER *pro tempore*. That motion is already pending.

Mr. HEREFORD. I call for the regular order.

The SPEAKER *pro tempore*. Undoubtedly it is the rule that the House has a right to adjourn if it desires to do so, and that the motion to adjourn is in order, and, further than that, the Chair has not ruled upon this question.

The question was put on the motion to adjourn; and on a division there were—ayes 66, noes 65.

Mr. LAWRENCE. Carried unanimously.

Mr. CAULFIELD. I call for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. HEREFORD were appointed.

The House divided; and the tellers reported—ayes 43, noes 60.

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

Mr. ATKINS. Is it in order to have a proposition made? Let us have a proposition.

The question was put on ordering the yeas and nays; and there were—ayes 33, noes 65; so (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken, (at three o'clock a. m.;) and there were—yeas 43, nays 70, not voting 176; as follows:

YEAS—Messrs. Bagby, John H. Baker, Bradley, Cannon, Conger, Crapo, Crouse, Davy, Eames, Foster, Goodin, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, Pierce, Potter, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, White, Willard, William B. Williams, James Wilson, and Woodburn—43.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochran, Cook, Cowan, Cox, Cutler, Douglas, Durham, Eden, Egbert, Forney, Franklin, Gause, Andrew H. Hamilton, Hardebaugh, Hartridge, Hartzell, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Randall, John Reilly, James B. Reilly, Rice, Riddle, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Yeates, and Young—70.

NOT VOTING—Messrs. Abbott, Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culbertson, Danford, Darvall, Davis, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Finley, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hereford, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Huribut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moynes, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Page, Phelps, John F. Phillips, William A. Phillips, Piper, Plaisted, Platt, Poppleton, Powell, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski, Ross, Rusk, Savage, Saylor, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldon, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—176.

So the House refused to adjourn.

Mr. MORRISON. I now renew my motion that the Sergeant-at-Arms be directed to bring in the absentees.

Mr. HOAR. I move that all proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The Chair has entertained that motion and also a motion to adjourn. While the Chair recognizes the fact that all proceedings under the call can be dispensed with, yet the Chair does not understand the rule to apply to such an extent as to destroy the whole proceedings under the call. The Chair therefore having entertained that motion and also a motion to adjourn he will now entertain a motion that warrants be issued to the Sergeant-at-Arms to arrest and bring to the bar of the House the absentees.

Mr. PAGE. I move to lay that motion on the table.

Mr. HOAR. I desire to appeal from the decision of the Chair. I desire the Chair to hear me.

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

Mr. RANDALL. I submit that there can be no appeal from the decision of the Chair unless there is a quorum present. That is not provided for as one of the motions under the rule that can be made during a call of the House.

The SPEAKER *pro tempore*. The Chair must rule that the House finding itself without a quorum is reduced to two motions. It may adjourn or it may enforce the attendance of absent members, and



beyond that the House can do nothing, in the judgment of the Chair.

Mr. HOAR. I desire to say to the Chair that I stated that I took an appeal from his decision, and the Chair was kind enough to say he would hear me, and then the gentleman from Pennsylvania [Mr. RANDALL] immediately addressed the Chair and the Chair decided upon his motion.

The SPEAKER *pro tempore*. The gentleman appealed from the decision of the Chair.

Mr. RANDALL. I suggest to the House that less than a quorum cannot reverse a decision of the Chair.

Mr. MORRISON. May I be allowed to say a word upon this point of order?

The SPEAKER *pro tempore*. Certainly.

Mr. MORRISON. As I understand it, these two motions are not of the class of privileged motions, like the motion to lay on the table or the motion to adjourn, which must be put according to their right of precedence and not according to the time of their presentation. These two motions, the one not being more highly privileged than the other, must be put in the order in which they are made.

Mr. LUTTRELL. I understand the ruling of the Chair from the beginning of this session down to the present time has been that when the House finds itself without a quorum but two motions are in order, a motion to adjourn and a motion for a call of the House. The House has refused to adjourn, and the only thing in order is a call of the House, which has been ordered, and the order for the arrest of members should be now made.

Mr. FOSTER. You may change your mind.

Mr. LUTTRELL. You are always ready to change your mind to crowd out free speech.

Mr. SPRINGER. I desire to submit a remark or two upon the point of order.

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

Mr. HOAR. Am I not entitled to the floor on my point of order?

The SPEAKER *pro tempore*. The Chair supposed he had a right to hear gentlemen who desire to speak on the point of order.

Mr. HOAR. Certainly; but the Chair was good enough to say he would hear me.

The SPEAKER *pro tempore*. The Chair supposed he had heard the gentleman.

Mr. HOAR. I have not said anything on the subject of my point of order yet.

The SPEAKER *pro tempore*. The Chair will hear the gentlemen now.

Mr. HOAR. The question of order raised by the gentleman from Illinois [Mr. MORRISON] goes against the universal practice of the House. I think every experienced member knows that it has been the right of the minority, a right which the democratic party have enjoyed and used to the fullest extent for sixteen years, to make dilatory motions.

A MEMBER. Louder!

The SPEAKER *pro tempore*. The Chair hopes that particular species of disorder will not be resorted to.

Mr. HOAR. I suppose only those who have in their heads some substitute for brains will make that disorder.

Mr. RANDALL. Let those words be taken down. [Laughter.]

Mr. HOAR. To establish the rule contended for would be a destruction of the right which has been accorded to the minority for time out of mind, and it would be a most revolutionary proceeding. The House has the right at any time to dispense with further proceedings under a call, whether before the order to bring in the absentees, while that order is being executed, when a part of the absentees have been brought in, or when they have all been brought in.

The SPEAKER *pro tempore*. Does the gentleman mean to say seriously to the Chair that, fifteen members of the House being present, they cannot enforce the attendance of absent members?

Mr. HOAR. I do. I mean to say that the right of the minority to make dilatory motions, the right known as filibustering, in this case the right to alternate the motion to adjourn and the motion to dispense with all further proceedings under the call, to stop all business, is an absolute right under the rules of the House, and there is no possible escape for the majority except to deny that right which exists under the rules of the House.

The SPEAKER *pro tempore*. The Chair desires to speak seriously upon this subject and in no other manner. The Chair recognizes the fact that motions to adjourn, as well as other dilatory motions, may be made at any time. But what the Chair desires the gentleman from Massachusetts [Mr. HOAR] to state is whether that gentleman holds that it is impossible for less than a majority of the House to enforce the attendance of absent members.

Mr. HOAR. Against the resistance of one-fifth of the members present who may choose to alternate these motions and call the yeas and nays upon them, I do so hold.

Mr. HOLMAN. Allow me to say—

Mr. HOAR. And I will be perfectly willing to take the recollection of the gentleman from Indiana [Mr. HOLMAN] upon that point.

Mr. HOLMAN. I must say that the rule is certainly well established that when two motions, one to adjourn and the other for a call of the House, are made, the motion to adjourn takes precedence. But after the motion to adjourn has been voted down and the House has

ordered a call of the House to be made, a motion to adjourn is not then in order. The only motion then in order, and in order at every successive stage of the proceedings, is the motion that further proceeding under the call be dispensed with. That has always been held in this House to be parliamentary law; and there is no exception to it except this, that at the end of a very weary contest, in order to cut the matter short, a motion to adjourn has been accepted *nem. con.* without any point of order being raised upon it.

Mr. HOAR. The Chair will see that it is in the power of the minority to accomplish the same result in a dozen other ways, as when a member is brought in and a motion is made to excuse him, the yeas and nays can be called on that motion.

The SPEAKER *pro tempore*. The question is whether the House has the power to send for and compel the attendance of absent members.

Mr. HOAR. The gentleman from Indiana thinks that the motion to adjourn during a call of the House is not in order. I will call his attention to the following in Barclay's Digest:

It is not in order for the House to take a recess during a call of the House.—*Journal*, 1, 26, page 843. [Indeed no motion, except to adjourn or with reference to the call, is ever entertained during a call.]

Mr. HOLMAN. Where is that?

Mr. HOAR. On page 38 of Barclay's Digest.

The SPEAKER *pro tempore*. The Chair has held that no motion except one pertaining to a call of the House is in order. But the Chair holds that the House has power to enforce the attendance of absent members, and that the motion of the gentleman from Illinois [Mr. MORRISON]—

Mr. HOAR. If the Chair will pardon me for making the suggestion—

Mr. TERRY. I hope the Chair will decide this question and be done with it.

Mr. HOAR. I desire to ask the Chair whether the power to enforce the attendance of members does not involve the power not to do it, and therefore whether a motion to dispense with further proceedings under the call is not in order.

