Within ample time, as prescribed by law, these inventors placed in the hands of the Brandon Manufacturing Company a signed petition for the extension of said letters-patent, that it might be forwarded and filed with the Commissioner of Patents. Fearing, however, that some mistake might occur they forwarded to their attorney at Washington a duplicate petition with instructions that he should file it in case it was not filed in time by other parties. This attorney made frequent inquiries at the Patent Office, and was at length assured that the petition had been filed. The event proved, however, that the clerk in charge was in error and that the petition was not filed, as stated. The mistake occurred through the filing of another application by the same parties for the extension of another patent of the same date. But the error was not discovered until too late to rectify it under the statute, and for this reason the petitioners pray for the passage of an act to enable them to make application, as they certainly would have done if not misled by the information given their attorney at the Patent Office. In view of these facts, the omission to act having arisen by no fault of the patentees, but by the inadvertence of a Government employé, this committee recommend the granting of the prayer and the passage of the accompanying bill.

Mr. J. H. BAGLEY, Mr. Speaker, this is one of the simplest matters presented to Congress. These applicants merely applied for the correction of an error by a clerk in the Patent Office. Under the statute they were entitled to a seven years' extension of their patent. Of this right they were deprived by the error of a clerk in the Patent Office. This bill does nothing more than correct that error.

Mr. BAKER, of Indiana. The discussion the other day in the House on this subject brought me to the conclusion that the passage of this bill might involve danger to innocent parties.

Mr. J. H. BAGLEY Not in the least. Mr. Speaker, is it in order to move to suspend the rules?

The SPEAKER. Not now.

Mr. J. H. BAGLEY. In my judgment it is gross injustice to these parties not to allow the correction of the error.

Subsequently, Mr. BAKER, of Indiana, withdrew his objection.

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

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

The latter motion was agreed to.

REAL ESTATE POOL.

Mr. GLOVER, by unanimous consent, from the Committee on the Real-Estate Pool and Jay Cooke & Co.'s Indebtedness, reported the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Real-Estate Pool and Jay Cooke & Co.'s Indebtedness be, and they are hereby, allowed the service of a clerk during the present session of Congress, commencing December 4, 1876, and such clerk be paid $4 per diem for his services.

The resolution was adopted.

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

The latter motion was agreed to.

SOLDIERS' AND SAILORS' RE-UNION AT MARIETTA.

Mr. BANNING. I ask unanimous consent to report back from the Committee on Military Affairs with a favorable recommendation the joint resolution (H. R. No. 179) granting the use of artillery, blankets, &c., at the national soldiers' and sailors' re-union, to be held at Marietta, Ohio. I ask that the resolution may now be put upon its passage.

I desire to say just one word in explanation of this resolution. It has been customary to pass this each year. It was passed last year. It costs the Government nothing; and the Committee on Military Affairs have unanimously agreed to report the resolution favorably.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

CATHARINE WINSLOW.

Mr. PIERCE. I ask unanimous consent to take from the Private Calendar and have put upon its passage at this time the bill (S. No. 599) granting a pension to Catharine Winslow, widow of the late Rear-Admiral John A. Winslow.

Mr. RUSK. If the pension-list is to be touched at all, I want it to be taken up as a whole. I have been struggling for two weeks to get the floor for the Pension Committee in order to have the whole pension-list passed.

Mr. PIERCE. I hope the gentleman will not object to the passage of this bill.

Mr. RUSK. They are all equally meritorious.

The SPEAKER. There will probably be time enough to get all these pension bills through.

Mr. PIERCE. This bill has passed the House heretofore, and the Senate also.

The SPEAKER. This is a Senate bill.

Mr. RUSK. I have in my desk a number of Senate bills granting pensions, and I have been struggling in vain for two weeks to get them before the House.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. HOLMAN. I move that the House take a recess for one hour.

A *viva voce* vote being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. BAKER, of Indiana. I call for a division.

Mr. SAMPSON. I rise to a question of order. It is now twenty-five minutes to twelve o'clock, and if the House takes a recess we will be carried beyond the commencement of a new legislative day.

The SPEAKER. The Chair thanks the gentleman for his suggestion. The motion of the gentleman from Indiana [Mr. HOLMAN] would take us further into to-morrow than we desire to go.

Mr. HOLMAN. Then I move that we take a recess till twelve o'clock.

Mr. KNOTT. I move that the House do now adjourn.

The motion of Mr. KNOTT was agreed to; and accordingly (at eleven o'clock and thirty-five minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: The petition of citizens of Shingle Creek, Orange County, Florida, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. AINSWORTH: Two petitions, one from J. G. Stroble and 28 others, the other from Peter Klink and 125 others, citizens of Iowa, that the office of President of the United States be abolished and that the executive duties of the Government devolve upon a commission appointed by Congress, to the Committee on the Revision of the Laws.

By Mr. BAKER, of New York: The petition of citizens of New York, that all pensioners be paid from the date of their discharge from the Army and for the removal of the limitation upon the time in which to apply for pensions, to the Committee on Invalid Pensions.

By Mr. BALLOU: The petition of the quarterly conference of the Methodist Episcopal church, Marshalltown, Iowa, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BLAIR: The petition of J. C. Armstrong and other citizens of Marshall County, Michigan, of similar import, to the same committee.

By Mr. BRADLEY: Resolution of the Legislature of Michigan, asking that a survey be made of Portage Lake with a view of constructing a harbor of refuge, to the Committee on Commerce.

By Mr. FRYE: The petition of citizens of Marshalltown, Iowa, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. GOODIN: Concurrent resolution of the Legislature of Kansas, favoring the passage of a law in aid of the construction of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. HATCHER: The petition of citizens of Washington County, Missouri, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. JENKS: The petition of J. D. Fowler and 35 other citizens of Washington Territory, of similar import, to the same committee.

By Mr. LUTTRELL: Two petitions, one from J. C. Crigler and others, the other from John S. Hutchins and others, of Butler County, California, of similar import, to the same committee.

By Mr. RICE: The petition of the orphans of Captain Presley N. Guthrie, for an increase of their pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: The petition of 120 citizens of Renville County, Minnesota, that Congress declare the lands granted to the State of Minnesota to aid in the construction of a railroad from Hastings to the western boundary of the State forfeited to the United States Government unless the construction of said road is proceeded with immediately, to the Committee on Public Lands.

IN SENATE.

SATURDAY, *March* 3, 1877.

The Senate met at eleven o'clock a. m.

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

On motion of Mr. INGALLS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a report from the Second Comptroller of the Treasury, and accompanying papers, relative to the decision of the Supreme Court in the matter of land-grant railroads; and recommending such legislation as will remove the prohibition imposed by law upon any payment to such railroad companies; which, on motion of Mr. WEST, was referred to the Committee on Railroads, and ordered to be printed.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore* appointed Mr. BLAINE and Mr. MAXEY members of the board of visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, New York.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Montana Territory, in favor of Congress aiding the Northern Pacific Railroad by reducing the land-grant thereto and issuing United States bonds in lieu thereof; which was referred to the Committee on Railroads.

He also presented a memorial of the Legislative Assembly of Montana Territory, in favor of a donation by Congress of the alternate sections of land for a distance of twenty miles on each side of the line of the Northern Pacific Railroad in aid of said road; which was referred to the Committee on Railroads.

Mr. CHRISTIANCY presented a joint resolution of the Legislature of Michigan, in favor of a survey of Portage Lake in Manistee County, with a view to constructing a harbor of refuge; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation to construct a light-house on the point of Little Traverse Harbor, in the county of Emmet, Michigan; which was referred to the Committee on Commerce.

Mr. McDONALD presented a joint resolution of the Legislature of Indiana, in favor of an amendment to the pension laws, so as to allow arrears of pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented concurrent resolutions of the Legislature of Missouri, protesting against the special tax imposed on leaf tobacco; which were read as follows, and referred to the Committee on Finance:

Whereas it is or should be one of the prime objects of our Government that the burden of taxation should rest equally and alike upon all classes; that there should be no distinction or unjust discrimination against any section, class, industry, or profession; that we, as one people, are entitled alike to all the enjoyments and benefits of our noble system of Government, and subject alike to all the burdens incident to the support of its institutions;

And whereas we regard the special tax imposed by act of Congress (as construed by the United States district courts of this State) on leaf tobacco as an unjust discrimination not only against one of the principal industries of our commonwealth, but against that class of its citizens, the producers, who are the very foundation of its past, present, and prospective greatness;

And whereas the effect of said law applies with equal force to the planter or producer, as to other parties dealing in tobacco, thereby working serious hardships not met with in other callings or pursuits;

And whereas in view of the peculiar adaptability of our soil and climate to the production of this crop, and of its commercial value as an article of export, it behooves us to foster, encourage, and extend its productions: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring therein,) That our Senators be instructed and our Representatives in Congress be earnestly requested to use their utmost exertions to secure such a modification of said law as will relieve our people of the effects of this enactment, so onerous and oppressive in its operations upon producers.

Be it further resolved, That the secretary of state be instructed to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved February 23, 1877.

MICH'L K. McGRATH,
Secretary of State.

Mr. DAVIS. I present the memorial of Hon. W. T. Willey, formerly a member of this body, and 100 other citizens of West Virginia, in regard to pensions, in favor of the removal of what they think an unjust limitation. I should like to have favorable consideration from the Committee on Pensions to this petition, which is signed by the leading men of West Virginia; but I understand they have already reported. I therefore move that the petition lie on the table.

The motion was agreed to.

Mr. BOGY presented concurrent resolutions of the Legislature of Missouri in favor of a modification of the law imposing a tax on leaf tobacco; which was referred to the Committee on Finance.

CREDENTIALS.

Mr. ALCORN presented the credentials of L. Q. C. LAMAR, elected by the Legislature of Mississippi a Senator from that State for the term commencing March 4, 1877; which were read and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Patents, to whom was referred the petition of Professor E. N. Horsford, praying for an extension of his patent, submitted a report thereon accompanied by a bill (S. No. 1289) for the relief of E. N. Horsford.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. BARNUM, from the Committee on Patents, to whom was referred the petition of George W. Hubbard and W. E. Conant, of Brooklyn, New York, praying for the extension of their patent for improvements in double-acting steam engines, submitted a report thereon accompanied by a bill (S. No. 1290) for the relief of George W. Hubbard and William E. Conant.

The bill was read twice by its title, and the report was ordered to be printed.

BILL INTRODUCED.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1291) to establish certain post-roads in the State of Nebraska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

ORDER OF BUSINESS.

Mr. CHAFFEE. I move that the Senate take up the bill (S. No. 1219) authorizing the Commissioner of Patents to extend the patent of Horace A. Stone for improvement in the manufacture of cheese.

The PRESIDENT *pro tempore*. Is there objection to the motion?

Mr. COCKRELL. I do not think we ought to proceed to the consideration of the bill with only a few Senators in their seats. There is not a quorum here.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object?

Mr. COCKRELL. There is no quorum here, and we cannot transact business without a quorum.

The PRESIDENT *pro tempore*. The Chair accepts that as an objection and cannot entertain the motion.

Mr. SPENCER. Last night when we adjourned, the Senator from Nebraska, [Mr. HITCHCOCK,] who is not here now, called up the bill providing a territorial government for the Black Hills country, and I ask the Senate to resume its consideration. It is really the unfinished business.

Mr. COCKRELL. I say there is no quorum here, and we cannot consider a bill without a quorum. I have objected, and I will not withdraw my objection for any cause or consideration. There is no use to appeal to me.

The PRESIDENT *pro tempore*. The Senator from Missouri objects.

Mr. SPENCER. If the Senator does object I presume I have a right to say something. It would take some time to read the bill, ten or fifteen minutes perhaps, and by that time there may be a quorum present. The Senator from Missouri, I suppose, has no objection to the bill being read. It is quite a lengthy bill.

Mr. COCKRELL. What would be the use of reading the bill to the empty seats of the Senate? I do not think the seats can understand it.

Mr. SPENCER. The bill has to be read at some time or other.

Mr. COCKRELL. I do not think when Senators come back to their seats that they would be any wiser for having the bill read in their absence.

Mr. BLAINE. I wish to give notice that in a very few minutes I shall propose to call up the Army appropriation bill and I shall press it to the exclusion of all other orders before the Senate.

Mr. SPENCER. In the mean time this bill can be read.

Mr. BLAINE. I will not object to its reading.

The PRESIDENT *pro tempore*. Is there objection to the reading of the bill?

Mr. COCKRELL. If I have not sufficiently protested, I will again enter my protest against doing business without a quorum.

The PRESIDENT *pro tempore*. The Senator did it indirectly and he does it now pointedly, as the Chair understands.

Mr. SARGENT. There is no doubt about it now.

Mr. SPENCER. I think that the Senator from Missouri would not be so unkind and ungenerous and hard-hearted as to object to the reading of this bill.

Mr. COCKRELL. It is not an unkindness to prevent the doing of business when there is no quorum here, and it is useless for Senators to appeal to me, for I will not withdraw my objection.

Mr. SPENCER. How can the Senator tell that there is no quorum here?

The PRESIDENT *pro tempore*. The Senator from Missouri objects, and debate is out of order.

Mr. SPENCER. Does the Chair decide that there is no quorum present?

The PRESIDENT *pro tempore*. The attention of the Chair being called to it, there is no quorum. The Chair will order the roll of the Senate to be called, there being no quorum present.

The Secretary called the roll of the Senate, and twenty-two Senators answered to their names.

Mr. RANSOM. My colleague [Mr. MERRIMON] has been called home necessarily. If he were in the city he would be here. I am instructed to say that he is paired on all questions with the Senator from Alabama, [Mr. SPENCER.]

Mr. DAVIS. I wish to state that the Senator from Ohio [Mr. THURMAN] is confined to his house by sickness.

Mr. SARGENT. I am informed that that is the condition also of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. SPENCER. A number of Senators have just come in, and I am quite satisfied that there is now a quorum here. I should like to have the unfinished business of last night read.

The PRESIDENT *pro tempore*. The Chair is not quite satisfied. It lacks ten of a quorum.

Mr. SARGENT. I move that the Sergeant-at-Arms be instructed to request the attendance of absent Senators.

The PRESIDENT *pro tempore*. That has already been done. The Chair anticipated that such a question might arise.

After a delay of a few minutes, the President *pro tempore* announced that a quorum was present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry;

A bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta

Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians;

A bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis;

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

A bill (H. R. No. 4198) to authorize the President to restore Thomas J. Spencer to his former rank in the Army.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4699) to remove the disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States;

A bill (H. R. No. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers; and

A joint resolution (H. R. No. 194) to appoint a commission to examine into the matter of contracts made by and between the United States and the Moline Water Power Company as to the water power at Moline, Illinois, and to report to Congress as to same.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4680) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. JOHN R. EDEN of Illinois, and Mr. HENRY WALDRON of Michigan, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. No. 177) to authorize the Secretary of War to open and re-adjust the settlement made by the United States Government with the Western and Atlantic Railroad of Georgia;

A bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home;

A bill (S. No. 470) for the relief of John S. Wood, late a first lieutenant in the Seventh Pennsylvania Cavalry;

A bill (S. No. 734) for the relief of William Jasper Cordill;

A bill (S. No. 780) for the relief of the Richmond Female Institute of Richmond, Virginia;

A bill (S. No. 855) making an appropriation to pay the claim of Benjamin Fenton and D. W. Fenton;

A bill (S. No. 931) for the relief of H. H. Mathis, of Arkansas;

A bill (S. No. 974) for the relief of Francis Guilbeau, of San Antonio, Texas;

A bill (S. No. 1001) to provide for the disposition of Fort Dalles military reservation;

A bill (S. No. 1019) to provide for a reprint of the resolves, ordinances, and acts passed by the Continental Congress and the Congress of the Confederation;

A bill (S. No. 1034) for the relief of Louis Rose;

A bill (S. No. 1063) for the relief of certain settlers on the public lands;

A bill (S. No. 1071) for the relief of H. E. Woodhouse & Co., of Brownsville, Texas;

A bill (S. No. 1083) to amend an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June 8, 1872;

A bill (S. No. 1116) granting a pension to Sarah A. Chamberlain, guardian of the minor heirs of James Eagle, Company F, Second Regiment Kansas State Militia;

A bill (S. No. 1122) to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and the Neosho Valley Railroad and its extension to Red River," approved July 25, 1866;

A bill (S. No. 1183) granting a pension to Harriet Moss;

A bill (S. No. 1197) for the relief of Eli Teegarden;

A bill (S. No. 1200) to grant a pension to Margaret Huntor Hardie, widow of James A. Hardie, Inspector-General in the United States Army;

A bill (S. No. 1136) for the relief of settlers on the public lands under the pre-emption laws;

A bill (S. No. 35) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled;

A bill (S. No. 1225) to amend section 2291 of the Revised Statutes of the United States in relation to proof required in homestead entries;

A bill (S. No. 1238) making an appropriation for the expenses of the electoral commission;

A bill (S. No. 1243) to repeal the statute forbidding appointments and promotions in the staff of the Army;

A bill (S. No. 1255) for the relief of Henry Voelter;

A bill (S. No. 1259) granting a pension to Daniel Houlihan;

A bill (S. No. 1230) granting a pension to Edmund H. Cobb;

A bill (S. No. 1284) for the relief of William L. Hickam, of Missouri; and

A bill (S. No. 1288) to remove the political disabilities of P. J. Quattlebaum, of Georgia.

A joint resolution (S. R. No. 30) to amend the joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876; and

A joint resolution (S. R. No. 32) providing for the renunciation of the naturalization of Frederick Hinkel.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 2019) for the relief of Edwin Morgan, late Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry;

A bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis;

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

A bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians;

A bill (H. R. No. 4198) to authorize the President to restore Thomas J. Spencer to his former rank in the Army;

A bill (H. R. No. 2394) for the relief of W. W. Van Antwerp, late major of Fourth Michigan Cavalry;

A bill (H. R. No. 4559) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1877, and for prior years, and for other purposes; and

A bill (H. R. No. 4306) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1878, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. No. 4680) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WINDOM. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WINDOM, Mr. DORSEY, and Mr. WALLACE were appointed.

COPIES OF PAPERS.

On motion of Mr. CHRISTIANCY, it was

Ordered, That E. S. Smith, esq. upon payment of the fees therefor, have leave to take copies of journal of the commission who negotiated the treaty of the 26th and 27th of October, 1834, with the Pottawatomie Indians of Indiana and Michigan, together with the message of the President transmitting the same to the Senate and the report of the commission; also the letter of the Secretary of War of March 18, 1833, requesting the loan of the report to the commission.

PAPERS WITHDRAWN.

On motion of Mr. COOPER, it was

Ordered, That Michael W. Brock be permitted to withdraw his papers from the files of the Senate.

BILL RECOMMITTED.

On motion of Mr. HARVEY, it was

Ordered, That the vote postponing indefinitely the bill (S. No. 1092) for the relief of Jerome Kunkel be reconsidered, and that the bill be recommitted to the Committee on Military Affairs.

COWAN & DICKINSON.