The SPEAKER *pro tempore*. The Chair is not willing to hold that the House has no power to enforce the attendance of its members, and will therefore rule that the motion of the gentleman from Illinois [Mr. SPRINGER] that a warrant be issued for the arrest of members absent without leave is in order. From that ruling the gentleman from Massachusetts [Mr. HOAR] takes an appeal.

Mr. SPRINGER. The Chair will pardon me. I understood that the motion to lay on the table was insisted upon as being in order, and that that was the question on which the point of order was made.

The SPEAKER *pro tempore*. A motion has been made to lay the appeal on the table.

Mr. SPRINGER. Does the Chair entertain that motion to lay on the table? That is the point to which I desired to direct attention.

The SPEAKER *pro tempore*. Certainly; the Chair cannot do otherwise.

Mr. SPRINGER. Will the Chair hear me a moment on the subject of the motion to lay on the table?

The SPEAKER *pro tempore*. Certainly; the Chair will be glad to hear the gentleman.

Mr. SPRINGER. In Cushing's Law and Practice of Legislative Assemblies, page 103, the Chair will find this rule laid down:

A motion for a call of the House cannot be suppressed by a motion to lie on the table, but must be decided specifically.

My point is that, if you cannot suppress the motion for a call of the House by a motion to lay on the table, you cannot by a similar motion suppress subsequent proceedings, as, for instance, the order to send for absentees.

The SPEAKER *pro tempore*. Does the gentleman from Illinois mean to say to the Chair that the motion to lay on the table is not in order?

Mr. SPRINGER. I do, sir. I so assert, and I have quoted the law for it. The only motion in the first place is for a call of the House, and then only such motions are in order as pertain to that call. Hence it has been decided in this House that a motion to lay on the table a motion for a call of the House was not in order. Why? Because it did not pertain to the call, but was merely a dilatory motion.

The SPEAKER *pro tempore*. Does the gentleman mean to say that a motion to lay on the table an appeal from the decision of the Chair is not in order?

Mr. SPRINGER. That pertains to the business before the House and must be disposed of at once.

The SPEAKER *pro tempore*. Unquestionably; and that is the motion before the House.

Mr. SPRINGER. I did not understand that that was the motion.

The SPEAKER *pro tempore*. It certainly is the motion before the House.

Mr. SPRINGER. I understood it was a motion to lay on the table the motion to issue a warrant to bring in absentees. The motion to lay on the table the appeal from the decision of the Chair is in order of course.

Mr. CLYMER. Will the Chair state the question?

The SPEAKER *pro tempore*. The Chair has decided that the motion of the gentleman from Illinois that a warrant shall issue for ab-

sentees is now in order. From that decision, the gentleman from Massachusetts has taken an appeal.

Mr. HOAR. The Chair does not quite state the exact posture of the question. The decision from which I desire to take an appeal is the ruling that a motion to suspend proceedings under the call is not in order till the motion of the gentleman from Illinois is disposed of.

Mr. CLYMER. I move to lay the appeal on the table.

The question being taken on the motion of Mr. CLYMER, there were—ayes 86, noes 35.

Mr. WHITE. As there is no quorum voting I ask for tellers.

Mr. BANNING and Mr. CLYMER called for the yeas and nays.

The yeas and nays were ordered.

Mr. MUTCHLER. I rise to a point of order. I understood the Speaker to rule a moment ago that in the absence of a quorum only two motions were in order: the motion to adjourn and the motion for a call of the House. But I understand that now the Chair has entertained a motion to lay on the table an appeal. I want to know whether that motion is in order or not.

The SPEAKER *pro tempore*. The Chair cannot decline to entertain it.

Mr. HOAR. At any rate, the point comes too late.

The SPEAKER *pro tempore*. Under any circumstances, the Chair could not avoid entertaining the motion. Gentlemen must know that these dilatory motions can be made indefinitely.

Mr. MUTCHLER. In view of the previous statement of the Chair that only two motions—the motion to adjourn and a motion for a call—were in order, I wish to know how it is in order to now make a motion to lay an appeal on the table.

The SPEAKER *pro tempore*. Unquestionably every gentleman in the House knows that these dilatory motions can be kept up indefinitely. There is no means of avoiding it, so far as the Chair is informed. He would be very glad to stop it, if it could be done.

Mr. MUTCHLER. I understood the Chair to rule that the only motions in order, in the absence of a quorum, were the motion to adjourn and the motion for a call of the House.

The SPEAKER *pro tempore*. Pending that, an appeal is taken from the decision of the Chair. Does the gentleman suppose the Chair can refuse to entertain an appeal from his decision?

Mr. MUTCHLER. Can less than a quorum decide the question?

The SPEAKER *pro tempore*. It cannot.

Mr. HOLMAN. Will the Chair hear me a moment on the right of appeal?

[Cries of "Regular order."]

Mr. HOLMAN. At first blush it would seem that the right existed, although I have never known it in my experience. In an attempt to break a call of the House, I have never known the existence of the point in my experience, neither has the gentleman from Massachusetts, I venture to say, nor any other gentleman who has served here long.

Mr. HOAR. Has the gentleman ever heard of such a speech as he is delivering while the House is dividing? [Laughter.]

Mr. MUTCHLER. Is debate in order?

Mr. HOAR. Certainly it is not while the House is dividing.

Mr. HOLMAN. The reason why the appeal cannot be taken is because this is not the House in the absence of a quorum. It cannot establish a rule. It cannot establish an order. It must proceed simply under the rule. It cannot vary from that rule. The rule is constitutionally defined and based on constitutional provision.

If the Chair will indulge me I will read three propositions upon which the whole matter rests. First, the constitutional provision, with which the Chair is familiar; that is, the House may, which means shall, compel the attendance of absent members in such manner and under such penalties as each House may provide. Under that constitutional provision the following rules have been established, and I wish to say to my friend from Massachusetts that he was not reading from the rules, but from the interpolation of the compiler, drawn from the casual events of the House in the ordinary course of business from year to year; so they are not to be regarded as the law of the House. Therefore I depend upon the rules.

Mr. FOSTER. They are pretty good authority.

Mr. HOLMAN. Rule 34 provides that any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members. That was made to carry out the constitutional provision. Rules 35 and 36 are to be taken together. They are rules adopted by the House under the constitutional provision, and they are the only ones directly applicable and covering the whole ground. Rule 35 provides that upon a call of the House or in taking the yeas and nays on any question the names of the members shall be called alphabetically.

Rule 36 provides that upon the call of the House the names of the members shall be called over by the Clerk and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers, to be appointed for that purpose.

All else is merely an interpolation upon those leading rules established under the Constitution. The result deduced from this is that while a motion to suspend all further proceedings under the call may

be made at every stage from the necessity of the case, it is the only motion which can be made. Appeal cannot be taken from the decision of the presiding officer, for the reason that it is not an organized House, but simply acting under constitutional provision to compel the attendance of a quorum. On that account I have never known an instance until this evening of the taking of an appeal, and none can be found in our history. None is in order except when pertaining directly to the call. The call must be dispensed with before an adjournment can take place; although, as I have stated, there are many exceptions to that; but they were exceptions when no point of order was made. Those regular steps are peremptory, and have been positively enforced over and over again in past years. Where a call of the House has been ordered, no motion has been entertained except at every successive stage where all further proceedings under the call be dispensed with. A member is brought in, and is excused or not excused, and there is another stage. Then a motion to suspend all further proceedings under the call is in order, and so on. Every gentleman can see that it is the inevitable logic of the constitutional provision, and those are the necessary steps which must result from it in bringing about a quorum in the House. The gentleman from Massachusetts will not assert that one-third of the members present may by alternate motions render the constitutional provision void.

Mr. HOAR. My answer to that is that the Constitution makes fifteen or more a quorum of the House, and for this purpose we act as a House. The Speaker retains the chair, the Clerk makes the Journal, and the whole proceedings are read the next day. It has the authority of a House.

Mr. MUTCHLER. I ask the gentleman to yield for a question.

Mr. HOAR. Certainly.

Mr. MUTCHLER. Suppose upon a question to lay an appeal upon the table it is found a quorum is not voting, is it in order to move again that there be a call of the House?

Mr. HOAR. No, sir.

Mr. MUTCHLER. What is the next thing in order then?

Mr. HOAR. On all questions relating to a call of the House a quorum is not necessary; not merely on the general question, but on the subsidiary questions connected with it.

Mr. MUTCHLER. The pending question is on laying on the table an appeal from the decision of the Chair. Now, if on the vote on that question the House is found without a quorum, what then?

Mr. HOAR. That is a question pertaining to the proceedings under the call of the House, and a vote of fifteen members is sufficient. Another answer to the gentleman is, that wherever a body of men are acting with a presiding officer at their head, any member has the right, by universal parliamentary law, to take an appeal from his decision to the body itself.

The SPEAKER *pro tempore*. The Chair will undoubtedly entertain the appeal from the decision; but the Chair will not hold that the House can thereby be deprived of the power of sending for its absent members.

Mr. EDEN. If the motion to adjourn be now in order, I make that motion.

The SPEAKER *pro tempore*. There is a motion now pending to lay on the table an appeal from the decision of the Chair.

Mr. LANDERS, of Indiana, rose.

The SPEAKER *pro tempore*. The Chair desires to hear nothing at this time except on the parliamentary question. The Chair will very gladly hear the gentleman from Indiana on the question of order.

Mr. LANDERS, of Indiana. This is a new question to me; and I discover that the House is very much plagued over it. If the object be to get rid of it, I want to make a suggestion to the House. This difficulty has been raised by two members of the Committee on Banking and Currency. If the House will now connect with this question the question of greenbacks and silver currency and send it to that committee, I think we may get out of this difficulty. [Laughter.]

Mr. FOSTER. I move that the time of the gentleman from Indiana be extended. [Laughter.]

The SPEAKER *pro tempore*. On the question of laying on the table the appeal taken by the gentleman from Massachusetts [Mr. HOAR] the yeas and nays have been ordered. The Clerk will proceed to call the roll.

Mr. AINSWORTH. I would like to have the question stated.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania, [Mr. CLYMER.] The Chair has already, he thinks, stated it plainly enough.

The question was taken; and there were—yeas 82, nays 19, not voting 185; as follows:

YEAS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr. of Missouri, Clymer, Cochran, Conger, Cook, Cowan, Cutler, Dibrell, Durham, Eden, Egbert, Finley, Forney, Foster, Franklin, Gause, Goode, Goodin, Andrew H. Hamilton, Harndenburgh, Hartridge, Hartzell, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunt, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, McDill, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Poppleton, Potter, Randall, John Reilly, James B. Reilly, Rice, Riddle, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Stevenson, Tarbox, Teese, Terry, Thompson, Throckmorton, Turney, Van Vorhes, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, and Yeates—82.

NAYS—Messrs. Bradley, Crapo, Crounse, Eames, Hoar, Joyce, Lapham, O'Neill, Packer, Page, Pierce, Sampson, A. Herr Smith, Thornburgh, Washington Townsend, G. Wiley Wells, White, Willard, and James Wilson—19.



NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Fort, Freeman, Frye, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Haymond, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lawrence, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, Magoon, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Monroe, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, William A. Phillips, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Sinnickson, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Strait, Stone, Stowell, Swann, Thomas, Martin I. Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—185.

So the appeal from the decision of the Chair was laid upon the table.

Mr. CONGER and Mr. LUTTRELL rose.

Mr. CONGER. I rise to a privileged motion. I move to reconsider the vote just taken.

Mr. LUTTRELL. I move to reconsider the vote just taken; and also move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The motion to reconsider the vote just taken is in order; and the motion to lay on the table the motion to reconsider is also in order.

Mr. CONGER. I thought I was recognized to make the motion to reconsider. I spoke first.

Mr. LUTTRELL. I believe I was first recognized by the Chair.

Mr. HOLMAN. It is very clear that this motion cannot be entertained. If it could be entertained there could be no such thing as a call of the House.

Mr. SHEAKLEY. I ask that by unanimous consent we take a recess until eleven o'clock.

Mr. HOLMAN. Mere dilatory motions are certainly not in order. The House having ordered a call of the House, and having refused to suspend proceedings under the call, and nothing having since intervened, I submit that the motion to reconsider is not now in order. The only motion in order is the motion that was made since the call of the House has been ordered, that the Speaker issue his warrant for the arrest of absent members.

Mr. SPRINGER. Has the Chair entertained the motion of the gentleman from Michigan, [Mr. CONGER?]

Mr. LUTTRELL. I have made the motion to reconsider and lay on the table.

Mr. SPRINGER. I make the point of order that a motion to reconsider the vote by which an appeal was laid upon the table is not in order. It does not pertain to this call at all.

Mr. MUTCHLER. As I understand it, when it has been ascertained that there is not a quorum present the only motions in order are a motion to adjourn and a motion for a call of the House. We have had a call and ascertained that there is not a quorum present; there is no other motion in order except a motion to adjourn.

Mr. HOLMAN. O; if that were true there would be an end to the call.

Mr. MUTCHLER. I ask the Speaker if any motion is in order except a motion to adjourn?

The SPEAKER *pro tempore*. The gentleman from California [Mr. LUTTRELL] takes it for granted that the action of the House has been final and moves to reconsider the vote by which the appeal was laid upon the table, and to lay the motion to reconsider on the table; otherwise certainly the Chair would hold that no motion is in order except a motion to adjourn or a motion to send for absentees.

Mr. MUTCHLER. I understood the Chair to say that no motion would be in order but a motion to adjourn.

The SPEAKER *pro tempore*. The Chair has said so, but no objection has been raised to the want of a quorum, and the Chair understood that the last motion has been laid upon the table.

Mr. LUTTRELL. I withdraw the motion to reconsider and lay upon the table.

Mr. THORNBURGH. I renew it.

Mr. MUTCHLER. I make the point of order that it is not in order, because there is not a quorum present.

The SPEAKER *pro tempore*. The Chair must insist that no gentleman made the point of order that no quorum was present, and unless that is done it is always regarded that a quorum is present.

Mr. ATKINS. Why, that point has been made all night.

Mr. LUTTRELL. I make it and I now ask that the motion of the gentleman from Illinois [Mr. MORRISON] be put.

Mr. MUTCHLER. The Chair announced on a call of the House that no quorum was present and ordered the doors to be closed, and they are still closed, which shows that there is no quorum present. A motion has been made to adjourn and lost, and now I submit that the only other motion in order is to issue a warrant to the Sergeant-at-Arms to bring in the absent members.

Mr. ATKINS. I move that the doors be opened and let us all go home.

Mr. CONGER. Is that a privileged motion?

The SPEAKER *pro tempore*. What motion does the gentleman from Tennessee make?

Mr. ATKINS. My motion was merely in jest.

Mr. MORRISON. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair holds that it is not in order to move the reconsideration of a vote as to a decision of the Chair during a call of the House, and that the motion of the gentleman from Illinois [Mr. MORRISON] is in order.

Mr. CONGER. I appeal from that decision of the Chair.

The SPEAKER *pro tempore*. The gentleman cannot do that. The Chair will put the motion of the gentleman from Illinois that the House do now adjourn.

Mr. HEWITT, of New York. I ask the gentleman from Illinois to withdraw that motion for a moment to allow me to ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. No debate is in order when a motion to adjourn is pending.

[Cries of "Regular order!" and "Order!" "Order!"]

Mr. HEWITT, of New York. I ask unanimous consent for not more than five minutes' time.

[Cries of "Object!"]

Mr. HOLMAN. I hope there will be no objection.

Mr. THORNBURGH. I object, and call for the regular order.

The question was taken on Mr. MORRISON's motion to adjourn; and there were—yeas 55, nays 52.

Mr. CAULFIELD. I call for tellers.

The question was put on ordering tellers; and only 18 members voted therefor; which not being one-fifth of a quorum, tellers were not ordered.

Mr. HAMILTON, of Indiana, and Mr. CLARK, of Missouri, called for the yeas and nays.

The yeas and nays were ordered, 31 members voting therefor.

The question was taken; and there were—yeas 53, nays 64, not voting 169; as follows:

YEAS—Messrs. Abbott, Bagby, John H. Baker, Bradley, Cannon, Conger, Crapo, Crounse, Davy, Durham, Eames, Forney, Fort, Foster, Goodin, Haymond, Henderson, Hoar, Hunton, Hurd, Joyce, Kehr, Franklin Landers, Lapham, Lawrence, Lord, Magoon, McDill, Mills, Monroe, Morrison, O'Neill, Packer, Page, Pierce, Piper, Potter, Powell, Sampson, Sinnickson, A. Herr Smith, Strait, Stevenson, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, William B. Williams, James Wilson, and Woodburn—53.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, John H. Caldwell, Canfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochran, Cook, Cowan, Cutler, Dibrell, Eden, Egbert, Finley, Franklin, Ganse, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Thomas L. Jones, Lane, Levy, Luttrell, Mackey, Maish, Meade, Metcalfe, Morgan, Mutchler, Payne, Poppleton, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Miles Ross, Seales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, and Yeates—64.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Phillips, William A. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Stowell, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—169.