Mr. COOPER. I move that the Senate proceed to the consideration of the bill (S. No. 811) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, Tennessee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $38,476.80 to Perez Dickinson, the surviving partner of the firm of Cowan & Dickinson, of Knoxville, East Tennessee, in full compensation for two hundred and fifty-six bales of cotton belonging to them, and which was by them furnished and delivered to Major-General BURNSIDE, at his request, on the 17th and 18th days of November, 1863, and by him used in the fortifications for the defense of Knoxville, and the Army under his command at the time of the assault by the forces under the command of General Longstreet, and the subsequent attack by him upon that city, and for other subsequent purposes it was used; and for which cotton they have never been paid anything, or received compensation, directly or indirectly, for any part thereof.

Mr. INGALLS. Let us hear the report in that case read.

Mr. BLAINE. If there is not much time to be occupied in the pending matter I will not interrupt it, but the Senate I know is very anxious to proceed to the consideration of the Army bill, and having it in charge I shall feel bound to insist upon its consideration.

Mr. COOPER. I hope the Senator will at least let us have the morning hour.

The PRESIDENT *pro tempore*. Senators are entitled to the morning hour with other business. The report will be read.

The Secretary read the following report, submitted by Mr. WADLEIGH, from the Committee on Claims, May 3, 1876:

The Committee on Claims, to whom was referred the bill (S. No. 811) for the relief of Cowan & Dickinson, who pray compensation for the loss of two hundred an

fifty-six bales of cotton, seized by order of General BURNSIDE, on the 17th and 18th days of November, 1863, and used for strengthening the defenses of Knoxville, make the following report upon said claim:

At the second session of the Forty-third Congress, Mr. Pratt, from the Committee on Claims, made a report upon this claim as follows:

"The memorialists, Cowan & Dickinson, of Knoxville, Tennessee, present the following claim against the United States:

"'KNOXVILLE, TENNESSEE, *January* 1, 1864.

"'*The United States to Cowan & Dickinson, Dr.*

"'To two hundred and fifty-six bales cotton, taken by order of Major-General BURNSIDE, on the nights of the 17th and 18th of November, 1863, for the use of the fortifications of Knoxville during the siege by the rebel forces under Longstreet; average marketable weight, five hundred and one pounds per bale, (625 bales, 501 pounds) ..... 128,256 pounds.'

"Perez Dickinson, a member of the firm, appends to the account his affidavit that they have not been paid for the cotton; that its value is justly due them, and that the firm have severally always been and are loyal citizens of the Government. In a subsequent affidavit he swears the cotton belonged to them exclusively, and no other party had any interest in the same.

"In a letter to Major-General Schofield, commanding Department of Ohio, dated February 23, 1864, the firm gave a more circumstantial account of their claim; and as their statement cannot well be abridged the committee insert it at length:

"KNOXVILLE, TENNESSEE, *February* 23, 1864.

"SIR: On the nights of the 17th and 18th of November last, two hundred and fifty-six bales of cotton (average weight five hundred and twenty-six pounds) were taken from us by order of Major-General BURNSIDE, when here commanding, for use on the fortifications then erecting for the defence of Knoxville against the impending attack of the rebels under Longstreet.

"The cotton, we are gratified to know, was of great service, and a very valuable aid in the necessarily hasty preparations for a successful defense of the town. A portion of this has been taken, we learn, for sanitary purposes, &c., and the remainder is still in the works. Much of it has been wasted and all of it more or less injured by constant exposure, the breaking of ropes, and destruction of the baling. This cotton is of great pecuniary value to us, and we consider it due to us, old citizens of known, unswerving, and uncompromising loyalty, that our interests should be fully protected and feel entire confidence that is the wish and intention of the Government.

"We would therefore respectfully call your attention to this subject. We believe justice and equity to us under the circumstances would be that the Government should give us a voucher for this cotton at New York market value, deducting a liberal price of transportation and internal revenue.

"If this arrangement is not consistent with the policy of the Government in such cases, we would suggest that the cotton should be immediately collected and sent forward to Louisville or Cincinnati, and fair-ascertained damages for loss, &c., awarded us.

"We would also say that General BURNSIDE, the 20th of September last, agreed to furnish transportation for our cotton, with other produce we had on hand. He forwarded one hundred and one bales in pursuance of this arrangement, but owing to the military situation and demands upon him for transportation the balance was not forwarded. General BURNSIDE regretted the detention as well as ourselves.

"We herewith inclose General BURNSIDE'S receipt and certificate, which were given to our Mr. Dickinson, and he expressed an earnest wish that the matter might be satisfactorily adjusted.

"Hoping this matter may receive your early consideration,

"We are, very respectfully,

"COWAN & DICKINSON.

"Major-General SCHOFIELD,
"*Commanding Department Ohio, Headquarters, Knoxville.*"

"The receipt and certificate of General BURNSIDE referred to in the above letter are as follows:

"KNOXVILLE, *December* 12, 1863.

"Received of Messrs. Cowan & Dickinson eighty (80) bales of cotton, for use in the fortifications erected for the defense of the city during the siege.

"A. E. BURNSIDE,
"*Major-General.*"

"BOSTON, MASSACHUSETTS, *February* 4, 1864.

"This is to certify that during the siege of Knoxville, in East Tennessee, a quantity of cotton, say some two hundred and fifty-six bales, was taken from the store-house of Messrs. Cowan & Dickinson, in Knoxville, for the use of the fortifications around the city. This cotton was, as I believe, the property of Messrs Cowan & Dickinson, and was imperatively needed for the good of the public service. I had no time after the raising of the siege to take account of this property and to give the proper vouchers for the same. Captain Davis, of the Twenty-first Massachusetts Volunteers, and provost-marshal, has given a certificate for eighty (80) bales taken by him, by order, and for which the above receipt is a voucher, and I am satisfied that the remainder was taken and used as set forth in the affidavit of Messrs. Cowan & Dickinson.

"A. E. BURNSIDE,
"*Major-General.*"

"On the 26th of February, 1864, Major-General Schofield issued Special Orders No. 57, directing the chief quartermaster of that department to proceed to collect all the cotton that had been used in the construction of fortifications, and for other purposes, in the vicinity of Knoxville, not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster there, to be disposed of for the benefit of the Government, according to existing regulations. He was directed to ascertain the parties to whom the cotton belonged, the amount taken from each party, their loyalty, and to give the proper vouchers therefor, according to the loyalty of each.

"In a subsequent order, dated March 8, 1864, directed to Colonel Ransom, chief quartermaster, General Schofield directed that the vouchers to be given for the cotton used on the fortifications about Knoxville should be qualified, to be paid only upon the order of the War Department.

"The execution of this order was committed by Colonel Ransom to Captain Whitman, assistant quartermaster, who, on the 28th day of April, 1864, two months after the order, made report to his chief, as follows:

"'I have the honor to report in regard to the claims for cotton alleged to have been taken by the military authorities for the defenses of Knoxville, and the disposition made by the same, as follows:

6 bales; weight, 2,269 pounds; claimant, I. L. Cain; (Exhibit A.)
7 bales; weight, 3,500 pounds; claimant, A. A Kyle; (Exhibit B.)
10 bales; weight unknown; claimant, A. Kennedy; (Exhibit C.)
34 bales; weight, 17,303 pounds; claimant, J. W. C. Hazen; (Exhibit D.)
256 bales; weight, 133,120 pounds; claimants, Cowan & Dickinson; (Exhibit E.)

313

"'The above constitutes all the cotton for which claims are made. The following are the facts in relation to the disposition made of it, as far as known:

158 bales and parts of bales, weight not known, collected from fortifications by order of General Schofield in March, 1864.
20 bales and parts of bales, weight not known, collected from fortifications by order of General Schofield in April, 1864.
40 bales and parts of bales, weight 20,448 pounds, used by the Medical Department by order of General Foster.

218

"'Ninety-five unaccounted for and locality unknown.

"'Of the above there are at present eight bales in the hands of the Medical Department unexpended, and twenty bales at the depot.

"'The one hundred and fifty-eight bales collected from the fortifications in March were ordered to be put into a building at the depot, but permission being refused by the railroad authorities, on the ground that it would be exposed to fire from the engines in passing, it was deposited in a secure place on the hill-side at a safe distance from the railroad, and was so packed and subjected to such oversight as to protect it from being pilfered, as it had been while at the fortifications. Soon after it was placed there, and while preparations and plans were being matured to put it in a condition to be shipped, it was set on fire by three truant boys at play in the neighborhood. By strenuous exertions for two days and nights a portion was saved, and still lies upon the ground, amounting, it may be, when properly secured, to from twelve to twenty bales. The frequent rains of the season have so washed and bleached it that, when dried, it will prove of tolerable quality. The great press of business in the Quartermaster's Department, the scarcity of help, and the frequent rains of the season have rendered it necessary and advisable to allow it to remain where it is for a while under proper watch. With a short period of steady dry weather it may be got into a condition to be sacked and sent away. At present there are no sacks to be obtained here. The twenty bales on hand have but recently been collected from the fortifications.

"'It is proper to add that the incendiaries were arrested, and, after a rigid examination before the post commander, were discharged on want of proof of anything more than a childish desire to see what they could do in their play by touching a lighted match to a bale of cotton.

"'Very respectfully, your obedient servant,

"'E. B. WHITMAN,
"'*Captain and Acting Quartermaster.*'

"This report was forwarded by Colonel Ransom to General Schofield, who forwarded the same to the War Department, and on the 14th day of June, 1864, the Secretary of War referred the same to General S. P. Carter, provost-marshal, East Tennessee, to cause an investigation to be made as to the facts respecting this cotton, to determine what had become of the ninety-five missing bales, through whose negligence or other fault the one hundred and thirty-eight bales were burned, and whether any part of that which was rescued from the conflagration had been restored to the claimants.

"On the 27th day of September, 1864, General Carter made report to the Secretary of War, in which he states, substantially, that reliance was to be placed in the statements of the claimants, under oath, as to the quantity of the cotton bales taken; that the officers connected with the taking of the cotton belonged to the Ninth Army Corps, then with the Army of the Potomac; that as to the ninety-five bales unaccounted for, he had made all possible efforts to learn what had become of them, and had come to the conclusion that they were partly used by the troops encamped around the fortifications, who were in want of clothing and blankets to fill their bunks with, and after they vacated their encampments the cotton was partly taken by poor people and partly scattered by the winds. It also appeared that some of the cotton was taken from the fortifications after the siege and during the night-time by the people of the neighborhood and sold or secreted. Search had been instituted by his orders, but nothing except two small lots was discovered, amounting to two hundred and fifty pounds. He proceeds to say that some cotton was taken from the fortifications by Lieutenant-Colonel Babcock, chief engineer, to calk a number of ponton-boats, but the amount so used could not be ascertained. In relation to the one hundred and fifty-eight bales collected by Captain Whitman and piled near the railroad depot, as above stated, General Carter, in his report, says:

"'The cotton near the railroad depot was piled up, exposed to the air, without any shelter whatever, and it seems also without a sufficient guard, but as to who should be held responsible for this neglect is left for the decision of the War Department. The cotton was not under the control of this office.'

"The report concludes as follows:

"'The cotton saved from the conflagration, and estimated as aforesaid at about eight thousand four hundred pounds, was used, according to the report of Captain E. B. Whitman, assistant quartermaster, for various purposes, except about six thousand pounds, which are still in the hands of the Quartermaster's Department; twenty bales, (weight not known,) collected from the fortification after the conflagration, were sent, in accordance with Special Orders No. 57, before mentioned, to Brigadier-General Allen, chief quartermaster at Louisville, Kentucky.

"'The disposition of all the cotton can be reduced to the following:

	Bales.
Amount collected from the fortifications previous to the conflagration	158
Amount collected after the conflagration	20
Amount collected for use of Medical Department	40
	218

Consumed by fire	138	bales.
Saved, about	20	"
Used by the Medical Department	40	"
Sent to Louisville, Kentucky	20	"
		218'

"Captain Whitman, as assistant quartermaster, in a report dated September 26, 1864, to Major Gratz, assistant adjutant-general, thus states the cotton account:

Amount saved from the fire, fifteen to twenty bales	8,400	lbs.
Amount used by the Medical Department	1,500	
Amount furnished for stuffing cushions	500	
Amount furnished for calking pontons	200	
Amount furnished for packing ammunition	200	
Amount on hand in gunny-sacks, smoked and singed, about	6,000	
	8,400	

"'Sent to Brigadier-General Allen, chief quartermaster, Louisville, Kentucky, twenty bales, (weight unknown.) This last lot was not collected from the fortifications until after the conflagration.'

"The general result may be thus summed up:

Number of bales taken for use in the fortifications	313
Of these there belonged to Cowan & Dickinson	256
Leaving belonging to others	57
Of the whole number, 313, there were consumed by fire	138
Unaccounted for	95
	233

"This left in the possession of the Government eighty bales, of which twenty were shipped to Louisville. What the quartermaster realized from this sale does not appear.

"It appears from the evidence that Cowan & Dickinson forwarded one hundred and eleven bales of cotton in October, 1863, which was sold, a part in Cincinnati, and a part in New York, in December, 1863, and January, 1864. The average to each bale was five hundred and one pounds. That sold in Cincinnati brought seventy-five cents per pound; that sold in New York, eighty cents. What were the expenses of transportation, commission, insurance, &c., does not appear.

"It appears in evidence that the claim of Cowan & Dickinson was, on the 15th December, 1866, referred to the military commission on claims for examination. They report that they have examined the account of that firm for cotton taken for the use of the fortifications, and that they are satisfied that the number of bales as specified (two hundred and fifty-six) were taken from them; that the average marketable weight of the same was five hundred and one pounds; that James H. Cowan and Perez Dickinson, composing the firm of Cowan & Dickinson, always have been and are consistent and strictly loyal citizens of the United States Government, and that they are entitled to payment for the cotton thus taken from them.

"At a subsequent date, however, Colonel Clinton, recorder of the claims commission, reports to the Secretary of War, in respect to this claim, that the claimants present ample proofs of loyalty, and under the ruling of the commission in similar cases they would be entitled to the return of the cotton, or if sold, to its net proceeds, but that under the ruling of the War Department, based on the opinion of the Judge-Advocate-General, in Elliott's case, it would seem the claim was barred by congressional legislation.

"Upon the reference of this case by the War Department to the Judge-Advocate General, Judge Holt indorses the following opinion:

"BUREAU MILITARY JUSTICE,
"*December* 4, 1867.

"Respectfully returned, and the opinion expressed that, under existing legislation, the executive department of the Government has no authority to allow this claim. The cotton was seized in the enemy's country, and on the theater of the war, and was appropriated to the strengthening of one of our forts then threatened with an attack by an advancing column of rebel forces. For this act of legitimate warfare the Government incurred no responsibility, and if the payment claimed is hereafter made, it will be a mere gratuity bestowed, and not the satisfaction of any legal liability. Under the extremely liberal proviso in favor of the State of Tennessee this claim might be rightfully adjusted, could the cotton seized be held to have been either *quartermaster* or *commissary stores*. Most clearly, however, under the circumstances, it was neither the one nor the other.

"J. HOLT,
"*Judge-Advocate-General.*

"The committee, in concluding the insertion of documentary proof in this report, call attention to the following letter of General BURNSIDE, by whose authority this cotton was taken, written on December 10, 1866, to General Canby:

"'I take great pleasure in representing to you the claim presented by Messrs. Cowan & Dickinson, of East Tennessee.

"'At the time the forces under my command were besieged at Knoxville by General Longstreet, it was necessary to fortify the place as rapidly as possible; and in the exigencies of the time a quantity of cotton—say some two hundred and fifty-six bales—belonging to Messrs. Cowan & Dickinson was taken and used by our forces for fortifications around the city. The necessity for this step was imperative, and the cotton was taken without waiting to give the usual and necessary vouchers for it, and after the raising of the siege my time was too much occupied to take the proper steps to secure the claims to Messrs. Cowan & Dickinson.

"'These gentlemen are, and have been, thoroughly loyal to the United States Government, and have yielded their property without complaint, and they only ask a just compensation for their loss. I hope they may receive from the United States Government a sufficient sum to make good the amount of property yielded to the public service.'

"It may be added, without quoting the proofs, that the loyalty and upright character of this firm are established beyond a doubt.

"What, then, are the rights of these claimants? Were they constructive enemies? Was the district where their property was seized 'enemy's country,' in the sense of that expression? Was the seizure a military capture of hostile property?

"Upon the solution of these questions, the actual loyalty of the claimants being conceded, their title to compensation must depend.

"The committee do not regard Knoxville, at the time of the seizure of this cotton, as enemy's country. If not, then the claimants were not constructive enemies. The historical facts of this period of the war are very clear. General BURNSIDE occupied Knoxville with the Union forces early in September, 1863. He was welcomed, says the historian, with such an outpouring of enthusiastic loyalty and gratitude as had rarely been equaled. East Tennessee, amid all the persecutions to which the friends of the Government had been subjected, had remained invincibly loyal throughout the war. The army was welcomed with cheers and fond greetings; the national flags which had been secreted for many months now waved from almost every house, and the people manifested the sincerest joy at the restoration of the national authority and protection, which, amid all the varying fortunes of the war subsequently, were never superseded in that locality. The city was beleaguered by Longstreet on the 17th day of November, but the assault upon the defenses was not made until the 28th of the month, which was directed upon an unfinished work known as Fort Sanders. In this assault, made by a picked storming party of three brigades, the loss of the assailants was about eight hundred, while on our side the entire loss was only about one hundred—only fifteen of these in the fort.

"The evidence shows that these cotton bales, so seized, were used on the works of defense for the purpose of making parapets and traverses. Says Captain Poe, who so skillfully engineered the defenses: 'In my opinion the emergency was very great and the use of the cotton necessary. It certainly answered an important end in Fort Sanders, at which point the assault of the enemy was repulsed with terrible slaughter, with very slight loss to ourselves. In the fort every traverse and bomb-proof was of cotton, as were also the cheeks of some of the embrasures.'

"The siege of the city was raised on the 5th day of December, and the enemy left that section of country.

"But the important fact to be noticed in this connection is that from the arrival of BURNSIDE's forces on the 3d day of December, 1863, the national authority was established and protection was extended over persons and property, and this authority was continued ever afterward. On the 17th and 18th days of November, when this cotton was seized, the military occupation by the national military forces had been continuous and uninterrupted for two months and a half. General BURNSIDE had entered East Tennessee with an army of 20,000 men, and maintained his position and authority there. His occupation and control of the country were actual and substantial, not illusory, imperfect, or transient. Being such, according to the decision in the Venice case, (2 Wallace Rep., 259,) his military occupation of the place drew after it the full measure of protection to persons and property consistent with a necessary subjection to military government.

"As Knoxville was not at this time enemy country, so the seizure of the cotton was not placed on the ground of a military capture of hostile property, but it was taken from acknowledged friends of the Government, for the sole purpose of being used in defending the city, and with the avowed purpose of the commanding officer under whose order it was seized of giving them a voucher for the same, which the committee interpret to mean an obligation binding the Government to return or account for the value of the cotton. In no just sense can this cotton be deemed captured or abandoned property. It is doubtful if the law requiring the Treasury agent to sell captured property extended to this cotton.