So the House refused to adjourn.

Mr. HOAR. I move that all further proceedings under the call be dispensed with.

Mr. MORRISON. I thought I had a motion pending that the Speaker issue a warrant to the Sergeant-at-Arms directing him to bring the absentees into the House.

The SPEAKER *pro tempore*. The Chair understands that motion is pending.

Mr. WELLS, of Mississippi. I move to lay the motion of the gentleman from Illinois [Mr. MORRISON] on the table.

Mr. HOAR. Does not the motion I have made take precedence of that which has been made by the gentleman from Illinois?

Mr. SPRINGER. That has just been decided on appeal.

The SPEAKER *pro tempore*. No point of order has been decided upon an appeal because no quorum has been present. The Chair will recognize the motion of the gentleman from Illinois as being now before the House.

Mr. LUTTRELL. And on that I call the previous question.

Mr. HOAR. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair cannot entertain that class of motions; there are certainly enough dilatory motions to be made. The Chair has once recognized an appeal from his decision upon that very question and will not recognize another.

Mr. PAGE. I staid here a member of the majority one year ago last winter while the other side of the House kept us here for two days and two nights making dilatory motions.

The SPEAKER *pro tempore*. The Chair understands that perfectly; and he also understands that he can stay here two days and two nights again.

Mr. PAGE. Very well; he cannot stay here unless he allows this side to make dilatory motions.

The SPEAKER *pro tempore*. The Chair will rule that the motion of the gentleman from Illinois [Mr. MORRISON] to bring in the absentees must be presented to the House. The Chair has already so ruled and the House has sustained him.

Mr. PAGE. But an appeal is again taken from that decision of the Chair.

The SPEAKER *pro tempore*. The Chair has refused to entertain that appeal, having already entertained it once.

Mr. HOAR. Will not the Chair entertain another appeal?

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Illinois, [Mr. MORRISON.]

Mr. HOAR. Mr. Speaker—

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. PAGE. I call for a division of the House on that question.

Mr. HOAR. I desire to move an amendment to the motion of the gentleman from Illinois.

The SPEAKER *pro tempore*. That motion is too late.

Mr. HOAR. I rose in time.

The SPEAKER *pro tempore*. The Chair cannot entertain an amendment after the motion of the gentleman from Illinois has been submitted to the House.

Mr. HOAR. I rose in my place and addressed the Chair before the question was submitted.

The SPEAKER *pro tempore*. A division having been called for, those in favor of the motion of the gentleman from Illinois will rise and stand until counted by the Chair.

The House divided, and there were—ayes 81, noes 30.

Before the result of this vote was announced,

Mr. PAGE called for tellers,

Mr. RICE and others called for the yeas and nays.

The SPEAKER *pro tempore*. The Chair will first submit the question upon ordering tellers.

Upon ordering tellers there were 25 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The SPEAKER *pro tempore*. The question now is upon ordering tellers upon the motion of the gentleman from Illinois.

Mr. RICE. I withdraw the call for the yeas and nays.

Mr. PAGE and others renewed the call for the yeas and nays.

The yeas and nays were ordered; there being 36 in the affirmative, (more than one-fifth of the last vote.)

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

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Chair will entertain no question of order at this time.

Mr. HOAR. I rose to move an amendment to the motion of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Clerk will call the roll on the question of agreeing to the motion of the gentleman from Illinois, that the Speaker *pro tempore* be directed to issue his warrant to the Sergeant-at-Arms to bring the absentees into the House.

The question was taken; and there were—yeas 78, nays 32, not voting 176; as follows:

YEAS—Messrs. Ainsworth, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cochran, Cook, Cowan, Cox, Cutler, Denison, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Ganse, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutehler, Payne, Poppleton, Potter, Powell, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Miles Ross, Schleicher, Sheakley, Singleton, Springer, Stenger, Stevenson, Teese, Terry, Thornburgh, Throckmorton, John L. Vance, Wigginton, Willard, Alpheus S. Williams, James Williams, and Yeates—78.

NAYS—Messrs. John H. Baker, Bradley, Cannon, Conger, Crapo, Cronace, Davy, Eames, Fort, Foster, Goodin, Haymond, Henderson, Hoar, Joyce, Lapham, Lawrence, Magoon, Monroe, O'Neill, Page, Pierce, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Thompson, Tufts, Van Vorhes, White, and William B. Williams—32.

NOT VOTING—Messrs. Abbott, Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, Jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Dibrell, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Harbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moine, Lewis, Lynch, Lynda, MacDougall, McCrary, McDill, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Packer, Phelps, John F. Phillips, William A. Phillips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, John Rob-

bins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Savler, Scales, Schumaker, Seelye, Slemmons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Tarbox, Thomas, Martin I. Townsend, Washington Townsend, Tucker, Turney, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, Jr., Fernando Wood, Woodburn, Woodworth, and Young—178.

So the motion of Mr. MORRISON was agreed to.

Mr. THORNBURGH. I rise to a privileged motion. I move to reconsider—

Mr. MORRISON. I move to reconsider the vote just taken, and to lay that motion on the table.

Mr. THORNBURGH. Upon that I call for the yeas and nays.

Mr. HOLMAN. That motion certainly cannot be made. It is merely dilatory.

The SPEAKER *pro tempore*, (Mr. DURHAM in the chair.) The Chair will decide that nothing is now in order except the issuing of the warrant and the bringing in of absentees. [Applause.]

Mr. THORNBURGH. From that ruling of the Chair I appeal.

The SPEAKER *pro tempore*. Nothing else is in order under the former ruling of the Chair.

Mr. THORNBURGH. I appeal from that decision.

The SPEAKER *pro tempore*. The Chair will not entertain the appeal. [Applause.]

Mr. THORNBURGH. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will entertain no motion or proposition. There is but one thing to be done; that is to bring in the absentees.

Mr. THORNBURGH. Then I move that the House do now adjourn. [Cries of "Order."] Does the Chair hold that, other business having intervened, the motion to adjourn is not in order?

The SPEAKER *pro tempore*. The House directed that the absentees should be brought in; and the Chair decides to entertain no motion until the absentees are brought before the House.

[Mr. SAYLER resumed the chair as Speaker *pro tempore*.]

Mr. THORNBURGH. I move that the House do now adjourn, other business having intervened since the motion was last entertained.

Mr. RANDALL. The warrant for absentees has been issued of course; and we can vote down the motion to adjourn.

Mr. THORNBURGH. I insist upon my right to make this motion; and I call for the regular order.

The SPEAKER *pro tempore*. Unquestionably the motion to adjourn is in order.

Mr. SPRINGER. I rise to a parliamentary inquiry; has the order for the arrest of absent members been issued?

The SPEAKER *pro tempore*. It has.

Mr. SPRINGER. Then we can vote down the motion to adjourn.

Mr. CAULFIELD. I rise to a parliamentary inquiry. After the warrant to bring in absentees has been issued, is any motion whatever in order?

The SPEAKER *pro tempore*. Unquestionably a motion to adjourn is in order; and another motion, that all further proceedings under the call be dispensed with, is in order. These motions may be alternated indefinitely. The question now before the House is upon the motion of the gentleman from Tennessee [Mr. THORNBURGH] that the House adjourn.

The question being put, the Speaker declared that the "noes" appeared to prevail.

Mr. THORNBURGH called for the yeas and nays.

On ordering the yeas and nays there were ayes 16, noes not counted.

Mr. PIERCE. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the motion was not agreed to.

Mr. HEWITT, of New York. I ask unanimous consent to make a suggestion which I trust will solve this trouble. [Cries of "Regular order."] I desire, Mr. Speaker, to make a suggestion for the purpose of bringing this session to a more agreeable close than has been promised. [Cries of "Regular order."] If gentlemen will hear my suggestion they will find that I am not going to say anything that will trouble them. [Renewed cries of "Regular order."] The SPEAKER *pro tempore*. The Chair does not know any regular order except the arrest of absentees and bringing them before the House.

Mr. HEWITT, of New York. My suggestion is that by unanimous consent the gentleman from Pennsylvania, [Mr. RANDALL,] who made the motion that my colleague [Mr. COX] be permitted to proceed in order, withdraw that motion, and that then my colleague be allowed to speak to the point of order, and, if after so speaking the House shall be willing to hear him further, that then he be allowed to proceed.

Mr. FOSTER. That is fair.

Mr. HEWITT, of New York. In that way I think we may possibly arrive at a solution of this trouble; at least by trying it no harm can be done.

The SPEAKER *pro tempore*. The gentlemen from New York [Mr. HEWITT] asks unanimous consent that his colleague [Mr. COX] may now be allowed to proceed with his remarks.



Mr. COX. I am very much obliged to gentlemen—

Several MEMBERS. Wait. Let us understand the question.

Mr. CANNON, of Illinois. Unless the motion of the gentleman from Pennsylvania [Mr. RANDALL] is withdrawn, I for one shall object to any arrangement till a quorum be present.

Mr. RANDALL. Mr. Speaker, I am willing and have always been willing to do anything to restore harmony and good feeling. I withdraw my motion.

Mr. CANNON, of Illinois. Is it in order to withdraw the motion pending a call of the House.

The SPEAKER *pro tempore*. The Chair understands that this proceeding is by unanimous consent.

Mr. PAGE. Before unanimous consent is granted would it not be proper to withdraw the demand for a call of the House?

The SPEAKER *pro tempore*. Unquestionably that can be done by unanimous consent.

Mr. HOAR. The suggestion made by the gentleman from New York [Mr. HEWITT] is one which has been made two or three times on the democratic side of the House; and it seems to be a fair one. I do not think there will be any objection on this side.

Mr. WILSON, of Iowa. This is the point I proposed to reach four hours ago. I hope the suggestion will be adopted.

Mr. CONGER. I object to any proceedings of that kind with closed doors.

The SPEAKER *pro tempore*. The Chair understands the request to be that by unanimous consent all proceedings under the call of the House be dispensed with, and the gentleman from New York be permitted to proceed with his remarks.

Mr. CONGER. I object.

Mr. RANDALL. I suggest that the objection comes too late. Part of the unanimous agreement has been executed.

Mr. CONGER. Not at all too late. I did not hear the gentleman withdraw it. I did not suppose he would withdraw the motion he has persisted in for hours.

Several MEMBERS. O!

Mr. CONGER. The gentleman is evidently weakening.

Mr. RANDALL. The gentleman is bad-tempered while I am good-tempered.

The SPEAKER *pro tempore*. The Chair will order the doors to be opened.

Mr. CAULFIELD. O, no.

Mr. RANDALL. I will renew my motion if gentlemen are not satisfied with the withdrawal of it. There being no objection I will withdraw it.

Mr. CANNON, of Illinois. I wish to understand how this thing is done. I want to know if the gentleman has power to withdraw the motion or whether the House not having a quorum has power to give consent to its withdrawal in a parliamentary sense. I understand in fact he has not any such power. I wish more light on that matter. Can anything be done of a parliamentary nature?

Mr. RANDALL. You can sit down by unanimous consent.

Mr. CANNON, of Illinois. Certainly; and you can rise by unanimous consent.

Mr. CAULFIELD. Keep your hands down. [Laughter.]

Mr. CANNON, of Illinois. I wish to understand my rights as a member here.

The SPEAKER *pro tempore*. The Chair will state the gentleman can object to anything out of order.

Mr. CANNON, of Illinois. I wish to understand the gentleman's rights.

The SPEAKER *pro tempore*. The Chair does not hear the gentleman.

Mr. CANNON, of Illinois. Nor does the Chair hear the gentleman.

The SPEAKER *pro tempore*. The Chair is ready to say to the gentleman he will not withdraw any of his rights.

Mr. JOHN REILLY. Can the House allow this by unanimous consent?

The SPEAKER *pro tempore*. It can.

Mr. CANNON, of Illinois. At this time, without a quorum, pending a call of the House, with the absentees sent for?

The SPEAKER *pro tempore*. The Chair can suspend all these proceedings by unanimous consent.

Mr. DAVY. I think the proposition made by my colleague [Mr. HEWITT] is a fair and honorable one, and I think this side of the House ought to accept it.

Mr. SPRINGER. Is this Monday or Tuesday?

The SPEAKER *pro tempore*. It is Monday.

Mr. SPRINGER. Then a motion to suspend the rules is in order?

The SPEAKER *pro tempore*. A motion to suspend the rules is in order, this being Monday. The Chair hears no objection, and the gentleman from New York will proceed.

Mr. COX. Mr. Speaker, I was interrupted while speaking last evening, as the House is aware, by a point of order, which perhaps was well taken, owing to the use of language which is not regarded as parliamentary. It was used under peculiar provocation, as the House saw, and for its use I have to make an apology to the House, and to recall the language as unparliamentary.

My unparliamentary language had reference to statements which

were denied in the card which I hold in my hand from Governor Tilden, dated New York, November 4, 1868. I carried that card in my hand to the other side of the House with perhaps too much beligerent demonstration. [Laughter.]

Mr. RANDALL. It was the only weapon you had. [Laughter.]

Mr. COX. Yes; it was the only weapon I had or needed. I ask to have that card of Governor Tilden read. It is a justification of my statement. I ask to have it read, to go into the RECORD, to make my remarks complete.

A MEMBER. I object.

The SPEAKER *pro tempore*. It is too late to object.

Mr. COX. I ask that the card be read.

The Clerk read as follows:

CARD FROM MR. TILDEN.

To the editor of the Evening Post:

SIR: My attention has been called to an article in your journal of last evening containing a circular to which my name is appended. I hasten to assure you that you will not lose your reputation as critics by assuming, on internal evidence, as you have correctly done, that no such paper was ever written, signed, issued, or authorized by me, or with any participation or knowledge on my part. I have read it for the first time in your columns; but I have no reason to believe that it had any such evil purpose as you suspect. For myself, I refused in 1844 to sign the famous "secret circular" relating to Texas, which is celebrated in the history of the Evening Post, though I might have been tempted by the illustrious association in which I should have found myself. Neither before that nor since have I ever been concerned in any circular marked "secret," "confidential," or "private;" nor shall I be, unless I should adopt that device for the purpose of getting some valuable truth, disguised in such a form, secured a wide publicity in the Evening Post and all the republican newspapers.

Very truly, yours,

S. J. TILDEN.

NEW YORK, November 4, 1868.

Mr. COX. I would not have been so persistent in bringing that denial to the attention of the House but for the fact that I had seen in speeches here and in journals all over this country this libelous injury done to Governor Tilden. And as one of the Representatives of the State of New York, and familiar with all this business at that time, it seemed to be a duty on my part to place the seal of condemnation and denial on any statement in contradiction of that card. I now yield to my friend from New York [Mr. HEWITT] for a short time.

Mr. CONGER. Where is that taken from?

Mr. COX. This paper is copied from the New York Tribune.

Mr. CONGER. Of what date?

Mr. COX. Of the other day; but it was in the Evening Post of November 4, 1868, where I saw it originally. It was recently recopied in the Tribune. There is no doubt about the truth of the statement.

Mr. CONGER. I ask the gentleman to fix the date of the first publication.

Mr. HEWITT, of New York. The date is November 4, 1868. I saw it myself at that date in the Evening Post.

Mr. COX. I saw it also. There can be no doubt of it. I can give you the files to-morrow, if it be not to-morrow already.

Mr. WILSON, of Iowa. The gentleman from New York [Mr. Cox] having made an explanation, I think it right that the gentleman from Iowa [Mr. KASSON] should now have an opportunity of saying a word if he so desires.

Mr. COX. The gentleman from Iowa has had an hour already.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. I understand the gentleman from Iowa desires to speak to the point of order only. If so, I shall be glad to hear him.

The SPEAKER *pro tempore*. As the Chair understands there is no point of order before the House.

Mr. HOAR. That is entirely contrary to the understanding which was come to.

Mr. COX. I yield to the gentleman from Iowa, if he desires to be heard.

Mr. HOAR. I will remind the Chair that I made a point of order. The gentleman from Pennsylvania [Mr. RANDALL] then made a certain motion, which has been withdrawn. I propose at the proper time to withdraw the point of order. But it is still pending, and it was to that the gentleman from New York spoke. That was the understanding we all had of it.

Mr. HEWITT, of New York. I suppose I have the floor.

Many MEMBERS. No, no; not at all.

Mr. HEWITT, of New York. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I have but a single word to say. The article which has just been read I have now seen or heard read for the first time in my life. And if the gentleman from New York, [Mr. Cox,] in pursuance of that understanding of the most agreeable nature which has always existed between us, had advised me in such a way that I could learn what it was, and I had known the contents of that paper, I should have spoken of it as I did of the denial subsequently made, which I supposed was the only one made by Mr. Tilden. That was in his pamphlet published in 1873. My desire was to state the facts with perfect fairness. I had relied upon the statements of one of the most conscientious public writers of the country,

the principal editor of Harper's Weekly, in an article in which he gave the denial as having been made in 1873. I knew of no other denial made by Governor Tilden until to-night.