"If Knoxville was not enemy country at this time, its loyal inhabitants stood in the same relation to the Government as the citizens of Philadelphia or Washington. There is no intermediate condition of country between enemy and friendly. Knoxville was one or the other, and the committee are of opinion that the Supreme Court has decided its status. If upon the approach of Early's forces in July, 1863, when he menaced Washington, General Augur could have seized the cotton bales of loyal citizens of the latter city and used and destroyed them in the defenses without creating any liability on the part of the Government, then these claimants have no case. But the committee are of opinion that the claimants have a clear title to compensation, and the only doubt has been as to its extent. For all except one hundred and thirty-eight bales burned and ninety-five bales missing, the liability rests upon the ground that the United States have used the cotton in part and sold the residue. The commanding general had given a voucher for this amount. This disposes of eighty bales, of five hundred and one pounds each.

"How stands the case as to the remainder? Suppose that General BURNSIDE had given, as he purposed doing, a voucher for the whole two hundred and fifty-six bales, instead of the eighty, could there be any reasonable doubt that it would have created, according to the purpose of the maker of it, an obligation on the part of the Government to return the cotton or pay for its value? Is that the fair interpretation of the one he gave for eighty bales? If it does not mean that, what was the purpose of giving it? Had General BURNSIDE the power to bind the Government in a transaction of this nature in a friendly country? If he had not, who connected with that army had? His commission and assignment to the command of that military district gave him the immediate control of the military forces under his command and the power to employ all necessary means to expel the enemy and maintain there the authority of the Government. If a thousand laborers outside the army were necessary to work on the fortifications, could he not employ them and bind his Government to pay them their wages? Could he not purchase provisions and forage for the use of the army and tools to work on the fortifications? If not, why not? And if he could do this, why could he not bind his Government to return or pay for cotton bales used to defend the city and the army? If he could, then it is clear, from the evidence, that he intended to supply a voucher for the remaining one hundred and seventy-six bales.

"It is clear that General Schofield, the successor of General BURNSIDE, recognized the right of these claimants to the value of their cotton, when, three days subsequent to the letter of Cowan & Dickinson, he issued his order of February 26, 1864, to his quartermaster to collect all the cotton not absolutely necessary for the public service, with a view of having it sold and a voucher being given to them for the amount.

"The commission on claims was instituted for some purpose. They assumed jurisdiction of this case, examined it, and made their report. That report was not objected to on the ground that they had exceeded their authority. Of course, if they have any authority at all, their very name would import that their business was to ascertain facts and report their conclusions. It was organized, we suppose, in the interest of truth and justice. If it could report against a claim it could report in favor of it. Its decision was either entitled to respect or no respect. If entitled to no respect, why was it organized at all? Well, this commission has spoken in this matter and settled these facts:

"1. That the claimants are loyal men and ever have been.

"2. That two hundred and fifty-six bales of cotton, of five hundred and one pounds to each bale, were taken from them.

"3. That they are entitled to payment for the same.

"This commission has returned this verdict to the War Department, which recognizes its authority to speak in the matter by accepting the report and dissenting from its conclusions.

"The committee accept the facts as found by the commission, and concur in its conclusions. If there was such a public emergency as justified the military authority in seizing this friendly cotton for the public good, in a section of the country where the authority of the Government was established and ever afterward maintained, the committee think it was the duty of that authority to restore it as soon as the emergency passed. Pass it soon did, and Knoxville was not afterward in danger; and yet the military authorities allowed this cotton to remain in the defenses, exposed to the elements and to theft, until late in February, before any effort was made to collect it. A large body of troops during all this time had remained stationed at Knoxville, with little to do, and yet ninety-five bales of cotton have been abstracted from the fortifications under their very eyes, so negligently had it been guarded. When, more than three months after its seizure, upon the urgent application of the owners, what remained had been collected, one hundred and fifty-eight bales were placed in an exposed situation, without cover or guard to protect it, and it is scarce to be wondered at that such combustible material was ignited and nearly all consumed. It is a matter of regret that the United States should be made responsible for so great a loss in consequence of the sheer and unpardonable carelessness of their military representatives, and it were much to be desired that the officers in command, charged with the protection of this property, should be held responsible for their neglect of duty. Still, whether there be or be not a recourse, there can be little doubt of the duty of the Government to make the petitioners whole.

"The committee have fixed upon fifty cents a pound as the fair value of the cotton at Knoxville at the time of its seizure. Estimating the bales to average five hundred and one pounds each, the claimants are entitled, for the two hundred and fixty-six bales taken, to the sum of $64,123, and the committee now report back the bill granting that sum to them, and recommend its passage."

Your committee, though agreeing in the main with the conclusions of the foregoing report, believe that the same fixes too high a price upon the cotton. At the time it was taken it was in imminent danger of falling into the hands of the enemy and being lost to the owners. Your committee believe that under the circumstances thirty cents per pound was a fair price for the cotton, and accordingly report back a bill for the payment of the sum of $38,476.80, and recommend its passage.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WATER POWER IN MOLINE, ILLINOIS.

Mr. LOGAN. I ask leave to take from the table a joint resolution of the House appointing a commission to investigate the question about the Moline water-works in Illinois.

By unanimous consent the Senate proceeded to consider the joint resolution (H. R. No. 194) to appoint a commission to examine into the matter of contracts made by and between the United States and the Moline Water Power Company, as to the water power at Moline, Illinois, and to report to Congress as to the same.

Mr. LOGAN. This is the mere appointment of a commission to make a report to Congress.

There being no objection, the joint resolution was read three times and passed.

REDICK M'KEE.

Mr. MORRILL. Some days ago I entered a motion to reconsider the vote passing the bill (H. R. No. 620) for the relief of Redick McKee, at the request of my colleague, [Mr. EDMUNDS,] who is now too ill to be present, and who thinks the bill a very bad one; but I do not myself feel authorized to stop the passage of the bill any longer. I therefore withdraw the motion to reconsider.

The PRESIDENT The motion to reconsider will be withdrawn if there be no objection. The Chair hears none.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM. Mr. President, I submit a report from the committee of conference on the legislative, executive, and judicial appropriation bill, and ask for its present consideration.

The Chief Clerk proceeded to read the report.

Mr. SARGENT. There seems to be no use in reading the report which consists of so many matters. It would be better to explain it.

Mr. WINDOM. It would be impossible to make an explanation of each of the four hundred and eighty-three amendments in detail. I will state in general terms the character of this report. The House bill undertook to revise and reduce a very large number of salaries which were fixed by the compromise act of last summer. The Senate committee restored all those salaries to the amounts agreed upon in the bill of last year. To this the House conferees have agreed. A very large number of the amendments made on which the House recedes are consequently of that character. There are no material changes made in salaries except in a dozen or perhaps twenty instances; I do not remember the exact number. In a few cases salaries have been slightly reduced, but very few. There is some change made in the clerical force of the Departments from the last year's bill. The increase in the Sixth Auditor's Office, in the Post-Office Department, and in the Treasurer's Office is one-half of the increase made by the Senate; that is, the conference committee agreed by taking one-half of the increase authorized by the Senate.

The conference committee have agreed upon every proposition with the exception of the amendments numbered 76 and 77, which are on the question of the reduction of the President's salary. The conference committee has disagreed upon that, and the motion that I propose to make is that the Senate agree to the conference report as presented, and insist upon its amendments numbered 76 and 77, which relate to the President's salary.

I think I shall be able to answer any questions that may be put with reference to any of these amendments, but time will not permit me to go into them in detail. I move that the Senate concur in the report of the conference committee; and if proper to add the additional motion now, I move also that the Senate insist upon its amendments relating to the President's salary, which are numbered 76 and 77, and request a new committee thereon.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate concur in the report of the conference committee and that the Senate insist upon its disagreement to the amendments relating to the President's salary.

Mr. ALLISON. I ask that the motion be divided.

The PRESIDENT *pro tempore*. A division of the question is called for. The question will be first on concurring in the report of the committee.

The report was concurred in.

Mr. ALLISON. On the question of insisting upon the disagreement of the Senate to the amendment relating to the President's salary, I ask for the yeas and nays.

Mr. BLAINE. What is the object of the Senator? For instructions? If the Senate insist *nem. con.*, why are the yeas and nays necessary?

Mr. MORRILL. A motion to recede takes precedence.

The PRESIDENT *pro tempore*. It does.

Mr. ALLISON. The object is to obtain the vote of the Senate upon the question of the President's salary.

Mr. BLAINE. If nobody objects to insisting upon the disagreement, it is not necessary to have the yeas and nays.

Mr. WINDOM. It is not necessary to have the yeas and nays.

Mr. ALLISON. If nobody objects to the motion, I shall withdraw my call.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota, that the Senate insist on its disagreement with the House on amendments Nos. 76 and 77.

The motion was agreed to.

Mr. WINDOM. I move that a new committee of conference be appointed.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate, and Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4699) to remove the disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States, was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. No. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, was read twice by its title, and referred to the Committee on Military Affairs.

ARMY APPROPRIATION BILL.

Mr. BLAINE. I move that the Senate proceed to the consideration of the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with an amendment to strike out all after the enacting clause, and in lieu thereof to insert a substitute.

Mr. BLAINE. I do not know that it will be necessary to read the bill; it ought to be sufficient to read the matter which the Committee on Appropriations recommend as a substitute.

The PRESIDENT *pro tempore*. If there be no objection such will be the understanding.

Mr. DAVIS. The bill as it passed the House differs so widely from the substitute of the Senate committee that I think both should be read.

Mr. BLAINE. If the Senator from West Virginia will pardon me one moment, before the bill is read I will explain precisely what the Committee on Appropriations recommend. Will the Senator yield a moment?

Mr. DAVIS. Certainly, I will yield.

Mr. BLAINE. I may do that as well before the reading as after.

Mr. DAVIS. I have no objection, but my object is to have both bills read, the bill as it came from the House and the substitute.

Mr. BLAINE. Very well, if the Senator desires it I ask that both be read.

Mr. DAVIS. The bills are short, and they differ so widely that the Senate ought to know the difference between the two.

Mr. BLAINE. That is very proper.

The PRESIDENT *pro tempore*. The Senator has that right. The Secretary will read the original bill and then the substitute proposed.

The bill of the House was read, as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army, for the year ending June 30, 1878, as follows:

For expenses of the Commanding General's office, $1,000.

For expenses of recruiting and transportation of recruits, $20,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of seventeen thousand enlisted men, including scouts and hospital-stewards.

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $3,000.

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field telegraphs and signal-equipments, $5,000.

Pay Department:

For pay of commissioned officers, enlisted men, contract-surgeons, veterinary surgeons, paymasters' clerks and messengers, two hundred hospital-stewards, and hospital-matrons; for mileage to officers, postage, and cost of telegrams on public service; compensation of citizen witnesses attending military courts, and traveling expenses of paymasters' clerks, $10,800,000.

And hereafter the following-named officers of the Army shall be entitled only to the pay herein stated after their respective designations:

The General, $11,000 a year.

The Lieutenant-General, $9,000 a year.

A major-general, $7,000 a year.

And in lieu of the forage now allowed, they shall each be entitled to forage in kind for three horses, if they are kept and used by them in the performance of their official duties; and so much of sections 1261 and 1271 of the Revised Statutes as conflicts with this provision is hereby repealed.

Subsistence Department:

For subsistence of regular troops, Indian scouts, civilian employés, and Indian prisoners, $1,854,754; and the rations for the troops and the supplies for sale to the officers shall in all cases, when practicable, be furnished by contract under proposals invited by advertisement, which advertisement shall be posted at the military post requiring such subsistence, and at the towns nearest to said post, for a period of three months before the opening of proposals; and whenever purchases of supplies of the same quality can be made at points adjacent to said post, delivered at the same rates and cost as similar supplies would cost delivered if purchased elsewhere, preference shall be given to, and the purchase made at, such adjacent points: *Provided*, That the advertisements for subsistence hereafter shall be approved by department commanders, instead of requiring the approval of the Secretary of War: *And provided*, That $300,000 of the money thus appropriated, or so much thereof as may be necessary, may be applied by the Commissary-General of Subsistence, prior to the 1st of July, 1877, to the purchase of subsistence supplies required for advance shipments to posts situated on the Upper Missouri and Yellowstone, and in other remote regions; and this amount is hereby made available for disbursement from the passage of this act.

Quartermaster's Department:

For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking, of fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for Pay and Quartermaster's Department, and for printing of division and department orders and reports, and for incidental expenses, such as postage and telegrams or dispatches; extra pay to soldiers employed under the the direction of the Quartermaster's Department, in the erection of barracks, quarters, store-houses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March 2, 1819, and August 4, 1854, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or when traveling on orders, and of non-commis-

sioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension of deserters, and the expense incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, to wit: hire of veterinary surgeons, medicine for horses and mules, picket-ropes, and for shoeing the horses of the corps named; also generally, the proper and authorized expenses for the movement and operations of the Army not expressly assigned to any other department, and for transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, and for hire of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts; in all, $7,600,000: *Provided, however*, That no money appropriated by this act shall be paid to any railroad company for the transportation of any property or troops of the United States over that portion of any railroad which was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge, or upon any other conditions, for the use of such road for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any part of such road when on duty and under orders as military officers of the United States.

For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, $175,000: *Provided*, That cavalry regiments may be recruited to one hundred men in each company, and kept as nearly as practicable at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas: *Provided*, That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of seventeen thousand enlisted men, as provided in this act.

For construction and repair of hospitals, $75,000.

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking the stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, $695,454.

For pay of seventy superintendents of national cemeteries, $57,750.

For maintaining and improving national military cemeteries, $100,000.

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $40,000.

Medical Department:

For purchase of medical and hospital supplies, medical care and treatment of officers and soldiers on detached duty, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department, $150,000.

For the Army Medical Museum, and for medical and other works for the library of the Surgeon-General's Office, $8,000.

Engineer Department:

For engineer depot at Willet's Point, New York, namely: For purchase of engineering materials to continue the present course of instruction of the engineer battalion in field engineering, $1,000.

For incidental expenses of the depot, remodeling ponton-trains, repairing instruments, fuel, forage, stationery, chemicals, extra-duty pay, ordinary repairs, and other indispensable necessaries of like character, $3,000.

Ordnance Department:

For the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage and vehicles; incidental expenses of the ordnance service, including those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, $80,000: *Provided*, That none of the money hereby appropriated shall be expended, directly or indirectly, for any use not strictly necessary for, and directly connected with, the military service of the Government; and this restriction shall apply to the use of public animals, forage, and vehicles: *And provided further*, That none of the money hereby appropriated shall be expended for the construction or repair of buildings.

For manufacture of metallic ammunition for small-arms, $75,000.

For overhauling, cleansing, and preserving new ordnance stores on hand at the arsenals, $25,000.

For repairing ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, $25,000.

For purchase and manufacture of ordnance stores, to fill requisitions of troops, and for alteration of carriages now in use in sea-coast forts, $70,000.

For infantry, cavalry, and artillery equipments, consisting of valises, haversacks, canteens, and great-coat straps, and for re-covering cavalry saddles with leather, and of manufacture of saddle-bags, and repairing horse equipments for cavalry troops, $60,000.

For manufacture, at national armories, of the new model, breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, $60,000: $20,000 of which may be used by the Secretary of War in the manufacture of magazine guns, should such a gun suitable for the military service be recommended by a board of ordnance officers.

SEC. 2. That now or hereafter no officer selected, detailed, or assigned to duty upon the staff of, or as aid to, any general officer, or upon any other duty whatsoever, shall be entitled to receive any additional rank, pay, or allowance by reason of such selection, detail, or assignment; and all laws or parts of laws in conflict with the provisions of this section are hereby repealed.

SEC. 3 That the number of cavalry regiments is hereby reduced to eight, and the number of artillery regiments to four, and the number of infantry regiments to sixteen: *Provided*, That the officers of the discontinued regiments may be assigned to other regiments of their respective arms, according to their dates of commission, as vacancies may occur; and any officer, on his own application, may be honorably discharged, with one year's pay for each and every term of eight years' service from the date of his commission; and sections 1104 and 1108 of the Revised Statutes are hereby repealed, and hereafter there shall be no distinction in the service on account of color.

And there shall not be any new enlistments in the Army until the number of enlisted men shall have been reduced to seventeen thousand, inclusive of Indian scouts, hospital-stewards, and the enlisted force authorized for the office of the Adjutant-General by the act approved March 3, 1875, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876.

And that any portion of the cavalry or artillery force may be armed, drilled, and used as infantry, at the discretion of the President; and that an act to increase the cavalry force of the United States to aid in suppressing Indian hostilities, passed August 15, 1876, be and the same is hereby repealed, to take effect December 1, 1877.

SEC. 4. That the President is hereby authorized to assemble from time to time, as occasion may require, a board of not less than three nor more than five officers, such board being hereby invested with the powers of a court of inquiry and court-martial, whose duty it shall be to examine the propriety of conduct, capacity, qualifications, and efficiency of any commissioned officer of the Army, inclusive of retired officers, who may be reported to the board; and upon such report, if adverse to such officer, after revision of the proceedings like to that of a court of inquiry or court-martial, and approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible as a member of said board whose rank or promotion would in any way be affected by its proceedings; and two members at least, if practicable, shall be of equal rank with the officer to be examined; and the members of said board and the recorder shall be sworn to an honest and impartial discharge of their duties.

SEC. 5. That no part of the money appropriated by this act, nor any money heretofore appropriated, shall be applied to the pay, subsistence, or transportation of troops used, employed, or to be used or employed, in support of the claim of Francis T. Nicholls or of S. B. Packard to be governor of the State of Louisiana. Nor shall any of said money be applied in support of the claim of the two bodies claiming to be the Legislature of said State, presided over respectively by L. A. Wiltz and Louis Bush; nor of the two bodies claiming to be the Legislature of said State, presided over respectively by C. C. Antoine and Michael Hahn; nor in support of the claim of Thomas C. Manning and associates to be the supreme court of said State; nor in support of the claim of John T. Ludeling and associates to be the supreme court of said State; nor in aid of the execution of any process in the hands of the United States marshal in said State issued in aid of and for the support of any such claims. Nor shall the Army, or any portion of it, be used in support of the claims, or pretended claim or claims, of any State government, or officer thereof, in any State, until such government shall have been duly recognized by Congress. And any person offending against any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned at hard labor for not less than five nor more than ten years.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 4304) to authorize the United States to secure a title to the Fort Union military and timber reservation in New Mexico;

A bill (H. R. No. 3833) for the relief of John N. Hall;

A bill (H. R. No. 4397) for the relief of Francis M. Strong and Thomas Ross;

A bill (H. R. No. 1082) for the relief of Henry M. Meade, late paymaster in the United States Navy; and

A joint resolution (H. R. No. 179) granting the use of artillery, blankets, &c., at the national soldiers' and sailors' reunion, to be held at Marietta, Ohio.

The message also announced that the House had passed the following bills:

A bill (S. No. 830) for the relief of Joseph W. Parish;

A bill (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas;

A bill (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army; and

A bill (S. No. 973) for the relief of Elizabeth Carson.

The message further announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. No. 731) to limit and fix the Signal-Service; and

A bill (S. No. 1128) to extend for two years the act establishing the board of commissioners of claims, and the acts relating thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST submitted 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. 4187) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1878, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment No. 32, and agrees to the same with an amendment making the amount $6,000.