The House will judge of my surprise when without any explanation addressed by the gentleman from New York to myself, and without there being anything in our personal relations to lead me to expect it, he made allegations touching myself which I knew to be unjustifiable, and which I think any gentleman on the floor knowing to be unjustifiable would have felt himself bound to declare in emphatic parliamentary language to be incorrect. I have never in my life been called to order for unparliamentary speech. I have not yet been, and I am not yet aware that my language was unparliamentary. But I will say frankly, that while still affirming the fact alleged to be incorrect, as uttered by the gentlemen from New York, the relations between us were of such a nature as should have satisfied him that I had no intention to attribute to him a misstatement in the offensive personal sense which he appeared to attribute to me.

Mr. COX. If my friend from Iowa—for I shall now call him my friend—had used the word "incorrect," there would have been no provocation and no remark that looked like retaliation. He used the word "untruth," which has almost the same signification as the word which I unhappily used. I have recalled my language, and the gentleman from Iowa, very properly as I think, has recalled his.

I now yield to my colleague from New York, [Mr. HEWITT,] who wishes to address himself one moment to another part of the gentleman's speech.

Mr. HEWITT, of New York. Mr. Speaker, to me the speech which the gentleman from Iowa delivered this evening was a painful surprise and a melancholy experience. If I had not heard it, I could not have believed that a gentleman of his intellectual endowments could so far abdicate his own self-respect and forfeit the good opinion of his fellow-members in this House as to have indulged in the partisan and, I am sorry to add, the malicious statements which he has made in regard to Governor Tilden. I confess that I do not intend to make any elaborate reply to what he has said in this House. I approach the subject as I would take hold of a slimy snake, with a desire to get rid of it at the earliest possible moment. But charges were made against one whom I have known for so many years and with such intimacy that it seems to me I have no other course to take than to brand the charges as utterly false before this House and before the country.

Mr. PAGE. Which charges does the gentleman from New York mean?

Mr. HEWITT, of New York. I will state the charges; I was going to state them. The first charge was that Governor Tilden had been a secessionist, and there were quoted as authority for that assertion statements and passages from an open letter to the late Judge Kent, dated in 1860. The gentleman from Iowa possesses only extracts from that letter. He was good enough to allow me to look at those extracts.

Mr. EAMES. I rise to a point of order. If there is anything properly before the House at this time, we ought not as Representatives of the American people to consider it with closed doors.

The SPEAKER *pro tempore*. The doors have been ordered to be opened.

Mr. CLYMER. And everybody is asleep and nobody wants to come in here.

Mr. EAMES. Some of us want to go out.

Mr. HEWITT, of New York. Now, I have only to say in regard to that letter that neither the gentleman from Iowa nor any other person can understand the true purport and bearing of it without having the entire letter before him and without having some reference to the circumstances under which it was written. It is not saying much that since 1860 a great many people in this country have had their theories of government changed and their ideas of political duties enlarged. It is possible that in 1860, before the late strife, Governor Tilden may have entertained views in common with Jefferson, Madison, and Jackson, and other great men who have given construction to the Constitution and Government of this country, which now would be modified. But all that I can see in the extract which he read relates rather to that era of the Government when the States were bound together, not by the Constitution, but by the Articles of Confederation.

The next charge that the gentleman made against Governor Tilden was in exactly these words: "That he was a disunionist." When the question was pressed home to him he traveled around the point a little, but still the charge remained that he was a disunionist. I do not know upon what he based that charge. I can only say that at the outbreak of the rebellion I was in daily and almost in hourly communion with him, and I know that no more loyal or patriotic heart beat in the United States at that date; and when the gentleman from Iowa challenges his friends to say when and where he ever made any contribution to the Union cause or ever assisted a soldier to the war, I answer him by saying that when the first call for troops came, Tammany Hall, which had not then fallen into the hands of the ring, raised a regiment, and the grand sachem of Tammany Hall, William D. Kennedy, was colonel of the regiment. It was officered

mostly by members of the Tammany Society, and being myself a member and from the state of my health unable to go to the war, although I rendered other services, I sent my nephew as one of the officers of that regiment.

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

Mr. HEWITT. Yes, sir.

Mr. LAPHAM. Does not the gentleman know that the call for the meeting at Cooper Institute immediately after the fall of Fort Sumter was presented to Mr. Tilden for him to sign and he refused to sign it and refused to attend the meeting?

Mr. HEWITT, of New York. I will answer that question that it is not true that he refused to sign the call, and that it is true that he did attend the meeting, [applause,] and I defy that gentleman to bring any authority for the charge he has insinuated.

Mr. LAPHAM. It is a fact as well known in the State of New York as any other facts in its history.

Mr. HEWITT, of New York. It is not so. Mr. Samuel Sloan, the present president of the Delaware and Lackawanna Railroad Company, then a member of the Union safety committee of New York, applied to Mr. Tilden at a time when he was engaged in the trial of a case before a referee to affix his name to the call, and he said, "I am very busy just now; send me the resolutions after I am out of this case, and if they are entirely proper I will sign the call." When the meeting took place he attended it. The call was never sent to him and he never refused to sign it, but like the prudent and sagacious man which he is, he desired to know the nature of the resolutions. They did receive his absolute and unqualified approval.

Now I say that Tammany Hall raised a regiment, and that Governor Tilden was a contributor, and a large contributor, to the fund required to fit out the regiment.

Mr. CONGER. How much?

Mr. HEWITT, of New York. I am not going to quote dollars and cents. Patriotism is above dollars and cents in some quarters, but enough was raised by the democrats of the city to fit out a regiment without asking assistance from the Government of the United States or from the city of New York. [Applause.] Now so much for the charge of his being a disunionist.

Mr. CONGER. Will the gentleman allow me to ask him one question?

Mr. HEWITT, of New York. Certainly. I am here to answer questions.

Mr. CONGER. It is denied in the public press that Mr. Tilden ever contributed one cent for any such purpose. [Laughter on the democratic side of the House, and a voice "In the National Republican?"]

Mr. HEWITT, of New York. Now what is the question?

Mr. CONGER. If the amiable gentleman opposite will permit me I will ask it. I say it is denied in the public press that Governor Tilden ever contributed any money whatever to the raising of any regiment or corps of the Army. Will the gentleman state to the House when and where and what amount he ever did contribute?

Mr. HEWITT, of New York. I state when, when I say the Tammany regiment was raised; and I state where, in the city of New York; and I state how much, for I do not know the exact amount, but it was all he was asked to give, and the democrats did not go begging, carrying the hat around among the republicans, [laughter,] and certainly we did not get any help from Michigan.

Mr. CONGER rose.

Mr. HEWITT, of New York. Now, I have answered that question and I decline to have any further controversy with him.

Mr. CONGER. Then I cannot ask any further questions.

Mr. HEWITT, of New York. I will answer no more questions from you, because you do not ask them in a fair spirit.

The SPEAKER *pro tempore*. The gentleman from New York must address the Chair, and not the gentleman from Michigan.

Mr. HEWITT, of New York. I beg pardon of the Chair and of the House.

Mr. DAVY. I supposed we had settled all our difficulties and that this was a sort of a love-feast.

Mr. RANDALL. The love-feast is to be on the 4th of March next.

Mr. DAVY. We must not get up our mad again.

Mr. HEWITT, of New York. Subsequently to this period, I know of no man in New York who was more frequently called into counsel there and in Washington during the troublous times of the war, and when there was delay in raising the men required to recruit the armies of the United States I know that twice he was called for by President Lincoln and came to Washington and held careful consultation with him, resulting in the early and rapid filling of the quota from the State of New York. And I know that during no period of the whole of that trying time was there ever a doubt expressed in the city of New York in any quarter as to the loyalty and patriotism of Samuel J. Tilden.

The gentleman from Iowa says that when Mr. Tilden went to the Chicago convention he was in favor of a resolution practically declaring that the war was a failure and ought to be brought to an end. That gentleman must have known, if he reads the newspapers, that within a very recent period, certainly within a month, there has been made public a positive statement from Mr. Manton Marble, who



was the secretary of the committee on resolutions, that Governor Tilden opposed the resolution of which the gentleman from Iowa speaks; that he opposed it publicly and in private. It is within my own knowledge that after the nomination was tendered to General McClellan, Governor Tilden urged him to make such a declaration in his letter of acceptance as would nullify that portion of the Chicago platform.

Mr. RANDALL. Which was, "the Union at all hazards." Those were the words.

Mr. HEWITT, of New York. Those were the words inserted in McClellan's letter. Now the gentleman from Iowa says that there never was any occasion in which Governor Tilden made a declaration in favor of the Union or the prosecution of the war for its preservation. If that gentleman would study the records of the Chicago convention for the sake of doing justice, as he has evidently studied them for the sake of doing injustice, to Governor Tilden, he would find that in that convention, and before the New York delegation, in an open meeting, Governor Tilden said that the adjustment of the controversy between the North and the South on any other basis than the restoration of the Union was impossible; that the moment any party went out of the Union the questions must be settled by war, and the war must be prosecuted until the questions were settled.

These were his declarations, published in the Chicago and New York papers at the very date of the Chicago convention, and fortunately for the gentleman, who likes very recent and modern literature, he can find those declarations repeated in a sketch published in the Louisville Courier-Journal on the 25th of April last. That is my answer to the statement of the gentleman from Iowa that Governor Tilden never made any declaration in favor of the prosecution of the war, and that he was a disunionist.

We now come down to the next charge, that Governor Tilden was the associate of William M. Tweed on a democratic committee, that he levied a contribution on William M. Tweed of \$5,000, and that he issued a circular in combination with William M. Tweed intended to promote the fraudulent election of a governor of the State of New York.

It is true that Governor Tilden was chairman of the democratic committee of the State of New York; and it is also true that William M. Tweed was a member of that committee. And if the gentleman knows anything about the organization of such committees in the State of New York, he knows that each district nominates and sends its own member; that Governor Tilden had no more to do with the appointment of William M. Tweed as a member of that committee than he has to do with the man who is supposed to regulate the moon. He was there rightfully a member of the committee, and at the time he was so acting he had not achieved the bad eminence which he subsequently attained and which he now occupies.

No contribution was ever levied upon Mr. Tweed. Mr. Tweed did as other people have done, as I myself have done, and as I have no doubt the gentleman from Iowa has done, sent a contribution to the fund required by the committee to carry on the State election. That was levying no contribution.

Then as to the issue of that circular, the lie has been nailed here by my colleague, [Mr. Cox.] If any man doubts whether that declaration of Governor Tilden, which has been read, was published in the Evening Post of the 4th of November, 1868, the files are accessible to them. I saw it with my own eyes; I know it was then published. I know that not more than twenty-four hours elapsed from the time the charge was made in the Evening Post, and it was first made in that paper, until the denial was made in the same paper. That denial I here insert:

CARD FROM MR. TILDEN.

To the editor of the Evening Post:

SIR: My attention has been called to an article in your journal of last evening containing a circular to which my name is appended. I hasten to assure you that you will not lose your reputation as critics by assuming, on internal evidence, as you have correctly done, that no such paper was ever written, signed, issued, or authorized by me or with any participation or knowledge on my part. I have read it for the first time in your columns; but I have no reason to believe that it had any such evil purpose as you suspect. For myself, I refused in 1844 to sign the famous secret circular relating to Texas, which is celebrated in the history of the Evening Post, though I might have been tempted by the illustrious association in which I should have found myself. Neither before that nor since have I ever been concerned in any circular marked "secret," "confidential," or "private;" nor shall I be, unless I should adopt that device for the purpose of getting some valuable truth, disguised in such a form, secured a wide publicity in the Evening Post and all the republican newspapers.

Very truly yours,

S. J. TILDEN.

NEW YORK, November 4, 1868.

Mr. FOSTER. Was it ever known who perpetrated that forgery on Governor Tilden?

Mr. HEWITT, of New York. Nothing was ever known positively about it except that Mr. Tweed was probably the person who sent out that circular. I have never heard that there is any positive evidence to that effect. Bad as he is, unhappy as he is to-day for his crimes, I hesitate to charge him with a new crime without evidence. In that respect I hope the gentleman from Iowa will follow my example.

Mr. CANNON, of Illinois. Does the gentleman claim that the circular was issued for an improper purpose?

Mr. HEWITT, of New York. I do not know whether it was proper

or improper; but I say it was charged to be improper by the gentleman from Iowa.

Mr. CANNON, of Illinois. I believe Mr. Tilden claims in his letter that it was not improper.

Mr. HEWITT, of New York. This was in 1868. Subsequently the ring, perhaps beginning their corrupt practices at that time for aught I know to the contrary, became so powerful in New York that they threatened to drive out and succeeded in driving out almost every decent man from the democratic party of that city.

Governor Tilden for more than three years, like a sleuth-hound upon the scent, followed these people patiently, secretly, diligently, spending that money of which the gentleman from Iowa thinks he is so parsimonious with a most liberal hand; yes, with a magnificence of liberality that no private citizen has ever exhibited in this country in the performance of a public duty not imposed by any obligation of law. I was with him in those transactions; I know what he did; I know his untiring efforts day and night; I know what an army of clerks he kept busy; I know how he tracked these people to their dens of iniquity and finally dragged them forth to public execration; and not stopping there, he has pursued them until they are either in prison or in exile, and judgments amounting to millions of dollars have been taken against them, and over \$600,000 in one case has been restored to the treasury of the city of New York. [Applause.]

Mr. SPRINGER. That conduct of Governor Tilden is a warning to all such people, and accounts for much of the opposition to his election.

Mr. DAVY. Will my colleague [Mr. HEWITT] allow me just one question?

Mr. HEWITT, of New York. Certainly.

Mr. DAVY. Did not Mr. Tilden meet with Mr. Tweed as delegate in the State convention which convened at Rochester a long time after these occurrences, and after the frauds of Mr. Tweed had been exposed, and did Mr. Tilden raise his voice against Mr. Tweed taking a seat in that convention?

Mr. HEWITT, of New York. My colleague [Mr. Cox] was a delegate to that convention and can answer better than I can.

Mr. DAVY. I asked the gentleman who is addressing the House. Mr. HEWITT, of New York. Certainly; but I yield to my colleague for an answer to that question because he was an eye-witness, and an eye-witness is better than any second-hand testimony.

Mr. COX. I was a delegate to that convention along with Governor Tilden and the other delegates named from the different districts.

A MEMBER. To which convention?

Mr. COX. To the Rochester Convention, to which my colleague [Mr. DAVY] has referred.

A MEMBER. In what year?

Mr. COX. I think in 1871.

Mr. DAVY. Does my colleague refer to the judicial convention or the State convention?

Mr. COX. I refer to the only time a convention ever met there.

Mr. DAVY. O, no; conventions met there several times. The judicial convention met there.

Mr. COX. Not in recent years. Let me answer the gentleman's question. I know that Mr. Tilden's efforts drove William M. Tweed out of that convention.

Mr. DAVY. I asked the gentleman whether Mr. Tilden raised his voice in that convention against Mr. Tweed taking a seat.

Mr. COX. There was no necessity for his doing so, because Mr. Tweed was not in the convention.

Mr. HEWITT, of New York. Mr. Tweed had no seat in that convention.

Mr. DAVY. Was any resolution passed in that convention against the Tweed delegation taking seats?

Mr. HEWITT, of New York. The question which the gentleman asked me was whether Mr. Tilden protested against Mr. Tweed taking a seat. Mr. Tweed took no seat in that convention.

Mr. DAVY. That is not the question I put to the gentleman. I asked him whether Mr. Tilden ever raised his voice in that convention against Mr. Tweed taking a seat.

Mr. RANDALL. He did not have a seat there.

Mr. DAVY. He did have a seat in that convention.

Mr. HEWITT, of New York. I can give a satisfactory answer to the gentleman's question. I can say to him that Mr. Tweed at that time knew that Governor Tilden was his bitter enemy, and Governor Tilden knew that Mr. Tweed was trying to crush him; and, as the gentleman knows perfectly well, if it had not been for the staunch support and absolute confidence which the rural democracy of the State of New York extended to Governor Tilden he would have been driven from the chairmanship of the State committee, as Mr. Tweed threatened he should be. But he was kept there by the honest democrats of the State of New York until he had pulled down and destroyed this temple of iniquity and driven these scoundrels out of the places they disgraced.

Mr. DAVY rose.

Mr. HEWITT, of New York. Now I am not going to be interrupted and cross-questioned.

Mr. DAVY. I have one more question I would like my colleague to answer.

Mr. HEWITT, of New York. I will answer; but I want to say that I am an utterly unpracticed speaker. I have never before addressed a body like this without notes for anything like this length of time. If gentlemen are putting these questions with the purpose of disconcerting me, they ought to have more respect for themselves.

Mr. DAVY. I hope my colleague does not attribute any such motive to me.

A MEMBER, (to Mr. HEWITT.) You can hold your own very well.

Mr. DAVY. I want the naked facts of this case.

Mr. HEWITT, of New York. The bare, naked fact is this: There was war, "war to the knife," between Governor Tilden and Mr. Tweed; and it ended in the defeat and exile of Mr. Tweed. [Loud applause.] That is all there is about it.