Upon the amendments Nos. 12, 13, 34, and 35 the conferees have been unable to agree, and so report to their respective Houses.

J. R. WEST.
S. W. DORSEY,
L. V. BOGY,
Managers on the part of the Senate.
WM. S. HOLMAN,
HIESTER CLYMER,
CHAS. FOSTER,
Managers on the part of the House.

Mr. WEST. As this is the second conference on the post-office appropriation bill, I should like to submit to the Senate the points upon which the conference have found themselves unable to agree for such action as the Senate may see proper to take. The items numbered 12 and 13, upon which the two Houses have not been able to come to

an agreement, refer to the railroad transportation of the mails. The original amount appropriated by the House of Representatives was $9,000,000. The estimate made by the Post-Office Department was $10,288,000. The Senate committee finally agreed to make the amount $9,300,000, but really consenting in their judgment to impair the efficiency of the service rather than let the bill fail. The House of Representatives advanced their amount from $9,000,000 to $9,200,000, and on that point the conference committee has disagreed. I regret that the chairman of the Committee on Post-Offices and Post-Roads is not here. I will state that the Postmaster-General, in referring to the railroad mail service in his last annual report, calls the attention of Congress to the fact that really that service has within the past year retrograded in efficiency instead of at least keeping up with the spirit of the times. In speaking of the service, he takes occasion to say that—

> Serious embarrassments have resulted from a discontinuation of these fast lines' which have been augmented by the refusal of the railroad companies to re-establish the incomplete accommodations they had previously furnished. The mails are now conveyed between the Atlantic seaboard and points in the West and Southwest with less dispatch, and with smaller facilities for distribution, than were provided before the inauguration of the fast-mail system.

In other words, by the reduction of 10 per cent. that was made by Congress last year in the amount of compensation paid to railroad companies, the postal service between the Atlantic seaboard and the great West is in a condition of less efficiency than in the year 1875, prior to the establishment of the fast-mail system.

The chairman of the Committee on Post-Offices and Post-Roads when addressing the Senate last on this subject explained that the railroad companies were not compelled to furnish cars of over a certain length, inasmuch as all their carriage was done by weight. Owing to the fact that we have but forty-five-foot cars between New York, Boston, Chicago, and Saint Louis, the distribution of the mails *en route* is very much retarded. With a view of restoring the service to its proper condition the conferees on the part of the Senate have felt compelled to refer the question to the judgment of the Senate. I should like have some views expressed in regard to that matter, as to the sanction or otherwise that the Senate propose to give to the action of their committee.

Mr. COCKRELL. I understand that on particular points the conference committee has not agreed.

Mr. WEST. That is what I have been trying to state.

Mr. COCKRELL. What are those particular points?

Mr. WEST. That is what I have been trying to state, too.

Mr. COCKRELL. The Senator has been very unfortunate, I think, with his statement, with all due respect to him, and I should like to know what the particular points are.

Mr. WEST. I will repeat for the benefit of the Senator, although it perhaps may be a little tiresome, that on the question of mail transportation on the grand trunk lines——

Mr. COCKRELL. What is the amount of difference between the two committees?

Mr. WEST. In the judgment of our committee the amount, although only $100,000, means the total and absolute impairment of the service. We have yielded from estimates of $10,288,000 down to $9,300,000, and that is as far as we thought we ought to go. I should like to have some expression from the Senate either by a motion to recede or otherwise. I believe the motion to recede takes precedence.

Mr. WHYTE. Does the Senator from Louisiana make any proposition either to insist or not?

Mr. WEST. I believe it is the parliamentary usage to allow any Senator who would propose to recede to have that motion offered first. If I hear no proposition of that kind I shall move——

Mr. WHYTE. I will move to recede, then, from the proposition which relates to the fast-mail service.

Mr. WEST. It does not. The Senator misunderstands it entirely. There is no proposition to re-establish fast mails whatever.

Now, upon the motion of the Senator from Maryland, the Senate is called upon to decide just this: Will you have your mails carried by weight in forty-five-foot cars between Boston, New York, Chicago, Saint Louis, and Cincinnati, or will you provide sixty-foot cars without increasing the speed at all; the sixty-foot cars affording the facilities of such distribution *en route* as in the opinion of the Committee on Post-Offices and Post-Roads will accelerate the delivery of your mails twenty-four hours between your great centers East and West?

The PRESIDING OFFICER, (Mr. BOOTH in the chair.) The question is on the motion of the Senator from Maryland, that the Senate recede.

The question being put, a division was called for.

Mr. DAVIS. I was unfortunate enough not to be present when the Senator from Louisiana explained the difference between the two committees; but if I understand aright from those who heard him, they differ as regards the amount appropriated in the amendments the Senate put on as to subsidies for the Brazilian and Pacific mail lines.

Mr. WEST. The Senator is mistaken totally. I am not treating of the subsidy but treating of the railroad communications between the East and the West by the main trunk lines.

Mr. DAVIS. Is that the only question?

Mr. WEST. That is the only question before the Senate at the present time. We shall come to the other in due time.

Mr. DAVIS. I ask the Senator what was the difference between the committees? He says I am totally mistaken as to the questions pending, and then when I ask whether the only question is the railroad, he tells me "no, we shall come to the other after awhile." I should like to know what he means by "coming to it after awhile."

Mr. WEST. When a Senator rises in the middle of a division of the Senate and takes the floor and addresses the Senate on a different subject, I think it would be perhaps well and a courtesy to the Senator who has spent some time in trying to explain the matter to the Senate that he should know what he was voting upon. If my friend from West Virginia asks whether I am coming to that question soon or not, I will tell him that the Senate was dividing on the proposition of the Senator from Maryland [Mr. WHYTE] to recede on a certain amendment relating entirely to railroads. It has nothing to do with the steamship question at all. That will come up on a motion of some other Senator and such explanations as I shall be able to make. After having by the solicitation of Senators tired the ear of the Senate three times by repeating myself, I think I ought to be excused further.

Mr. DAVIS. When I rose I said that I was unfortunate enough to be absent and I asked the Senator, in as courteous language as I could use, what was the difference, and he then stated what I understood to be the difference. It would have been just as easy for the Senator to have said "we are voting on a particular amendment now but there are other differences." However, that is a personal matter; let it go.

Mr. WEST. The Senator will pardon me. I did do that.

Mr. DAVIS. Do I understand now that there are several differences between the committee of conference? One of these questions may depend upon the other. I think I have a right to know. Now I ask the Chair to have reported, not in detail, but the substance of the differences, if the Senator from Louisiana does not think proper to do it. That will probably give the Senate an opportunity of voting understandingly. It may be that it was noticed when the Chair put the vote that perhaps not ten Senators voted. Why was that? Because the majority of the body, as I supposed, did not fully understand the question and did not desire to vote until they did, and I was one of that class. Now I ask that the Senate be informed what the differences consist in. I do not want to take up time; but it is necessary for us, if we are to vote intelligently, to know what the differences between the committees are.

Mr. BOGY. I will state very briefly, as I was a member of the committee of conference, that the subject before the Senate is confined entirely to the question of railroad transportation. The motion of the Senator from Maryland is that we shall recede from our amendment on that point. The bill as passed by the House appropriated $9,000,000 for railroad transportation for the great trunk lines. The Senate increased the appropriation to $9,600,000; in other words, they added $600,000 to it. Of this increase of $600,000, $250,000 were to be used for the purpose of enabling the Postmaster-General to procure what have been called mail facilities. These mail facilities were not at all fast mails. The mail was to be transported at the same rate of speed; but the object was to increase the cars from forty-five-foot cars, which do not carry the mail by weight, to sixty-foot cars, so as to enable those cars to distribute the mails at all the towns from New York to Saint Louis and west of Saint Louis. It was to make these cars postal cars, moving post-offices.

I remember when it was first proposed by the Senator from Maine [Mr. HAMLIN] I opposed it. On further investigation of the matter I have become satisfied that the amendment was correct, and therefore I sustained in the committee of conference the $600,000 addition. With a view, however, to some compromise, I agreed with my colleagues on that committee to come down to $9,300,000; in other words, to increase the amount of the House bill only $300,000. The Senate wanted an increase of $600,000, but we were informed by the Postmaster-General that although with the $300,000 he could not get along very well, yet it was possible he might go through, at all events until the next session of Congress and of the $300,000, $250,000 were to be used for the procurement of mail facilities. The House was willing to increase the amount $200,000. We were willing to come down $300,000, and they to go up to $200,000, leaving a gap of $100,000, and that is the only gap now on that point. There are of course other points in the report of the committee of conference which are not now before the Senate, because those all depended one upon the other.

My idea is that the Senate ought not to recede at present. I am satisfied in my own mind that the amendment of the Senate is fair. I am reminded by the Senator from Texas [Mr. MAXEY] that this increase is necessary for new railroad facilities in Texas to a large degree. I think we had better not recede, but make another honest effort to come to an agreement.

Mr. WHYTE. I withdraw the motion in view of the statement of the Senator from Missouri.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. WEST. I move that the Senate insist on its disagreement and ask for a further conference on that amendment.

The motion was agreed to.

Mr. WEST. Now, as I stated to the Senator from West Virginia, we come to the other points of disagreement; but we can only deal with one at a time.

Upon the amendment numbered 34, which provided that the sum of $500,000 should be appropriated for the carriage of the mails be-

tween the United States and China and Japan, and upon the amendment numbered 35, which provided that the sum of $500,000 should be appropriated for the carriage of mails between New Orleans and the Brazilian Empire, the committee was unable to agree, the conferees on the part of the Senate proposing to the House committee that they would abate those respective sums to $300,000 each, and that if the House committee would submit that proposition to the House, and the House should sustain their action in disagreeing, then the Senate committee would withdraw from the position they had assumed. As it is, therefore, we failed to agree upon a proposition for $300,000 for each of these items. I ask for the sense of the Senate.

Mr. WITHERS. Do I understand the Senator to say that the understanding of the committee is that that proposition is to submit the result of their conclusion to the House to pass upon it before they have another conference?

Mr. WEST. I am not aware whether the House committee will act upon the suggestion made by the Senate committee or not, but the Senate committee propose to abate the amount to $300,000 in each case, leaving the House to act upon it if they see proper. We can stand upon that proposition, subject to their action, if the Senate so see proper.

Mr. BOGY. The Senate amended the House bill by adding two provisions for subsidies, one appropriating $500,000 for the mail service from San Francisco to Japan and China and the other service on the Pacific Ocean to Australia, and one $500,000 for a monthly mail from New Orleans to Rio Janeiro. The House committee disagreed to these amendments entirely. The Senate committee then proposed to reduce the amounts to $300,000 in each case. Some of the House committee, I think, favored that, but the majority did not. It was proposed that the subject should be referred to the two Houses without an indorsement by the committee and let the Houses pass upon it themselves. That was declined. The matter stands in that way now, the Senate conferees insisting on the matter being referred to both Houses respectively, and as one of the amendments has got to go to another conference committee, and the passage of the bill will not be delayed by letting the other amendments go also, I would suggest that the whole subject be referred again to a conference committee, and I would furthermore suggest that it should be a new committee. I have been on the committee twice, I think our minds are set on that subject, and I would prefer myself that a new committee entirely should be raised. I hope, therefore, the Senate will insist on these amendments; as we have insisted on one and the bill cannot pass at present, I hope we shall insist on the others and make another effort. I hope, therefore, the motion made by the Senator from Louisiana will be sustained by the Senate and a new committee appointed.

Mr. WEST. I move that the Senate insist on its position on the amendments named and ask for a further conference with the House.

Mr. WADLEIGH. Let me inquire of the Senator from Louisiana whether or not the disagreement is upon the mail subsidies of $500,000 each.

Mr. WEST. The disagreements have been fully stated and they are all understood.

Mr. WADLEIGH. I did not happen to be in and did not understand.

Mr. WEST. I call for the question on my motion that the Senate insist and ask for a further conference.

Mr. DAVIS. The Senate has already passed upon the amendments relating to the railroad mail service. The item now before the House is the one I tried to get the Senator having charge of the bill to state previously so that we should know exactly what we had to vote upon. One, in my judgment, has some bearing upon the other; but in order not to take up the time of the Senate I yielded and did not require the reading of the whole at the desk. Now if it is the intention of the Senate committee of conference to adhere to the subsidies, I think the Senate ought to let the committee know at once what the wish of the Senate is. But if, on the other hand, the conferees believe that it would be better to let the two questions go together and make another effort, with the understanding that they shall not hold out so as to defeat the whole bill, owing to either one of these amendments, I agree at once to have another conference; but we are running along toward the end of the session. This is one of the most important appropriation bills we have. Without its passage the whole mail service of this country has to stop; and neither of these amendments is of sufficient importance for that. Having expressed myself in that way I make no opposition to the request of the Senator having charge of the bill.

Mr. BOGY. It seems to me the Senator from West Virginia makes a very great mistake. This bill has not been delayed, and no word has been said to delay its passage by the question of subsidies. It has been delayed by the fact that the committees could not agree with regard to the amount to be allowed for the transportation of the mail on the trunk railroads, not by the other question at all. The main point has been the trunk railroads.

Mr. SAULSBURY. As a member of the Post-Office Committee I was not present when the provision of the bill was incorporated into it. I should certainly have opposed it, had I been present in the committee, as I should have opposed it here if I had been present in the Senate when it passed. I shall not let this occasion pass without here stating that I am unqualifiedly opposed to these subsidies whether for the Brazilian line or the Pacific mail line. I am perfectly willing to pay to each of these lines a fair and proper compensation for carrying the mails, based upon the services they render to the Government; but I shall not consent by any vote of mine to subsidize either of these companies. I say here and now, if it puts in jeopardy the post-office bill, if my vote can determine it, these subsidies shall not pass by my consent.

I am perfectly willing to pay the Pacific mail line, which has had a subsidy for ten years of half a million dollars, the full compensation to which it is entitled for the service it renders to the Post-Office Department, and I am willing to pay the Brazilian line whatever may be a fair compensation for carrying the mails between New Orleans and Brazil; but when they come here and ask us to subsidize these lines, to take the money which the people, by taxes, have paid into the Treasury of the United States, and give it to corporations, I enter my protest against it.

I hope, therefore, we shall recede from this proposition, and that we shall not encumber this bill with any measure whatever to subsidize either the Pacific mail line or the Brazilian line.

Mr. BOGY. A motion to recede would test the whole subject. I am willing to go into it at length. I am perfectly willing to go into the subject at great length right off, if the Senate desire it. I am entirely prepared.

Mr. WADLEIGH. The Senator from Missouri intimates that he will consume the whole time that remains of this session in discussion. I am opposed to these subsidies. The public believe that they are too large. The public believe, and I think with truth, that the service can be performed at a much less rate, and that this is not a fair and a just compensation for the services which are to be expected of these steamship companies. I propose to vote against it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana, that the Senate insist on its amendments and ask for a further conference.

Mr. WITHERS. We have already determined that we shall have another committee of conference on this bill. As regards the subsidies, let the whole question go to the same committee of conference, and let them consider it. If they fail to agree, when they come back here, it will be time for us to yield to the House and give up the subject. We can gain no time by voting now on these various motions. We shall have to have another committee of conference anyhow.

Mr. WADLEIGH. It can do no harm to inform the committee what is the sense of the Senate on this question, and I hope there will be a vote so that they may know what it is.

Mr. SAULSBURY. I hope the committee of conference that may be formed may not be embarrassed by the consideration of the subsidy question. Let us now recede from that proposition. As the Senator from New Hampshire has said, I believe the judgment of the country is that it is too much to pay for the service that these companies propose to render to the Postal Department. Let us therefore not embarrass the conference committee with the consideration of this question at all. I move that the Senate recede.

Mr. BOGY. I do not believe that the judgment of the country is opposed to subsidies that are just and proper and clear of any fraud, and calculated to promote some great and necessary work or open some new and important channel of commerce. Politicians have used this question as a most popular one for declamation. It is the abuse of this system which the people condemn, and justly, but not its judicious application for the public good. I certainly would not favor extravagant and corrupt subsidies; but this I will say, that you cannot restore the prostrate commerce of this country unless you use means of this kind. You never can bring back to the ocean the vessels that were swept away from it during the last war unless you use the same means that are employed by all the commercial nations of the present day the world over.

To-day we have no commerce of any consequence with South America; and if you strike down the line that crosses the Pacific Ocean and carries the mail to Japan, China, and Australia, and to the numerous islands of that ocean, you will sweep from the bosom of that vast sea the only American line in that quarter, and you will force the immense commerce of that region to Europe, and mostly to England.

At this time England has upward of one hundred steam-vessels running to the ports of South America. The United States, boasting to be a great commercial nation, and in close proximity to that country, has but very few indeed, and not one regular line. A man in New York desiring to send a letter to Rio Janeiro has to send it to England so that it may find a vessel there to carry it to its destination. A person in New Orleans who desires to correspond with South America has to send his letter to New York, and from there it goes across the ocean to England to find the means of transmission, and any one in New York who wishes to write to any portion of Mexico has to avail himself of a British line to carry his letter from the island of Saint Thomas to the city of Vera Cruz. And yet we profess to legislate in favor of commerce so as to find markets for the vast and increasing productions of our country. So far from being liberal and wise in our policy, we are pursuing a narrow and miserable system, crippling our foreign commerce. True economy dictates a different and more enlightened system. If we wish to attain the position intended by nature for us, that of a great, first-class commercial power, we must resort to the means that other nations employ, and not go

back to the slow and sluggish instrumentalities used forty or fifty years ago, when we were only an agricultural, farming, and a rural population almost entirely.

I may disagree with a portion of the party leaders on this subject, but I think I am in accord with the sentiment of the people. I may disagree with the politicians who are willing to lead the people astray by crying out "subsidy" and "corruption" and "Credit Mobilier," and in this way obtain their confidence, at the expense, however, of the public good. I am opposed to corruption and to all Credit Mobiliers and to all jobs. In this I yield to no Senator; but, nevertheless, without fair and judicious subsidies to-day many of our great works would not exist. The West is covered with railroads, which would not now exist if the Government had not given to them millions of acres of public lands. The great road from the valley of the Missouri to the Pacific Ocean, once looked upon as a wild and visionary dream, would not exist without aid from the Government. There may have been very great frauds perpetrated in the management and the building of this road; nevertheless, its value to the commerce of the nation is beyond all calculation; and as a national work, binding the extremities of our country, it is equally impossible to estimate its importance.

Therefore, Mr. President, without detaining the Senate, I am willing to present that question to the mind of the country, that of reasonable subsidies as necessary to develop its resources. Subsidies, of course well guarded, are used by France, England, Germany, and indeed by the nations of Europe at the present day that are striving for the commerce of the world. We are holding back on this subject because, as I have already said, we are led by the demagogues throughout the country. The people are intelligent, and if allowed to act for themselves would regulate this, and keep all such things as subsidies within reasonable bounds; and it is within these bounds I am anxious to keep them. A line from New Orleans to South America would be of the greatest benefit to the section of country which I have the honor in part to represent upon this floor. I may say it is a part and parcel of that system which is destined some day to connect the southwestern country with the Pacific Ocean through what is called the Texas Pacific line of railroad, for which I am ready at this moment to vote a subsidy by guaranteeing the interest on its bonds. The southern man who does not see this, it seems to me, fails to appreciate the interest of his section.