Mr. DAVY. Now will my colleague permit me to ask him—

Mr. HEWITT, of New York. I will not be catechised.

Mr. RANDALL. I ask that the gentleman from New York [Mr. DAVY] take his seat. His colleague [Mr. HEWITT] declines to be interrupted further.

The SPEAKER *pro tempore*. The Chair must insist that the gentleman from New York shall take his seat.

Mr. RANDALL, (to Mr. DAVY.) Take your seat; you are out of order.

Mr. DAVY. Now I ask my colleague—

The SPEAKER *pro tempore*. The Chair must insist that the gentleman from New York, Mr. DAVY, shall take his seat.

Mr. DAVY. Certainly. I bow to the decision of the Chair; but I did not propose to yield to the decision of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HEWITT, of New York. I call this House to witness that I have answered and am willing to answer every question of a substantive character bearing upon the merits of this case which any man can ask me. But when gentlemen undertake to catechise me about petty matters of details I must decline to answer.

Mr. Speaker, the fact is perfectly notorious, and certainly no man in his senses, no fair and just man will ever for a moment intimate that there was the slightest intimacy, personal or political, at any time between Samuel J. Tilden and William M. Tweed. There never was, sir. There was that association which comes from the enforced appointment of men on committees and of their living in the same community and belonging to the same party; but the one man stood in the community above and beyond reproach, and the other was always an object of suspicion and finally of detestation.

Mr. DAVY rose.

Mr. HEWITT, of New York. I will not be interrupted more. I have shown a disposition to answer all reasonable questions, and I decline to be interrupted any more. Now the gentleman from Iowa—

Mr. LAPHAM. The gentleman is speaking by the grace of this side of the House.

Mr. HEWITT, of New York. I am not speaking by the grace of anybody but of my own colleague and my constituents. Now, the gentleman from Iowa indulged in one insinuation of so mean and despicable a character that I almost hesitate to refer to it. If he could have blushed—and I looked into his face as I sat near him on purpose—if he were capable of blushing he would have blushed then, but he did not. He insinuated that the private fortune of Governor Tilden had been acquired by some dishonorable, and he did not dare to say dishonest, but he implied it, dishonest practices in connection with railways and corporations. Now, when a man makes an insinuation of that sort he should be prepared with the proof. It is a mean, unmanly, dishonorable charge for any man to make behind the back of another man who is not here to answer. But I can tell that gentleman, and I hope his own record is as clear and as good, that Governor Tilden was called from 1857 to 1860 into almost every broken-down railway corporation in the West; that while he found them unable to pay even running expenses, he took them in hand and so administered them that in every case the bonds, whether first, second, or third mortgage, and the stock, preferred and common, all ultimately went above par; and he enriched the people that were wise enough and fortunate enough to have secured his services. I am personally among the numbers of those who were benefited by his wise and sagacious management; and I say, so far from having been overpaid in any of these transactions, that his legal fees and his personal services were the cheapest and most poorly rewarded I have ever known in a long business career, dealing in large transactions in all parts of this country and in Europe.

I defy these gentlemen to lay their hands upon a dishonest dollar in the possession of Samuel J. Tilden. I say that the people whom he served are his friends to-day, and his best friends. And it is the service there which he rendered to the West, notwithstanding the insinuations of the gentleman from Iowa that will give him the vote of those great western States within whose borders he reconstructed highways which are to them to-day the arteries of commerce and public blessings, the value of which cannot be properly estimated.

And as through the whole of his remarkable career he has been the wisest of men, he has been the truest of friends, he has been the most zealous and earnest of patriots, so to-day he is the wisest, the most accomplished statesman in the land, and he will by the blessing of God be one of the greatest, perhaps the greatest of the Presidents of the United States, because he will have the opportunity to rescue this Govern-

ment from the hands of the incompetent and dishonest men who have controlled it so long and made it a reproach in the eyes of the civilized globe.\* [Great applause.]

Mr. MORRISON. I move the House adjourn.

Mr. WELLS, of Mississippi. The gentleman agreed to answer a question.

The SPEAKER *pro tempore*. The gentleman from New York has left the floor, and the Chair does not see how the gentleman from Mississippi can be recognized pending the motion to adjourn.

Mr. WELLS, of Mississippi. I rise to a parliamentary inquiry. The gentleman from New York stated that he would answer a question.

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

Mr. LAPHAM. I think that it is due to the occasion I should have an opportunity to say a word.

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

Mr. DAVY. I think that after the speech of the gentleman from New York on the other side of the House some opportunity of reply should be allowed to gentlemen on this side.

Mr. PAGE. I ask unanimous consent that the gentleman from New York [Mr. LAPHAM] be allowed to address the Chair.

Mr. MORRISON. I insist on the motion to adjourn.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for, which is the motion of the gentleman from Illinois that the House do now adjourn.

Mr. PAGE. Upon that motion I call for the yeas and nays. But I will first ask the gentleman from Illinois to withdraw his motion, so as to allow the gentleman from New York [Mr. LAPHAM] five minutes.

Mr. RANDALL. Not for a second.

The SPEAKER *pro tempore*. The question is on the motion to adjourn, on which the yeas and nays have been called for.

Mr. DAVY, Mr. LAPHAM, Mr. WELLS of Mississippi, and Mr. SPRINGER made remarks which were inaudible while the Speaker was rapping to order with his gavel.

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays on the motion of the gentleman from Illinois.

On the question of ordering the yeas and nays there were yeas 11; not a sufficient number.

So the yeas and nays were not ordered; and the motion to adjourn was agreed to; and accordingly (at six o'clock a. m. Tuesday, August 15, 1876) the House adjourned.

\* In confirmation of his statements Mr. HEWITT inserts the following telegram received from Mr. Manton Marble too late to be inserted in the text:

NEW LEBANON, NEW YORK,  
August 15, 1876.

Hon. A. S. HEWITT,  
House of Representatives, Washington, D. C.:

Your telegram received and shown to me. Although Mr. Tilden was for the ten years previous to the war and during the war in private life, his position in respect to the war was never open to the slightest doubt. He had been early educated to condemn the doctrines of nullification and secession. He had foreseen the danger of civil war when many derided it, and did all he could to avoid it; but when it arrived he took an open and decided stand in support of the Government enforcing its jurisdiction and averting a dismemberment of the country. He attended the meeting of the 20th of April, 1861, and again on the 22d of April the meeting of the members of the New York bar. He soon after addressed a regiment setting out for the front. He attended the presentation of colors to the Seventy-ninth Highlanders, and afterward afforded that regiment special aid and service, to say nothing of frequent contributions of money elsewhere. His attitude throughout the war was that of a man who, disapproving of the scattering military management and the inflation financial policy adopted by the Administration because they tended to prolong the war and increase its sacrifices, nevertheless sustained the arm of the Government. Every utterance of his during the whole war was in accord with this position. Every statement to the contrary about any single act or expression is totally false. Some of his speeches I heard myself, particularly a great speech which he made before the New York delegation at the Chicago democratic convention of 1864. I was the bearer of a message from him to General McClellan advising him to discard the objectionable words in the platform, which were also discarded in the subsequent platform of the New York State democratic convention. I have possession of the original manuscript of a declaration which he prepared in October, 1862, to be used to define the position of the New York democracy, the position which he thought it ought to take and which it did take. I select this from among many expressions for its brevity. It is as follows: "And now if my voice could reach the southern people through the journals of our metropolis, I would say to them that in no event can the triumph of the conservative sentiment of New York in the election mean consent to disunion either now or hereafter. Its true import is restoration North and South of that Constitution which had secured every right and under whose shelter all had been happy and prosperous until you madly fled from its protection. It was your act which began this calamitous, evil war. It was your act which disabled us, as we are now disabled, from shaping the policy or limiting the objects of that war. Loyally as we maintained your rights will we maintain the rights of the Government. We will not strike down its arm as long as yours is lifted against it. That noblest and greatest work of our wise ancestors is not destined to perish. We intend to rear once more upon the old and firm foundations its shattered columns and to carry them higher toward the eternal skies. If the old flag waves in the nerveless grasp of a frantic but feeble faction to whom you and not we abandoned it, we whose courage you have tried when we stood unmoved between fanaticism and folly from the North and South alike, will once more bear it onward and aloft, until it is again planted upon the towers of the Constitution, invincible by domestic as by foreign enemies. Within the Union we will give you the Constitution you profess to revere, renewed with fresh guarantees of equal rights and equal safety. We will give you everything that local self-government demands; everything that a common ancestry of glory, everything that national fraternity or Christian fellowship requires; but to dissolve the Federal bond between these States, to dismember our country, whoever else consents we will not; no, never! never! never!"

MANTON MARBLE.