The city of New Orleans is only sixteen hundred miles from the Pacific Ocean. The city of New York is three thousand miles from the same ocean. Hence, connect the city of New Orleans, which is a seaport, with the Pacific Ocean, and you bring to that city the commerce of Europe, which seeks the eastern world across our continent. To-day New Orleans, and all the Gulf States, are virtually cut off from any connection, commercial or otherwise, with the Pacific Ocean. A gentleman residing in New Orleans who desires to go to San Francisco has to make a long trip north before he can turn his way westward. Why should not this section be connected by railroad with the Pacific Ocean? This can only be done by Government help, and without that help it will be many years before the South can have any commercial relations with the Pacific.

South America is destined to be, if we are wise in our legislation, to this country what the East Indies have been to England, a source of inexhaustible wealth; inexhaustible because nature in that climate reproduces annually with boundless profusion. Shall we not have the wisdom and statesmanship to avail ourselves of our position so as to have some part and parcel in that trade, which is now all carried to England? A New York buyer of coffee in Rio Janeiro pays for his purchase by a bill on London; and so with the buyer from Baltimore. This should not be, and would not be if proper efforts were made to give direction to this trade. As it is now, no such effort is made, and none can be successfully made without a regular line of steamers; and New Orleans is the natural point for our trade with the republics of South America.

Therefore, Mr. President, I am in favor of a reasonable subsidy for this line. My section is immensely interested in the establishment of a line from New Orleans to Brazil. We have provided for an expenditure of $5,000,000 to $7,000,000 to open the mouth of the Mississippi; and what good will it do unless you encourage some trade from this point? I know it is said if the trade is profitable it will come of itself. That is true to a certain extent; but when competition is stimulated by the legislation of other countries you have to use the same means to accomplish the same object.

There is another point. The time will come when the appropriations for the Navy should be cut down to one-half what they are now; yet a Navy is not only of essential importance, but is indispensable to a nation. It is by building and maintaining a commercial navy that you will do away with one-half of the appropriations for the Government Navy. Train your seamen in the mercantile navy, let the merchant ships be so built that in the event of war they are ready at a moment's warning to be changed from merchant vessels to Government and war vessels, and those same seamen who have breasted the storms upon the mercantile vessels will be the seamen ready for war when it does come. It might be wise for us to spend $5,000,000 annually to encourage our merchant navy and spend that much less for the Government Navy. It would certainly be much wiser to spend some of this money in the way I have suggested, and encourage the commerce of the country by building a mercantile navy, than make the large appropriations which have been made from year to year. The men trained as sailors in the mercantile navy cost nothing, and all history proves their adaptation in times of war.

Mr. SAULSBURY. I never fail to listen with a great deal of pleasure to my distinguished friend from Missouri, [Mr. BOGY,] who always addresses the Senate ably and eloquently; but on this occasion I must be permitted to say, with all due deference to my friend, that he has but repeated the stereotyped arguments which have been used time and again on this floor and in these lobbies in favor of taking the money of the people out of the Treasury and giving it to these corporations.

My learned and honorable friend in the discussion of this question has seen proper to discuss the claims of the Southern Pacific Railroad and to enlighten us upon the question of the marine and the naval service of the country; but he has not, in my judgment, advanced one argument that ought to weigh in favor of the proposition now to subsidize these companies, the Pacific Mail Company and the Brazilian Mail Steamship Company. If it is put on the ground that it will build up commerce, I would enter into that argument. Our commerce to-day, notwithstanding for years past we have been expending the public money in the shape of subsidies to steam lines, is not what it was in former years, when the sturdy integrity and virtue of our fathers prohibited and restrained us from granting the public money to private corporations. No, sir, your commerce is not to-day in a waning condition because of the want of stimulus by the Government, but it is because the energies of the people have been directed in a different direction; and so long as men may look to the Government for aid, you will have no enterprise in the shape of commerce except such as the Government fosters. Let us alter our policy in this respect and again the sea will be whitened with the sails of our merchant ships. But while we adopt the policy of subsidizing one line we virtually exclude and drive from the sea all other lines. Let us pay these lines for the service they render the Government by carrying the mails, but let us not attempt to empty the coffers of the Government into the laps of these rich corporations. We have paid already for ten years a subsidy to the Pacific Mail Company, and if it is now not able to stand upon its feet the sooner it goes down the better for all concerned; the better for the corporation, the better for the men engaged in it. Let us at any rate guard the public Treasury, guard the taxes which the people have paid into the Treasury from depletion in favor of private corporations. For one, sir, I will not vote for this subsidy under any circumstances.

Mr. WINDOM. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is, Will the Senate insist on its amendments and ask for another conference?

Mr. WINDOM. Was there not a motion made by the Senator from Delaware to recede?

Mr. SAULSBURY. I did make that motion.

The PRESIDENT *pro tempore*. The Chair was not aware of that. The motion to recede has priority.

Mr. WINDOM. I move that the five-minute rule be applied to this bill, and I hope that the motion made by the Senator from Delaware will be agreed to.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the five-minute rule be applied to this bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion to recede from these amendments.

Mr. BOGY. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. DAVIS. Is there not an error? The Senator from Delaware does not mean to recede from all amendments. I understood him to move to recede from the amendments as to subsidies. There is also another amendment in the bill relating to railroads.

Mr. SAULSBURY. My motion was to recede from the Senate amendments in reference to the steamship subsidies.

The PRESIDENT *pro tempore*. Both of them?

Mr. SAULSBURY. Yes, sir.

The PRESIDENT *pro tempore*. There are only two amendments pending. The others have been disposed of.

Mr. WEST. I spent some time in stating the points of difference between the two committees. I stated that there were four amendments upon which the two committees failed to agree. The Senate has voted on two of those amendments relating to the railroad service. The question now embraced by the motion of the Senator from Delaware is, Will the Senate recede from its amendments providing for subsidies to the China mail and the Brazilian mail? and that is all the question. I believe the Senator from Missouri has called for the yeas and nays on that question.

The Secretary proceeded to call the roll.

Mr. SPENCER, (when his name was called.) Upon all political questions I am paired with the Senator from North Carolina, Mr. MERRIMON.

Mr. WEST. This is not a political question.

Mr. SPENCER. I do not regard this a political question; and as I suppose we should both vote the same way, I shall vote.

The roll-call having been concluded, the result was announced—yeas 29, nays 12; as follows:

YEAS—Messrs. Alcorn, Bailey, Bayard, Blaine, Chaffee, Christiancy, Clayton Cooper, Davis, Harvey, Hereford, Hitchcock, Johnston, Jones of Florida, Kernan, McDonald, Norwood, Ransom, Robertson, Saulsbury, Sherman, Spencer, Stevenson, Teller, Wadleigh, Wallace, Whyte, Windom, and Withers—29.

NAYS—Messrs. Bogy, Booth, Conover, Dawes, Ferry, Hamlin, Kelly, Mitchell, Morton, Paddock, Sharon, and West—12.

ABSENT—Messrs. Allison, Anthony, Barnum, Bontwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Cockrell, Conkling, Cragin, Dennis, Dorsey, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Howe, Ingalls, Jones of Nevada, Logan, McCreery, McMillan, Maxey, Merrimon, Morrill, Oglesby, Patterson, Randolph, Sargent, Thurman, and Wright—34.

So the motion to recede was agreed to.

Mr. WEST. I move that the House be informed of the action of the Senate on the other amendments and that a committee of conference be appointed.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. ALLISON, Mr. DAWES, and Mr. DAVIS were appointed.

SIGNAL SERVICE.

Mr. SPENCER. I move that the Senate non-concur in the amendments of the House to the bill (S. No. 731) to limit and fix the signal service, and ask for a committee of conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. SPENCER, Mr. CLAYTON, and Mr. RANDOLPH were appointed the conferees on the part of the Senate.

COURTS IN WEST VIRGINIA.

Mr. CONKLING. Some time ago the late Senator from West Virginia [Mr. Caperton] was appointed a member of the committee of conference on the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia. I move that the vacancy created by his death be filled by the Chair.

The motion was agreed to.

AFFAIRS IN ALABAMA.

Mr. BLAINE. I hope we shall go on with the Army appropriation bill now.

Mr. CAMERON, of Wisconsin. The subcommittee designated by the Committee on Privileges and Elections to investigate affairs in the State of Alabama are authorized by a majority to report, and I now present the report.

The report was ordered to be printed.

ELECTIONS IN SOUTH CAROLINA AND LOUISIANA.

Mr. CAMERON, of Wisconsin. I desire to make a request in behalf of the Committee on Privileges and Elections. A subcommittee of the Committee on Privileges and Elections was sent to South Carolina to investigate affairs in that State. On account of the delay in printing the testimony, the testimony taken by that subcommittee is not yet printed, and consequently the subcommittee has not yet been able to prepare a report. I am instructed by the Committee on Privileges and Elections to ask permission of the Senate to file a report after the 4th day of March. The report is partially prepared, and can be filed within a few days.

The PRESIDENT *pro tempore*. Is there objection to this permission?

Mr. STEVENSON. I object.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin make a motion?

Mr. CAMERON, of Wisconsin. I think the Senator from Kentucky will not object when the case is known. The Senator from North Carolina, who was a member of the subcommittee, [Mr. MERRIMON,] informed me yesterday that he would probably have to be absent to-day, and he requested me to make this request of the Senate.

Mr. WADLEIGH. I move to amend the motion of the Senator from Wisconsin so as to include the subcommittee that went to Louisiana. They have been unable to prepare their report for the same reason.

Mr. BLAINE. If this gives rise to debate, I shall not yield to it.

Mr. COOPER. Is the motion in order after objection?

The PRESIDENT *pro tempore*. It is.

Mr. COOPER. What is pending before the Senate?

The PRESIDENT *pro tempore*. The Army appropriation bill. The Senator from Maine yields for this purpose.

Mr. COOPER. Must not the Senator from Wisconsin move to postpone the Army bill?

The PRESIDENT *pro tempore*. Strictly.

Mr. COOPER. Does the Senator from Maine give way?

Mr. BLAINE. I do not. Let us go on with the bill.

The PRESIDENT *pro tempore*. The Army appropriation bill is before the Senate.

SALE OF DESERT LANDS.

Mr. SARGENT. I ask leave to make a report from a committee of conference.

Mr. BLAINE. I yield for that.

Mr. SARGENT submitted 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. 4261) entitled "An act to provide for the sale of desert lands in certain States and Territories," 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 1, 2, 5, 6, 9, 13, 14, and 16; that the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 10, 15, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same, with an amendment to strike out all of said amendment after the word "however," and insert in lieu thereof the following:

"That the right to the use of water by the person so conducting the same on or to any tract of desert land of six hundred and forty acres shall depend upon *bona fide* prior appropriation, and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same, with an amendment to insert before the word "sum," in line 13, on the first page of the bill, the word "additional;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same, with an amendment striking out all after the word "provided," in said amendment, and inserting in lieu thereof the following:

"That no person shall be permitted to enter more than one tract of land, and not to exceed six hundred and forty acres, which shall be in compact form."

And the Senate agree to the same.

A. A. SARGENT,
R. J. OGLESBY,
J. K. KELLY,
Managers on the part of the Senate.

J. K. LUTTRELL,
L. F. LANE,
L. CROUNSE,
Managers on the part of the House.

The report was concurred in.

WARREN MITCHELL.

Mr. DORSEY. I move to reconsider the vote by which the Senate yesterday recommitted to the Committee on Claims the bill (S. No. 1145) for the relief of Warren Mitchell. I do not wish the motion called up at the present time.

The PRESIDENT *pro tempore*. The motion will be entered.

ARMY APPROPRIATION BILL.

Mr. BLAINE. Let us go on with the Army bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, each paragraph of the committee's amendment will be considered by itself.

Mr. BLAINE. There is no necessity for reading the amendment by paragraphs, because the design is to take a vote of the Senate upon the substitution of that which is printed in italics for the bill that comes from the House, and I will state very briefly the reasons that governed the Committee on Appropriations in making this recommendation.

The bill comes to us very late in the session, and it is a bill that presents a great many points on which there would be sharp differences. There is a great deal of legislation in the bill that comes from the House. To begin with, there is a proposition to reduce the Army by eleven regiments, to reduce the aggregate of enlisted men from 25,000 to 17,000. There is a proposition in the bill to reduce the pay of all the leading officers in the Army, beginning with the General. There is a proposition also to entirely re-organize several of the departments; in effect, the different bureaus of the War Department; and there is a proposition at the end of it of a nature which undoubtedly would give rise to very prolonged and possibly animated discussion. So it seemed to the Committee on Appropriations that if they should recommend the traversing of this bill it would only be to invite a discussion which would inevitably end in having the bill go over and be lost. It does not seem to me, and I think in stating that I state what is the impression of a majority of the Committee on Appropriations, that it would be a possible thing to pass an Army appropriation bill at all if we assumed the basis of that bill to be the bill that comes from the House.

Now, in the absence of that consideration, I desire to say that the committee have agreed to take, and do recommend the Army bill of last session, which was a very thoroughly considered bill, after very great investigation and elaboration, probably one of the most thoroughly considered Army bills that has passed Congress for many years. The recommendation of the Committee on Appropriations is that we take that bill, merely leaving out of it the legislative provisions, which it is not necessary to repeat.

Coming to dollars and cents, I desire to state that the estimates of the War Department are $30,946,000; in round numbers, thirty-one millions. The bill of last session was $27,621,000. The pending bill is $21,992,000; in round numbers, twenty-two millions. The difference, therefore, between the bill that is recommended by the committee and the bill that comes from the House in the aggregate of money is about $5,700,000.

There is one other point very much in favor of the bill of last year. As I have already said, it was a carefully considered bill. It very minutely subdivided the heads and bases of expenditure. The bill that comes to us this year is very largely a lump bill, especially in the expenditures under the Quartermaster's Department, which was the most considerable, as every one knows, of the Army. It lumps them. It does not subdivide them. It is not nearly so well or so carefully drawn as the bill of last year, and the committee object to it on that account.

I therefore, without desiring to enter into a prolonged discussion, for it is my wish to have the five-minute rule applied to this bill, submit this brief explanation and ask that this bill may have the five-minute rule applied to it as in Committee of the Whole.

The PRESIDENT *pro tempore*. Is there objection?

Mr. DAVIS. I hope the Senator will not on so important a bill, and when there are but few provisions to be debated, ask for the five-minute rule, unless it should be seen that the time was going to be abused. The Senator well knows that this is probably the most important appropriation bill that we have before us; indeed, it is the only one now left. The five-minute rule, as a matter of course, sometime will have to be applied, but I think it too soon now.

Mr. BLAINE. The Senator from West Virginia cannot fail to see that if this bill be left open to general discussion, with all the points of difference in it, we might as well not spend time upon it at all, because it will be obviously impossible to pass it. We are now on the last legislative day of the session. To have this bill pass here and go back to the House, be reconsidered there, go to a conference on the points of difference, and have the bill as finally agreed on enrolled and presented to the President for his signature will certainly be all that we can hope to accomplish between now and to-morrow at twelve o'clock noon.

Mr. DAVIS. I believe this is the only appropriation bill left unacted upon. There are important, highly important, matters contained in the bill now before us; and, as I said a moment ago, unless the time appears to be abused, unless some Senator seems to be taking up all the evening, I hope the Senate will wait a little while at least before applying the five-minute rule.

Mr. BLAINE. I feel that I must insist that the Senate pass upon the question of considering the bill under the five-minute rule. I am very sure that to leave it open to discussion without limitation of the time would be simply to lose it, after a discussion which might itself be of no profit to either side of the Chamber. I believe that the bill can be passed satisfactorily to both sides under the five-minute rule, and that it can become a law; and therefore I insist on the motion that the five-minute rule be applied to the bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the five-minute rule be applied to this bill during its consideration.

The motion was agreed to.

The PRESIDENT *pro tempore*. The words proposed by the Committee on Appropriations to be inserted will be read.

The CHIEF CLERK. It is proposed by the Committee on Appropriations to amend the bill by striking out all after the enacting clause, and in lieu thereof to insert the following:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1878, as follows:

For expenses of the Commanding-General's office, $3,000.

For expenses of recruiting and transportation of recruits, $90,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized, and as provided by law, with a force of enlisted men not exceeding four hundred after present terms of enlistment have expired.

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $3,000.

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field telegraphs and signal equipments, $10,500,

Pay Department:

For pay of commissioned and non-commissioned officers, privates, military storekeepers, medical storekeepers, musicians, and veterinary surgeons, artificers, farriers, saddlers, and wagoners, except as hereinafter enumerated, $9,918,574.50.

For the pay proper of three hundred privates employed as Indian scouts, $46,800.

Miscellaneous:

For the pay of contract surgeons, $161,637.

For the pay of fifty-two paymasters' clerks, $62,400.

For the pay of two hundred hospital stewards, $72,000.

For the pay of two hundred hospital matrons, $24,000.

For one hundred and forty-eight commissary sergeants, $60,384.

For messengers to paymasters, $15,000.

For extra-duty pay to enlisted men, $30,000.

For travel-pay and commutation of subsistence to discharged soldiers, $500,000.

For retained pay to discharged men, $703,860.

For pay to soldiers for clothing not drawn, $360,000.

For additional pay to enlisted men, $356,520.

For mileage of officers of the Army when traveling under orders, $230,000.

For postage on letters and packages received and sent by officers of the Army, on public service; cost of telegrams; compensation of citizen witnesses attending upon courts-martial, military commissions, courts of inquiry; traveling expenses of paymasters' clerks, $80,000: *Provided*, That the appropriations under the head of "Pay Department" in this act shall be accounted for by disbursing officers under the title of "Pay, &c., of the Army, 1878," so that the total amount appropriated for that purpose shall not be exceeded.

Subsistence Department:

For subsistence of regular troops, Indian scouts, and Indian prisoners, $2,200,000.

Quartermaster's Department:

For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports, $3,750,000.

For incidental expenses, to-wit: For postage and telegrams or dispatches; extra pay to soldiers employed, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March 2, 1819, and August 4, 1854, including those employed as clerks at division and department headquarters; expenses of expressage to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or when traveling on orders, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation to clerks to officers of the Quartermasters's Department; compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, to-wit: hire of veterinary surgeons, medicine for horses and andmules, picket-ropes for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of the Army not expressly assigned to any other department, $450,000.

For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, $250,000: *Provided*, That cavalry regiments may be recruited to one hundred men in each company, and kept as near as practicable at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas: *Provided*, That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of twenty-five thousand enlisted men, as provided in this act.

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse-equipments and of subsistence-stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness; and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, $3,500,000.

For hire of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe keeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, $1,150,000.

For construction and repair of hospital, $100,000.

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, $695,454.

For the pay of seventy superintendents of national cemeteries, $57,750.

For maintaining and improving national military cemeteries, $125,000: *Provided*, That the Secretary of War shall provide for the care and maintenance of the national military cemeteries, and for this purpose shall submit an estimate with his annual estimates to Congress.

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $50,000.

Medical Department:

For purchase of medical and hospital supplies, medical care and treatment of officers and soldiers on detached duty, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department, $175,000.

For the Army Medical Museum, and for medical and other works for the library of the Surgeon-General's Office, $10,000.

For providing surgical appliances for the relief of persons disabled in the military or naval service of the United States, and not included within the terms of any law granting artificial limbs or other special relief, $5,000.

Engineer Department:

For engineer depot at Willet's Point, New York, namely:

For necessary materials for properly drilling the engineer companies in field duties; for incidental expenses of the depot, fuel, forage, chemicals, stationery, extra-duty pay, purchase of animals, and ordinary repairs, $5,000.

Ordnance Department:

For the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage, and vehicles, incidental expenses of the ordnance service, including those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, $100,000: *Provided*, That none of the money hereby appropriated shall be expended, directly or indirectly, for any use not strictly necessary for, and directly connected with, the military service of the Government; and this restriction shall apply to the use of public animals, forage, and vehicles: *And provided further*, That none of the money hereby appropriated shall be expended for the construction or repair of buildings.

For manufacture of metallic ammunition for small-arms, $75,000.

For overhauling, cleaning, and preserving new ordnance stores on hand at the arsenals, $30,000.

For repairing ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, $35,000.

For purchase and manufacture of ordnance stores, to fill requisitions of troops, and for alteration of carriages now in use in sea-coast forts, $100,000.

For infantry, cavalry, and artillery equipments, consisting of valises, haversacks, canteens, and great-coat straps, and for re-covering cavalry-saddles with leather, and of manufacture of saddle-bags, and repairing horse-equipments for cavalry troops, $90,000.

For manufacture, at national armories, of the new model breech-loading musket and carbine adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, $100,000.

Mr. WALLACE. It will be seen by an examination of the substitute that the Senate undertakes to occupy the field that has always heretofore been occupied by the House, by originating what is in effect an appropriation bill. The substitute is substantially a new bill. The Senate does not concede to the House the right to originate

this bill if it adopts the substitute. This is the first objection which will be urged on the part of those who sustain the House bill.

The bill as it came to us from the House reduced the number of men from 25,000 to 17,000 and it reduced the total aggregate appropriations over $5,000,000 from those of last year. It makes legislative changes in the management of the Army and in the control of the several departments thereof, many of which are undoubtedly of value, but the Senate committee by the substitute refuses even to consider them. The representatives of the people are refused the privilege on this floor of being heard upon these questions of what is in their opinion necessary legislative change. Whether they are proper or improper it seems to me should be considered by the Senate, and not stricken out without deliberation thereon.

Besides, the question of the use of the Army in Louisiana and of the misappropriation of money by the executive arm of the Government, has also been considered by the House and included in its bill. I have no doubt this question has been gravely and earnestly considered by the House, and they have sent to the Senate a bill which contains their views upon that subject. It is their right, I apprehend, their constitutional and clear right, in voting money to carry on the affairs of the Government to place conditions upon the expenditure of that money. The Senate committee by its report does not permit the Senate even to consider this important subject, but on the contrary simply substitutes, by a sweeping provision for that and all the other provisions of the House bill, the bill of last year. In other words, they take the bill of last year as an appropriation bill and say this is that upon which we shall stand.

It seems to me that the proper course would have been to have taken up these amendments of the House, examine them *seriatim*, ascertain whether they were or were not proper, correct them where the judgment of the Senate did not accord with that of the House, increase the amounts appropriated by the House if a just view and a proper regard for the interests of the service required it, and then to have discussed the question of the conditions imposed by the House upon the use of the Army which they have imposed, and thus made up the judgment of the Senate upon that, and then to have finally settled the bill by a conference committee. A majority of the committee of the Senate has taken a different view. For my part, Mr. President, and for those who act with me, we must vote against the substitute proposed by the Committee on Appropriations. I cannot go into a detailed argument of the provisions of the bill owing to the shortness of the period of time to which we are limited.

Mr. DAVIS. On page 19, in line 131, of the substitute before "thousand," I move to strike out "twenty-five" and insert "twenty;" so that the proviso will read:

Provided, That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of 20,000 enlisted men as provided in this act.

As has been said the substitute, as now proposed, increases the appropriation from that of the bill as it came to us from the House between five and six million dollars. The amendment offered by myself would reduce that amount, or, in other words, be a saving of probably between three and four million dollars, and cause the Army to stand at 20,000 men instead of 25,000 men as the enlistments are now required. My impression is that 20,000 men are ample for an Army at any time, and that 20,000 men probably would be better employed on the western frontier than where many of the troops now are.

Mr. BLAINE. The Senator from West Virginia will observe that by the operation of this bill 2,500 cavalry authorized by the act of August 16, 1876, are disbanded. It reduces the Army 2,500, which I think is quite as much as it ought to be now reduced.

Mr. DAVIS. As I understand the provision for the 2,500 men, last year we passed a bill allowing that number of cavalry if necessary, if wanted for public use, for one year, for the year only, and this bill does not reduce the Army and does not refer to those troops at all.

Mr. BLAINE. But by not referring to them it allows them to drop out. It does not revive them; it does not continue those organizations; and therefore the Army, in consequence of this bill, *in propria vigore* becomes reduced 2,500 men.

Mr. DAVIS. As I understand it, the 2,500 men were allowed for a special purpose, in the event of there being service for them, and they do not belong to the regular service and cannot be considered a part of the Army. They were enlisted for a special service, for a special time, and a special appropriation was made for them. Therefore they cannot be considered in any sense as a part of the Regular Army; and on that point I think the Senator from Maine will agree with me.

Mr. BLAINE. Of course that is true, but the Senator will observe that whereas last year we appropriated for 27,500 men, this year we are only proposing to appropriate for 25,000 men, and the difference is at least $1,600,000. It is just as vital to the Treasury as though we took that number from the regulars. They were called into service for a specific duty. That duty is done, and they are disbanded, and a saving of course comes to the Treasury.

Mr. DAVIS. The Senator probably recollects that the 2,500 men were not provided for in the Army appropriation bill. It was a separate bill, according to my recollection, and a separate appropriation entirely from the regular appropriations for the Army.

Mr. BLAINE. It costs the Treasury just as much, however.

Mr. DAVIS. Of course, but that matter is not now before the Senate, and the question does not come up. I believe that 20,000 men are ample. Of course the number of 25,000 men would remain until the Army is decreased by the expiration of the terms of the enlisted men. They drop out in the ordinary way. The bill provides that no further enlistments shall take place. When the term of service of these 2,500 men who have been spoken of expires they will drop out. Probably there has never been any use for them, but whether that be so is another question. My judgment is that 20,000 men are ample. Probably 17,000 men would be ample. The popular branch of this Government believes that 17,000 men are ample, and they have provided for that number in the bill which they sent to us. The amendment offered by myself would make the Army in the course of time, not at once, come down to 20,000, which I hope and believe a majority of the Senate are in favor of doing. We no longer have the same disturbances on the western frontiers that we had last year when the Army appropriation bill was passed. When 25,000 men were designated as the number last year we well recollect that the country and Congress took into consideration that there were then disturbances on the western frontier, and disturbances that were likely to require all the Army there; but the result has been that a part of the Army has been used elsewhere, and I think very improperly. However, that I need not refer to in a discussion of this bill.

My belief is that the amendment offered by myself is proper and should be adopted. I indeed hoped that the Senator from Maine would find that it was right within itself, and that it would save this Government probably between three and four million dollars within the next fiscal year, and that therefore he would not object to the amendment. As the Senator will see, it is a number fixed between that of the bill as it came to us from the House and the substitute which the Senator from Maine has in charge. I am now almost persuaded to think (knowing as I do and as the Senator knows the wants of the country full well, and knowing that there are no troops wanted where now there are a good many in the southern country, and that there is much less necessity for them in the western territory than there was a year ago, when the number was put at 25,000,) that the amendment will not be opposed reducing the Army to 20,000 men, which would be a fair adjustment probably; for certainly it is a number between what the popular branch of the Government has fixed and the number provided in the substitute before the Senate.

Mr. LOGAN. I am opposed to this amendment, and I will briefly give my reasons. I believe since I have been in Congress I have never known a session to pass without some proposition on appropriation bills cutting at the Army. I ask the Senator from West Virginia to give me his attention for a moment.

Mr. DAVIS. I will try to do so.

Mr. LOGAN. I think I can give him good reasons why his amendment ought not to be adopted. I suppose from his argument that the adoption of the amendment is suggested on account of economy. I presume that is the reason for it.

Mr. DAVIS. That is one of the reasons.

Mr. LOGAN. And the other reason is on account of the number of the Army being more than is necessary for the service of the Government. Any gentleman who is well acquainted with the organization of an army knows that all the time striking at the private soldier in the Army is not an economical measure at all. If you want an army of 20,000 men, make your Army of that status, and let the men who serve as private soldiers correspond in number with the officers of the Army. On every Army appropriation bill some would provide that the Army shall not consist of more than so many enlisted men. Why not say of not more than so many officers also?

Mr. DAVIS. Will the Senator allow me to interrupt him?

Mr. LOGAN. I will, certainly.

Mr. DAVIS. The Senator is chairman of a committee that has that matter in charge. If the Committee on Appropriations should attempt to reduce the number of officers already in line, that Senator no doubt would think that the Appropriation Committee was getting on ground that belonged to his committee. I have been in hopes for several years that the Senator from Illinois would bring in some bill or other which would remedy the very evil that he now points out.

Mr. LOGAN. The Senator did not exactly understand the point I was getting at, which I will try to arrive at soon. When I ask why not strike at the officers as well as the soldiers, I do not mean that I am in favor of reducing the Army to 20,000 men, but I mean that whatever the number of the Army may be, the number of men and officers ought to correspond; the Army ought to have a certain status, and then it ought to be let alone. You ought to organize the Army either with 20,000 men, or 25,000 men, or 30,000 men, or whatever number you require, and fix it and then let it alone; but when you cut it down the whole force should be cut down correspondingly. The private soldier in the Army is the cheapest element in the Army, and costs less money than any other portion of the Army; but somehow or other there is an attempt made at every session of Congress to strike the private soldier out of the Army; in other words, to cut down the number of enlisted men and not to touch anybody else. I do not believe that our Army is large enough.

Mr. DAVIS. Will the Senator allow me to interrupt him again?

Mr. LOGAN. Yes, sir.

Mr. DAVIS. I know the Senator is very familiar with all things in regard to the Army. My idea is—and he will correct me if I am wrong—that a provision reducing the Army as the enlistments of the men expire is just what would take place in regard to the officers.

As the officers drop off from any cause, whether they die or resign, I ask him whether or not their places now are filled, or, in other words, whether there is an addition made if an Army officer resigns. I know the grade goes up, but whether the number is increased or not I do not know, and the Senator can inform me.

Mr. LOGAN. Certainly. The officers of the Army are not reduced at all. If an officer dies to-day his place is filled to-morrow, or if he resigns, or if he is put on the retired list. When he is placed on the retired list, instead of reducing the Army it is making a duplicate of officers, for his place is filled in the line and he occupies a place on the retired list and draws his pay just the same as he did in the line.

Mr. DAVIS. I ask the Senator whether or not that rule applies to the lowest officer?

Mr. LOGAN. It applies to all officers of the Army alike.

The PRESIDENT *pro tempore*. The time of the Senator from Illinois has expired.

Mr. LOGAN. I, of course, then have no further time, but I should like to explain further in reference to this matter.

Mr. DAVIS. Some Senator can yield five minutes.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia yield his time to the Senator from Illinois?

Mr. DAVIS. Yes, sir; if I have it.

The PRESIDENT *pro tempore*. The Senator from Illinois has five minutes additional time.

Mr. LOGAN. I do not believe that 25,000 men are sufficient. I do not say that for the reason that I think the Army should be used in any particular locality, but my judgment has been for years that our Army ought to be established at about 30,000 men, and I will give my reasons for it. We have the capacity in the officers' department of the Army to-day for over 30,000 men. We have 30,000 private soldiers in the Army to-day, and about 25,000 effective men, and not more. If you reduce the Army to 25,000 soldiers, we should have perhaps 17,000 effective men and not more. The details in the Army, sickness, hospital service, and everything of that kind, reduce the Army to about that ratio. In my judgment 30,000 men is about such an Army as the Government ought to have in time of peace. We ought to have at least a sufficient Army to form a nucleus if the Government should get in trouble or in danger, so that a large Army might be established and organized; and, certainly, that would not be too small for any emergency that might arise. Now, I do not believe that it is correct in principle or correct economy to reduce the Army; but if there is a desire for the reduction of the Army let a commission be appointed for the purpose of a re-organization of the Army, and when it is re-organized, let the re-organization ramify and affect all parts of the Army alike. We had a re-organization of the Army a few years ago, and put it on a basis of about 30,000 men. We thought that would stand; but at every Congress since there has been a change, either an increase or a reduction, without affecting the officers or the frame-work of the Army in any way whatever. There was a commission appointed at the last session of Congress for this purpose. They have not completed their report. A portion of that commission belong to the Congress of the United States, and their terms expire on the 4th of March. Hence a new commission will have to be organized. I say to the Senate that that is the proper way to re-organize this Army and reduce its force, if any reduction is required whatever; and it is the only proper way. If you reduce your Army in the way proposed here, you will be legislating every Congress, either increasing the private soldiers in number or decreasing them. There is no economy in that method. Their muster-out and their muster-in, their enlistment and their re-enlistment, is a continuous expense. I say to the Senator from West Virginia there is no economy whatever in this proposition, and I will venture the assertion that if you will examine the records to-day you will find that by reducing and increasing the Army one Congress after another, counting the enlistment, the muster-out, and the marching from the place at which they are mustered out to their homes, you have not saved the Government five dollars.

Mr. DAVIS. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. DAVIS. How is it, then, that when you reduce the number from 30,000 down to 25,000, which has been done, or to any other number, the Army appropriation bill has been reduced about a thousand dollars a man? In such cases of reduction the decrease of the amount appropriated for the support of the Army has been about a thousand dollars a man, or about $5,000,000 in a reduction of 5,000 men It does not quite average that sum, but is very near it. Do I understand the Senator to say that there is no economy in such a reduction? The bill before us reduces the Army to 17,000 men, and, as a consequence, the bill appropriates nearly $6,000,000 less than the substitute reported from the Committee on Appropriations. Therefore there must be a saving of $6,000,000.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The time of the Senator from Illinois has expired.

Mr. BLAINE. Mr. President, aside from the general inexpediency of reducing the Army, or increasing it, for that matter, on an appropriation bill, I desire to invite the attention of the Senator from West Virginia to one or two facts connected with the Army. The proposition now, as it comes from the House, is to make the Army of the United States 17,000 men. Long prior to the war, thirty-five years ago, when the population of the country was about 17,000,000; when the area of the country was not one-half what it now is; when the Indian frontier was nothing compared to what it now is; when the warlike tendencies of the tribes were nothing to be feared as they now are, we had an army of twelve thousand men. Instead of the Army growing beyond the growth of the country, it has not at all kept pace with it. The Army is smaller now in proportion to the aggregate population, to the area of the country, to the lines of unsettled and savage frontier, to the great extent of coast, to all the points of defense at which an army may be called upon to act, than it has ever been in time of peace since the Government of the United States was organized; and when you compare it with the armies of other nations, it becomes infinitely small. There is not a little kingdom in Europe, not equal to one of our States in size, and some much less than one of our States in population, that does not have an army quadruple that of the United States. Our Army is absolutely inconsiderable in number to-day when you estimate the magnitude of the nation, the possible service it may be called upon to perform, the needs at any hour that may break out for its use. I should consider it extremely imprudent, without advice, without consultation with the authorities of the War Office, without any report, as the Senator from Illinois suggests, from the commission which has had the subject under consideration, right here in the rush and roar of the last twenty-four hours of the session to propose to reduce the Army of the United States upon an appropriation bill.

Every man in the country is interested in having the Army just as small as it can be with safety; every man in the country is interested in having the Army just as large as safety requires it to be. Whether that point is precisely where we now stand or not, I do not pretend to say. Whether the Army may not be somewhat smaller, I do not know; whether it might not be reduced with safety, I do not propose to say; but I do propose to say that neither the Senator from West Virginia nor any other Senator on this floor has the requisite data to form a judgment upon which legislative action should be based. Therefore I think it is safe and prudent and wise to stand by the military establishment as it is until it shall be changed with due consideration and on that evidence which should be before any legislative body before acting upon so important a subject. I hope the amendment of the Senator from West Virginia will not prevail.

Mr. BAYARD. Mr. President, in matters touching appropriations for the public service it has been my habit to seek instruction from the committee properly charged with the subject, and not undertake to interpose vague ideas of my own in respect to matters in relation to which their opportunities for information were so much better. Therefore it is that I have held myself in a great degree bound by the reports of the appropriate committees on this subject. There is not sufficient time left at the present session for a proper discussion of all the important questions involved in the present bill and the Senate amendments, and I shall briefly signify my position in regard to it, not desiring to delay the Senate and not desiring to make an extra session of Congress necessary.

Between the two Houses there exists a difference as to the amount of money to be expended under this bill, a very serious difference. The cost of the military establishment proposed by the House of Representatives is $6,000,000 less than is proposed by the Senate in round numbers. The difference as to numerical armed force is about eight thousand men, the House proposing an army of 17,000, rank and file, and the Senate of 25,000. Serious as may be the question of expenditure, it seems to me that a far graver question accompanies it for consideration. It is not the mere number of troops authorized; it is not merely the cost of the Army; it is the question of the *employment of the Army*. That is the cause of the deep feeling which pervades the people of this country to-day, and which forms the chief difference between the two Houses of Congress in respect to the present bill. It is not worth while to attempt to disguise it; the fact is that a widespread belief exists that the Army of the country has been employed and is still being used for purposes dangerous to the liberties of the country. That forms the objection to the increase of the military establishment and forms the reasons for the reduction proposed by the Representatives of the people. I only speak of that which we all know, which the whole country knows, of the improper uses to which the Army has been put in certain States of the Union during the last few years.

It is now apparent that the outgoing administration tardily admit this policy in the use of the Army to have been a serious mistake and it seems are taking steps to abandon it. We hear something of a similar suggestion, a faint adumbration of opinion, from the incoming administration that they are in accord with these last expressions of opinion on the part of the present administration. I sincerely hope this may be so. In my judgment it would have been wiser had the House of Representatives moved directly, not by way of lessening appropriations, but directly, for the repeal of all those war measures authorizing the use of the Army in the several States which have found place upon our statute-books in the last fifteen years. The use of military force of the nation for the execution of the laws should certainly be the very last resort, and not, as of late years, the very first. I hope the day is near at hand when we shall repeal all this military legislation which has sprung up under a semirevolutionary condition of affairs, and permit us to return where the Constitution intended our administration of government should be restricted, only

to enforce laws by the military power as a last resort, and even when the military power was called in in aid of the civil power it was to be the militia of the States, and not the Army of the nation.

Mr. President, I had rather meet these questions directly and speak of them candidly that they may be understood. Economy is essential; I have no question of that; and yet there may be a false economy in disproportionately small expenditure. It is the other question to which I refer that causes the feeling and real difference between the Houses, and therefore it is that I propose to give my vote in favor of the general line of action adopted by the House of Representatives in this bill.

After all, I do trust that our liberties have not reached that point that upon the difference between 10,000 and 25,000 men shall depend the safety of the American people, for then it would seem to me that a system of government so illy calculated to preserve itself against the aggressions of one arm of its own service would scarcely be worth preserving.

After all, the cure for such evils must be in the public opinion of an intelligent and courageous people, and that public opinion will practically enforce itself upon the exigencies of the occasion. We know there were emergencies, ten or twelve years ago, which, thank heaven, no longer exist, and there can be no doubt that laws for which there was a pretext or a real cause at that time are no longer the meet and proper laws for a peaceful establishment. It is not the size of the Army, it is the *use* to which the Army is applied; it is the extraordinary laws under which the Army can be unjustly used and has been used. It is the repeal of those laws that I seek, in order that the country may be put *in statu quo ante bellum*. It is that the use of the military as an aid to civil power should be the very last resort in a government of laws, and that, under our system, where the laws are to be enforced in aid of the State, the State militia, and not the Army of the United States, should be called upon.

Mr. BLAINE. Mr. President——

The PRESIDENT *pro tempore*. The Senator's five minutes have expired.

Mr. BLAINE. On this amendment?

The PRESIDENT *pro tempore*. On this amendment.

Mr. WHYTE. I yield the five minutes to which I would be entitled to the Senator from Maine.

Mr. BLAINE. I am very much obliged to the Senator from Maryland for his courtesy. I have great respect for the opinion of the Senator from Delaware on questions of law. I suppose he refers in his remarks to the sixth section of the House bill as the point of difference between the two branches.

Mr. BAYARD. As to number?

Mr. BLAINE. I understood the Senator to say that he did not make the issue so much upon numbers, but as upon the uses of the Army, and it is that to which the Senator objects rather than the numbers especially, if I understood him.

Mr. BAYARD. The question of numbers is to me quite secondary as compared with the use, or misuse rather, of the Army.

Mr. BLAINE. I suppose the Senator referred to the essential difference between the two branches as existing in the sixth section of the House bill.

Mr. BAYARD. There is where the idea appears.

Mr. BLAINE. As I remarked, I have great respect for the opinion of the Senator as a lawyer, however much I might differ with him on other points. Would he consider it to be quite within the scope of the constitutional powers of the President to say that, in a given instance, the President should command the Army in one way and in another way that he should not command it?

Mr. BAYARD. I have grave doubts upon the subject, but there is no time now given for due discussion. The language of the House bill is perhaps not such as I would have adopted. I think it may be open to criticism. I have stood here very often as a constructionist in favor of the rights and powers of each branch of the Government, and I am not disposed in the least to embarrass or hamper the Executive in the just exercise of any rightful power with which he is invested by the Constitution.

Mr. BLAINE. I have a very great desire that the Army bill should pass without any angry discussion or without any introduction of the controverted points that lie just in that section. I have very decided views upon the subject, but I do not know that the expression of them would do any good. I cannot believe that there is a lawyer on either side of this Chamber who will assert in his place that he believes that the Congress of the United States has the right to say to the President, who by the Constitution is the Commander-in-Chief of the Army and Navy, that in a particular exigency he shall not command the Army and in another exigency he shall command it in a certain way. If that does not constitute a clear invasion of the powers of the President, conferred upon him by the organic law of the land, then I cannot read it. The Senator from Delaware must know and himself see that with that provision in the bill, it would be simply impossible to get the Army appropriation bill passed.

Mr. BAYARD. And yet the Senator understands that the power of Congress to regulate the use of the Army is undoubted.

Mr. BLAINE. It is perfectly undoubted that the President of the United States must command the Army under the provisions of law, but that is a very different thing from saying that in a particular instance you shall command the Army in this way and in another particular instance you shall not command it in that way. I think the Senator from Delaware does not need to be reminded that there is a world-wide distinction just there, and one which I am very sure he would not cross.

I do not desire to go into a discussion on that point. I have offered on behalf of the Committee on Appropriations the bill that was matured, and say that to the Senator from Pennsylvania, [Mr. WALLACE,] who I regret is not in his seat, because he said that we had invaded the privileges of the House in proposing an amendment. We are taking the bill that was so elaborately matured last session by this identical House of Representatives with scarcely the dotting of an i or the crossing of a t. The changes are wholly immaterial. The changes in amount do not constitute $100,000 in the whole. It is conforming precisely to what last year was considered the standard of economy and of prudence. I have offered that on behalf of the Committee on Appropriations and I beg that we may have a vote upon it without prolonged discussion.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from West Virginia has exhausted his time.

Mr. COOPER. I take the floor and yield my time to the Senator from West Virginia.

Mr. DAVIS. The clause in the fifth section referred to by the Senator from Maine [Mr. BLAINE] a moment ago we have not reached yet. What we are discussing is the relative numbers and cost of the Army.

The Senator a moment ago spoke of the number in the Army, and said in substance that the proportion *per capita* of the Army to the population was less than in former years. That may or may not be so. If he recollects positively I have nothing to say about that. I have sent to get the numbers so as to test it. I have in my hand the report of the Secretary of the Treasury for the last fiscal year. As to cost you find a very different state of things formerly to that which prevails at present. If you take it by decades and commence in 1820 you find that our Army then cost $2,000,000. Probably we had 20,000,000 people then; I do not recollect the exact number. In 1830 the cost of the Army was $4,000,000. In 1840, if my recollection serves me right, we had about twenty-three million people——

Mr. BLAINE. Seventeen million.

Mr. DAVIS. In 1840 we had then only 17,000,000, and the cost of the Army that year was $7,000,000.

Mr. WEST. Let me ask the Senator if he has any data giving the number of men in the Army at the same time.

Mr. DAVIS. I have sent to the library for that; I have it not now. I am now taking the expenditures as reported by the Secretary of the Treasury in his report for the present year, by decades, so as to be fair and not select any particular years, and to show the difference in the cost.

That proportion was only about one-third of a dollar to each one of the population in 1840. We spent for military service about $7,000,000. In 1850 the expenditure was $9,000,000. We had, I believe, about thirty-one million people in 1850, and we expended for the Army in every way in connection with the military service $9,000,000, which was less than a third of a dollar *per capita*. In 1860 what do we find? We find that we had nearly forty million people, thirty-eight millions and a half, probably, and expended $16,000,000.

Mr. BLAINE. The Senator confuses the eighth and ninth censuses. In 1850 the population was only 23,000,000; in 1860, 31,000,000. He is just ten years ahead of time.

Mr. DAVIS. I must have miscalled the year, but I did not the amount. In 1860 the expenditure was $16,000,000. For the last fiscal year we expended $38,000,000, which shows that we expended in the neighborhood of $1 *per capita*.

Mr. ALLISON. How much?

Mr. DAVIS. Thirty-eight million dollars.

Mr. ALLISON. For the Army?

Mr. DAVIS. For the military service. I take the same service all the way through. I am not speaking of the Army bill, but of the military service of the Government. The year before, which was 1875, our military service cost $41,000,000; the year previous, 1874, $42,000,000.

Mr. ALLISON. The Senator knows that that includes the river and harbor expenditures and all the various items expended under the War Department.

Mr. DAVIS. I do not know any such thing. I know right the reverse, that it does not.

Mr. ALLISON. The Senator is mistaken.

Mr. DAVIS. No, I am not mistaken.

Mr. ALLISON. I should like to know when the Army cost $38,000,000.

The PRESIDENT *pro tempore*. The time of the Senator from West Virginia has expired.

Mr. DAVIS. I think I am right as to the amounts, at least the reports bear me out.

Mr. WEST. Some inquiries that I have had occasion to make on this subject, in connection with the duties assigned to me as a member of the Army commission, enable me to say that I disagree with the Senator from West Virginia when he states that the expenditures of the Army of the United States as aggregated in the report of

the Secretary of the Treasury do not include rivers and harbors and the signal service.

Another piece of information that I was enabled to acquire was this, that the expense *per capita* in the Army in the last five years is less than it was in the year 1850.

Mr. DAVIS. If the Senator will allow me, that is a strange statement in the face of the official report that in 1850 the expenditure for the military service—and if it includes rivers and harbors now it did then—was $16,000,000, and last year it was $38,000,000. There is in these tables a miscellaneous column which in my judgment includes the rivers and harbors and other things of that kind, which shows an expenditure under that head of $48,000,000 last year; and if it did not include such things as river and harbor appropriations, where did the $48,000,000 go? What was it for?

Mr. WEST. The Senator sustains his argument by giving the aggregate of the expenditures of the military establishment. I differ with him entirely in his view that the expenditures for rivers and harbors are not included in this aggregate.

Furthermore, he does not state how many men there were in the Army. I asked him that question awhile ago; and I venture to tell him that if he will extend his researches a little further he will find the fact I now mention, that the expenses of the Army of the United States *per capita* to-day are less than they were in 1850. Such is the fact. That the great increase of the aggregate should be presented we ought not to be surprised at. We know what it comes from. We know it comes from the extension of our frontiers and our contact with hostile Indian tribes, involving transportation of large bodies of men from one point to another, and therefore the greater expense has been entailed upon the country; but really, so far as my researches have enabled me to judge, the economy of the Army to-day and the application of every dollar of the money appropriated judiciously and economically exceed anything known in our history.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. DAVIS. I think this is probably the most important of all questions in this bill. If the number of the Army is not reduced, then of course we cannot reduce the amount of money to be expended, because one goes with the other. I think we ought to have the yeas and nays to know whether or not we shall keep the Army up to its present status or whether it will be reduced. I therefore ask for the yeas and nays on this question. It is not my desire to call the yeas and nays so as to delay on every matter as we go along; but this is a test question.

Mr. BLAINE. That is correct; it is a test question. Let us have the yeas and nays.

Mr. EATON. I suggest to the Senator from West Virginia that we can have the yeas and nays quite as well on the amendment of the committee. That will be a general vote which will test the question as well as the vote on this amendment.

Mr. DAVIS. I think we had better have the yeas and nays on this question.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 34; as follows:

YEAS—Messrs. Alcorn, Bailey, Barnum, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hereford, Johnston, Jones of Florida, Kelly, Kernan, McCreery, McDonald, Maxey, Norwood, Ransom, Saulsbury, Stevenson, Whyte, and Withers—25.

NAYS—Messrs. Allison, Anthony, Blaine, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Conkling, Conover, Cragin, Dawes, Ferry, Frelinghuysen, Hamlin, Harvey, Ingalls, Logan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Robertson, Sargent, Sherman, Teller, Wadleigh, West, and Wright—34.

ABSENT—Messrs. Cockrell, Dorsey, Edmunds, Hamilton, Hitchcock, Howe, Jones of Nevada, McMillan, Merrimon, Morton, Randolph, Sharon, Spencer, Thurman, Wallace, and Windom—16.

So the amendment to the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4476) to provide for the appointment of an official short-hand reporter of the United States courts in and for the district of California.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3628) establishing post-roads; asked a further conference with the Senate on the disagreeing votes of the two Houses on sections 2, 3, 4, and 6 of Senate amendment No. 604 to said bill; and that Mr. J. B. CLARK, jr., of Missouri, Mr. A. M. WADDELL of North Carolina, and Mr. J. G. CANNON of Illinois, had been appointed the conferees on the part of the House.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes; and asked a further conference with the Senate on the disagreeing votes of the two Houses on the seventy-sixth and seventy-seventh amendments of the Senate; and that Mr. WILLIAM S. HOLMAN, of Indiana, Mr. HIESTER CLYMER of Pennsylvania, and Mr. HENRY WALDRON of Michigan, had been appointed managers at the conference on the part of the House.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4188) making appropriations for fortifications and for other works of defense and for the armament thereof, for the fiscal year ending June 30, 1878, and for other purposes.

REPORTERS FOR UNITED STATES COURTS.

Mr. WRIGHT 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 (H. R. No. 4476) to provide for the appointment of an official short-hand reporter of the United States courts in and for the district of California, having met, 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 to said bill, and that the bill as thus amended be further amended by adding to the second section thereof the following:

"*Provided*, That it shall be competent for the circuit or district court justice or judge to appoint the same person to the office of reporter in their several courts."

And that the two Houses agree herein.

GEORGE G. WRIGHT,
T. O. HOWE,
HENRY COOPER,
Conferees on the part of the Senate.

GEO. W. McCRARY,
P. D. WIGGINTON,
Conferees on the part of the House.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. WRIGHT. I am directed by the Committee on Claims, to whom was referred the bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of Congress of March 3, 1871, to report it with amendments, and I give notice that immediately upon the disposition of the pending bill I shall call it up and ask action upon it.

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

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 335) authorizing a settlement of the claim of the estate of the late Rear-Admiral John A. Dahlgren, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted on its amendments to the bill (S. No. 731) to limit and fix the Signal-Service, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTHO R. SINGLETON of Mississippi, Mr. JAMES BLOUNT of Georgia, and Mr. JAMES WILSON of Iowa, managers at the conference on the part of the House.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4261) to provide for the sale of desert lands in certain States and Territories.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Army appropriation bill is before the Senate as in Committee of the Whole. The question is on the amendment of the Committee on Appropriations as a substitute for the bill.

Mr. KERNAN. Mr. President, I am opposed to striking out the entire original bill as it came from the House, and inserting this substitute. I concur in the views expressed by the Senator from Delaware, [Mr. BAYARD.] I understand the Senator from Maine [Mr. BLAINE] to question our authority under the Constitution to do what is proposed to be done by the fifth section of the bill as it came from the House. I think on more reflection he will admit that we have the constitutional power to say as we do by the House bill that the money appropriated by this act shall not be expended for certain purposes. It is clearly within the constitutional power of Congress to disband the Army entirely, to refuse to appropriate any money for its support. Indeed, Mr. Justice Story in discussing in his Commentaries the subject of the Army and the objections that were made on account of the danger that it might be used to overthrow liberty, says clearly Congress has a right to refuse to appropriate money to maintain an army. Nay, he says that Congress may by law disband the Army. His language is quite distinct. This is it:

> Congress may indeed by an act for this purpose, disband a standing army at any time; or vote the supplies only for one year, or for a shorter period. * * * The Army cannot go without supplies; it may be disbanded at the pleasure of the legislature; and it would be absolutely impossible for any President, against the will of the nation, to keep up a standing army *in terrorem populi*.—*Story's Commentaries on the Constitution*, sections 1188, 1189.

The remedy is with Congress if it is believed there is danger that the Army will be used by the President for an improper purpose. The same power that authorizes Congress to disband the Army entirely would give it the power constitutionally in its discretion, for good cause, to do as it does in the fifth section of this bill, declare that the money appropriated in this act shall not be applied to sustaining troops to do certain things. Therefore I think there is power to restrict the use of the money appropriated to maintain the Army and

say that it shall not be expended to maintain it in doing certain things.

Mr. BLAINE. Does the Senator from New York maintain that the power of the Congress of the United States over the Army of the United States is absolute, or any more so than that of the Parliament of Great Britain over the British army?

Mr. KERNAN. Going back to the reign of William III, you will find an act of Parliament declaring that he should keep only a specified number of soldiers in Ireland.

Mr. BLAINE. There is no doubt about that; but did you ever find an act of Parliament that said the King should command the army in a certain way?

Mr. KERNAN. This act does not say that.

Mr. BLAINE. It says so precisely.

Mr. KERNAN. Story says, in so many words, that Congress can constitutionally disband the Army and refuse to appropriate any money for its support; and he says this is the safeguard of the people. Now, if you can disband it and refuse to appropriate money to maintain it to prevent its being used for an improper purpose, may you not appropriate money and declare that none of it *shall* be expended in employing the Army for certain purposes? This is a different thing entirely from attempting to regulate the exercise by the President of his constitutional power as Commander-in-Chief of the Army. There was a bill passed by the House in the days of the Kansas trouble in which it was provided that the Army should not be used in Kansas. Congress may refuse to appropriate any money to maintain the Army, fearing that it will be used for improper purposes, and certainly Congress may enact that money appropriated shall not be used to maintain the Army in doing certain things. It is a question of congressional discretion.

Mr. BLAINE. Will the Senator from New York, before he takes his seat, state what became of that restriction put on the Army bill in regard to Kansas?

Mr. KERNAN. I understand that the Houses differed about it and that it did not become law. I find the same power operated in other laws long ago. There is the law of 1812 which authorizes troops to be raised by the President, and it is provided that they shall act on the frontier as rangers, and they are to be disbanded if they are used for anything else. I believe there was a law during the Mexican war to raise certain troops to be used in that country, and it was provided they should not be brought back here and used.

But I am not seeking to discuss the matter except to say that Congress having the constitutional power to disband the Army, to refuse to appropriate a dollar for its support, may appropriate money for its support, and insert in the act a provision that none of the money shall be expended to maintain the Army in a particular service. This is all that is proposed by the fifth section of the bill as it was passed by the House.

Mr. WITHERS. I do not wish to discuss the bill under the five-minute rule. It would be impossible to do so, and for my part I wish simply to indicate my views by my vote against the proposition of the committee. I do not desire to delay the bill or consume the time of the Senate when it is now so precious. I have an opinion very decided and very strong, which I should like to express on a suitable occasion; but I do not think the occasion presents itself now.

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

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Appropriations as a substitute.

The Secretary proceeded to call the roll.

Mr. SPENCER, (after having first voted in the affirmative.) As I see this is a party vote, I will withdraw my vote. I am paired on all party or political questions with the Senator from North Carolina, [Mr. MERRIMON.]

Mr. BOGY, (after having first voted in the negative.) I desire to withdraw my vote. I am paired with the Senator from Indiana, [Mr. MORTON.] I presume, if present, he would vote "yea," and I should vote "nay." I furthermore take this occasion to say that I ought not to have voted on the previous vote; but my vote made no difference on the result. I forgot at the time I voted that I was paired with the Senator from Indiana.

The roll-call having been concluded, the result was announced—yeas 31, nays 23; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Blaine, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Conkling, Conover, Dawes, Ferry, Hamlin, Harvey, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Robertson, Teller, West, and Wright—31.

NAYS—Messrs. Bailey, Barnum, Bayard, Cockrell, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hereford, Johnston, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Ransom, Saulsbury, Stevenson, Whyte, and Withers—23.

ABSENT—Messrs. Bogy, Booth, Cragin, Dorsey, Edmunds, Frelinghuysen, Hamilton, Hitchcock, Jones of Nevada, McDonald, Merrimon, Morton, Randolph, Sargent, Sharon, Sherman, Spencer, Thurman, Wadleigh, Wallace, and Windom—21.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole 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.

FORT UNION MILITARY RESERVATION.

Mr. CHAFFEE. I move to take from the table House bill No. 4304. It is the same as Senate bill No. 1257.

The bill (H. R. No. 4304) to authorize the United States to secure a title to the Fort Union military and timber reservation in New Mexico was laid before the Senate and read twice.

Mr. COCKRELL. I move that that bill be referred to the Committee on Military Affairs, which has already had under consideration precisely such a bill, and if my recollection serves me right has reported adversely upon it, or has agreed to an adverse report.

Mr. CHAFFEE. The Senator is mistaken.

Mr. COCKRELL. The Senator from Rhode Island [Mr. BURNSIDE] had charge of the bill, and I know it was not the sentiment of the Committee on Military Affairs that a bill of that character should pass this body.

Mr. BURNSIDE. The Senator from Missouri is quite right in everything except that there was no adverse report ever made; but if a report had been made it would have been adverse.

Mr. CHAFFEE. The Senators are entirely wrong about it. This bill has received the careful consideration of the House committee and has passed the House without opposition. The facts of the case are these: Fort Union is located upon a grant of land which has been patented to individuals, and all that this bill provides is that the owners shall convey this land to the United States and receive therefor an equal amount of single minimum land elsewhere. The proposition is favored by General Sherman, General Pope, the War Department, and the Commissioner of the General Land Office, and the passage of this bill will save the United States a large amount of money. I hope the bill may be passed. There certainly can be no objection to it. I have the House report here if gentleman would like to hear that read.

Mr. COCKRELL. I rise to a point of order on that bill. I cannot consent to its passing in the present form as it comes from the House, even if it has passed the House by the unanimous consent of every member of it. It is to give to certain parties a roving patent for sixty-odd thousand acres of land situated in New Mexico; a right to take that patent and locate it on any of the public lands in the United States, when that land there to-day, or the greater portion of it, is not worth five cents an acre.

Mr. BOGY. My colleague's statement is incorrect. It seems to me that the whole of the bill is to enable parties who own a Spanish grant which has been confirmed and which is a perfect title to-day——

Mr. CHAFFEE. And patented.

Mr. BOGY. And patented, but upon which, by mistake, the United States located a military reservation, having therefore no title at all to the reservation, to locate their grant elsewhere. Now the owners of this land propose, to the extent of the occupation of the military and the appurtenances, a few thousand acres, to take certificates of float. I never heard of the bill before, but that I understand to be the bill. It does not give these parties an acre of land but what they own already and which they own by patent. They own not only that which is not covered by the military reservation but they own the reserve itself by patent, a fee-simple title absolute, or I misunderstood the reading of the bill.

Mr. GORDON. I think my friend from Missouri [Mr. COCKRELL] is entirely mistaken in his opinion as to the effect of this measure. I am satisfied from the examination I have made of it that it is a most judicious thing for Congress to do. This Government has no title whatever to this property and never has had any title. It occupies lands belonging to an old Spanish grant, has erected buildings upon it, costing the Government a million or more of dollars. It has remained upon this land for twenty-four years; it has cut all the timber and all the grass upon it, and has never paid the owners of this property one iota for the occupation of the property for twenty-four years and without any title to it. Why sir, the proposition is perfectly unsupportable in reason or in morals that the Government of the United States has the right to locate upon the land of private individuals and occupy it for a quarter of a century without rent, without having one iota of title to it, and then, when the owners of the property come to Congress and ask Congress to give them as many acres elsewhere, they are assailed here with the charge of having a fraudulent claim presented to Congress.

Sir, this bill only seeks to give to these owners of this property the number of acres which they have owned for this great length of time and for which they have had not one dollar of remuneration, although used by the Government for the space of a quarter of a century. This measure is recommended not only by the General of the Army, but by the Land Office and by the entire Military Committee of the House, and it has passed the House after thorough investigation without a dissenting vote. It strikes me as not only a judicious thing for the Government to accept this proposition, but it is a most liberal proposition on the part of the owners of this land; for were they to go before the courts there is not a shadow of doubt that they could secure very large damages from the Government if the courts could grant any citizen justice for the use of his property as against the Government.

Mr. COCKRELL. I did not propose to go into the discussion of this bill. With all due deference to the distinguished Senator from Georgia, I think I know as much about this bill as he does, and I think

I have examined it as fully, and I think I have as great admiration for the generosity and kindness of the owners of this reservation to the General Government, and I appreciate their sympathy for the General Government and their desire not to mulct the General Government in an enormous amount of damages for the use of these barren mountains in New Mexico. I object, and I appeal as a point of order, if that does not settle the matter now.

The PRESIDENT *pro tempore*. The Senator has sufficiently expressed his objection to send the bill to a committee.

Mr. CHAFFEE. Let it go to the committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 3833) for the relief of John N. Hall, to the Committee on Claims.

The bill (H. R. No. 4397) for the relief of Francis M. Strong and Thomas Ross, to the Committee on Patents.

The bill (H. R. No. 1082) for the relief of Henry M. Meade, late paymaster in the United States Navy, to the Committee on Naval Affairs.

The joint resolution (H. R. No. 179) granting the use of artillery, blankets, &c., at the national soldiers' and sailors' re-union, to be held at Marietta, Ohio, to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFIN, one of his Secretaries, announced that the President had, on the 1st instant, approved and signed the act (S. No. 805) relating to indemnity school selections in the State of California.

The message also announced that the President of the United States had, on the 2d instant, approved and signed the following acts:

An act (S. 1216) to provide for the preparation and publication of a new edition of the Revised Statutes of the United States;

An act (S. No. 1276) to remove the political disabilities of W. F. Carrington, of Virginia;

An act (S. No. 1272) to remove the political disabilities of William Butler, of South Carolina;

An act (S. No. 1096) to remove the political disabilities of R. G. Gatlin, of Arkansas;

An act (S. No. 1274) to remove the political disabilities of S. P. Moore, M. D., a citizen of Virginia;

An act (S. No. 915) to remove the political disabilities of D. H. Hill, of North Carolina;

An act (S. No. 1203) to remove the political disabilities of M. L. Bonham, of South Carolina;

An act (S. No. 1278) to remove the political disabilities of John S. Marmaduke;

An act (S. No. 1285) to remove the political disabilities of J. L. M. Curry, of Virginia;

An act (S. No. 1277) to remove the political disabilities of Catesby ap R. Jones, of Alabama;

An act (S. No. 1136) to remove the political disabilities of Wade H. Gibbes, of South Carolina; and

An act (S. No. 1273) to remove the political disabilities of William R. Jones, of Texas.

SOUTHERN CLAIMS COMMISSION.

Mr. WRIGHT. There is a little bill on the table, and I ask that the Chair lay it before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1128) to extend for two years the act establishing the board of commissioners of claims and the acts relating thereto.

The amendment was, at the end of the bill, to add:

SEC. 2. That the commissioners of claims shall not receive any evidence on behalf of any claimant or claimants for the allowance of any claim or claims unless such evidence shall have been taken, presented, and filed by the 10th day of March, 1878, except in rebuttal of evidence introduced on behalf of the Government, and all claims wherein the evidence of the claimant or claimants is not filed within the time herein limited shall be deemed to be barred forever thereafter.

Mr. WRIGHT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AWARDS OF CLAIMS COMMISSION.

Mr. WRIGHT. I now ask the Senate to proceed to the consideration of the bill (H. R. No. 4433) to make appropriations for claims reported by the commissioners of claims, and I will then yield to the Senator from Ohio, who wishes the floor.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, as in Committee of the Whole.

Mr. WRIGHT. I now yield to the Senator from Ohio.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2803) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted or which shall hereafter be granted, on application filed previous to January, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pension; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 177) to authorize the Secretary of War to open and re-adjust the settlement made by the United States Government with the Western and Atlantic Railroad, of Georgia;

A bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home;

A bill (S. No. 470) for the relief of John S. Wood, late a first lieutenant in the Seventh Pennsylvania Cavalry;

A bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White;

A bill (S. No. 830) for the relief of Joseph W. Parish;

A bill (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas;

A bill (S. No. 973) for the relief of Elizabeth Caron;

A bill (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army;

A bill (S. No. 734) for the relief of William Jasper Cordill;

A bill (S. No. 780) for the relief of the Richmond Female Institute, of Richmond, Virginia;

A bill (S. No. 855) making an appropriation to pay the claim of Benjamin Fenton and D. W. Fenton;

A bill (S. No. 931) for the relief of H. H. Mathis, of Arkansas;

A bill (S. No. 974) for the relief of Francis Guilbeau, of San Antonio, Texas;

A bill (S. No. 1001) to provide for the disposition of Fort Dalles military reservation;

A bill (S. No. 1019) to provide for a reprint of the resolves, ordinances, and acts passed by the Continental Congress and the Congress of the Confederation;

A bill (S. No. 1034) for the relief of Louis Rose;

A bill (S. No. 1063) for the relief of certain settlers on the public lands;

A bill (S. No. 1071) for the relief of H. E. Woodhouse & Co., of Brownsville, Texas;

A bill (S. No. 1083) to amend an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June 8, 1872;

A bill (S. No. 1116) granting a pension to Sarah A. Chamberlain, guardian of the minor heirs of James Eagle, Company F, Second Regiment Kansas State Militia;

A bill (S. No. 1122) to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, and its extension to Red River," approved July 25, 1866;

A bill (S. No. 1183) granting a pension to Harriet Moss;

A bill (S. No. 1197) for the relief of Eli Teegarden;

A bill (S. No. 1200) to grant a pension to Margaret Hunter Hardie, widow of James A. Hardie, inspector-general in the United States Army;

A bill (S. No. 1163) for the relief of settlers on the public lands under the pre-emption laws;

A bill (S. No. 36) amending the pension law so as to remove the disability of those who having participated in the rebellion have since its termination enlisted in the Army of the United States and become disabled;

A bill (S. No. 1225) to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries;

A bill (S. No. 1238) making an appropriation for the expenses of the electoral commission;

A bill (S. No. 1243) to repeal the statute forbidding appointments and promotions in the staff of the Army;

A bill (S. No. 1255) for the relief of Henry Voelter;

A bill (S. No. 1259) granting a pension to Daniel Houlihan;

A bill (S. No. 1260) granting a pension to Edmund H. Cobb;

A bill (S. No. 1284) for the relief of William L. Hickam, of Missouri;

A bill (S. No. 1288) to remove the political disabilities of P. J. Quattlebaum, of Georgia;

A bill (H. R. No. 620) for the relief of Redick McKee;

A joint resolution (S. R. No. 30) to amend the joint resolution authorizing the Secretary of War to issue arms, approved July 2, 1876;

A joint resolution (S. R. No. 32) providing for the renunciation of the naturalization of Frederick Hinkel; and

A joint resolution (H. R. No. 194) to appoint a commission to examine into the matter of contracts made by and between the United States and the Moline Water Power Company as to the water-power at Moline, Illinois, and to report to Congress as to the same.

RESUMPTION OF SPECIE PAYMENTS.

Mr. SHERMAN. I ask the Senate to proceed to act upon a bill to aid in the resumption of specie payments; the bill reported from the

Committee on Finance some days ago containing but two simple provisions. I am requested by the Secretary of the Treasury, and by various telegrams from different parts of the country, to present this bill on the statement that if it be now passed it will pass the House of Representatives, and I trust meet with the general consent of both Houses and both parties, and become a law. I ask that the bill be read. I do not want to discuss it because I know if there is a real opposition to the bill it cannot pass, but I appeal to every Senotor to hear the provisions of the bill. They are very simple and plain, and I think it will be a very great thing for the public credit and public interests to have this bill passed.

The PRESIDENT *pro tempore*. The Senator asks for the reading of the bill. It will be read.

The Chief Clerk read the bill (S. No. 1267) to aid resumption of specie payments.

The PRESIDENT *pro tempore*. The bill is before the Senate by unanimous consent as in Committee of the Whole.

Mr. BOGY. I am not very well prepared to speak to the bill, so many gentlemen were speaking to me when the Clerk was reading it; but, if I understand the bill correctly, I have very great objections to it.

The PRESIDENT *pro tempore*. Does the Senator desire to have it read again?

Mr. BOGY. I am waiting for a copy of the bill. It seems to provide for an issue of 4 per cent. bonds to the amount of $100,000,000. I have not seen it before.

Mr. SHERMAN. While the Senator is looking over the bill I will explain it. This bill is in substance what was recommended by the President in his recent message. The first section, which is the main part of the bill, has passed the Senate at least four or five times within the last six or seven years. It authorizes the issue of bonds bearing 4 per cent. interest in exchange for United States notes, but not to exceed in the aggregate in any one year $25,000,000 a year, or in any one month $4,000,000. My own impression has been that the general features contained in this bill are also to be found in the resumption act; but capitalists and others who deal in public securities are very anxious to have the specific provision made in the law, so that there can be no question as to the terms of the law. That is all there is in the first section.

The second section of the bill provides that the aggregate amount of silver coin shall not exceed $80,000,000. Under the present law it cannot exceed $50,000,000. We have now $28,000,000 of silver coin out. It is feared that when we get to the limit of $50,000,000, by the absorption of our silver coin, probably by the exportation of some, there will not be enough out to answer the purposes of change, and that the people of this country may be inconvenienced in that way. This section provides for an enlargement of the limit from $50,000,000 to $80,000,000. That is all there is of it. This bill has been very carefully considered by the Committee on Finance, and we have recommended it nearly every year. I did not call it up sooner, simply because I was assured that the House of Representatives would not have time to act upon it, pending the presidential count. I am now assured by gentlemen of both political parties that the House will act upon it and accept it. If either House really is opposed to the bill, of course it cannot pass.

My own impression is that this bill will tend greatly to promote the public interest, and probably by the next session of Congress it will lead us nearer to the specie standard and aid in the ordinary resumption of specie payments by the time fixed by law.

I do not wish to discuss the bill, because the subject has been discussed so often.

Mr. BOGY. Mr. President, I regret that I have not had an opportunity to study this bill. I never saw it before; but it strikes me on hearing it read by the Clerk that it is very objectionable. It provides for an issue of $1,000,000 of 4 per cent. bonds. We have now on the market a loan of 4½ per cent. bonds and trying to dispose of them. According to my information, these 4½ per cent. bonds are worth in New York about 105 to 106 in greenbacks. If you issue this 4 per cent. loan, and authorize the exchange for greenbacks, you are absolutely disposing of your bonds at about ninety-five and a half to ninety-six cents on the dollar, gold being worth now a premium of from 4 to 5 per cent.; I think about 4½ per cent.

What will be the effect of this hasty loan on the market? It will destroy the other loan, which is now rated in the market at 106 cents in greenbacks, by virtually agreeing to take for these 4 per cents, 95 or 96 cents on the dollar in gold. It is a matter to be studied very seriously whether we should do this, and I have not the time now, nor has the Senate. I do not see that we can put upon the market a 4 per cent. loan in this way without affecting very seriously and detrimentally the 4½ per cent., which, as I have said, is now worth 106.

Another objection is that it is contraction, plain and simple, of $25,000,000 a year. It is nothing but contraction; not very rapid, but enough to be very destructive. The greenbacks will diminish annually $25,000,000. What will take the place of these greenbacks? No doubt it is contemplated that the same amount of paper will be issued by the national banks. Now we do know that the national banks have not been sufficiently profitable the last two or three years to invite capitalists to invest very largely in them. Something more has got to be done to make that system work as it ought to work, and I do not believe that the vacuum created by withdrawing the $25,000,000 a year of greenbacks would be filled by national-bank notes. If I am correct in this, this would be a measure of contraction extremely injurious to the whole country; and this at a time when the business of the country is very much prostrated. It certainly cannot be considered a measure of relief. It may lead to resumption, but it leads to this in a most painful and destructive manner. Of course if you cancel the greenbacks to the amount of $100,000,000 there will be that quantity less to redeem when resumption day comes; but you may cancel the greenbacks and put nothing in lieu of them. This the country is not in a condition to stand.

Then, with regard to the third section of the bill, which authorizes an issue of $80,000,000 of subsidiary coin, or $30,000,000 in addition to what is now authorized, I am entirely opposed to that. We have already provided for an issue of $50,000,000 of subsidiary coin. The amount is sufficient for the wants of this nation. It is true we have only issued $28,000,000 to $29,000,000 of what is provided for, but the whole amount will be issued some time during this year. Now, to gorge this country with $80,000,000 of subsidiary coin, debased in weight as this coin is, being only 12½ grams, or 192 grains per half dollar, and it not being a legal tender, if you increase the quantity beyond the wants of the country it will be depreciated. The fractional currency now of ten cents, fifteen cents, and fifty cents is a legal tender without limit; but the fractional currency is to be withdrawn and its place filled with a coin debased in weight, and which is not a legal tender. No man could pay his rent with it, no person could do anything with it, and the consequence would be, as already said, great depreciation. Therefore I object to this section.

Again, to authorize this additional issue of silver in this manner would have an effect upon the price of bullion, which should not be done at this time.

It seems to me (and I say it with all possible respect to my distinguished friend from Ohio, who by the bye I understand is very soon to be at the head of the Treasury Department) that this bill is crude, and has not been sufficiently thought of; and as he is to occupy that very high position, it appears to me that he may not do his fame full justice in placing before us a bill of this kind, a measure of contraction, and which will affect the value of the present loan, and which increases the quantity of silver coin of a debased character. It is objectionable in every way. A measure of contraction at this time is not desired by the country, slow though it may be. Nor do we need any more subsidiary coin. Sir, I think it would be better under the present condition of things to stop the coinage of the subsidiary coin and put the power of all our mints upon the coinage of silver dollars of 399.9 grains, the relation of 15½ to 1. That would be, in my judgment, the part of wisdom.

To resume, you have got to increase your coin basis, let that be gold or silver or gold and silver; and whenever you attempt to resume by a measure of contraction you go through a painful ordeal. It is not the history of other countries when they have attempted to resume to accomplish it by contraction. If you pass this bill, although I repeat you may resume, but in doing so you will have to pass over the dead carcasses of all the business men of the country.

We ought not to contract, because contraction will increase the business paralysis of the country, and we ought not to augment our subsidiary coin at this time. When we issue silver it should be the silver dollar of 399.9 grains. Issue silver and make it a legal tender, with free coinage, and the silver dollar will be equal to a gold dollar.

Now, I desire to say to my friend from Ohio that I am seeking information. The bill strikes me as being objectionable, without having had much time to reflect upon it.

Mr. MORRILL. Mr. President, of course this bill cannot pass if it is to encounter any long discussion. It is a bill that received almost the unanimous support of the Committee on Finance. I do not think that the objections presented by the Senator from Missouri are well founded. The first named by him is that this measure will interfere with the further negotiation of our 4½ per cent. loan. Why, the difference between this and the 4½ per cent. loan is a half per cent. annual interest in favor of the loan that remains to be issued, and of course that makes the difference in the value of the two, and nothing more is needed to preserve the public favor towards the 4½ per cents.

The next point presented by the Senator from Missouri is that this is to cause a contraction. The contraction already exists. These legal-tender notes are held as reserves in banks to a greater amount than can possibly be used at the present time, and have been since 1873 almost continuously. Therefore it will not be a contraction. Besides that, I hold to the doctrine that you cannot expect to issue coin without first displacing paper. We must first get rid of some portion of our paper before its place can be supplied and filled with coin. Therefore I do not apprehend that there is to be any contraction.

Again, the Senator from Missouri objects to the last clause, which provides that the Secretary of the Treasury may exchange subsidiary coin for United States notes. That will not be done the moment the supply necessary for the wants of the country has been supplied. You cannot induce men to part with paper for subsidiary coin that they do not want. It strikes me that the objections made by the Senator from Missouri are entirely untenable. This bill is merely to facilitate and bridge over the time between this and the day of resumption. I think it would greatly facilitate the resumption act,

although I confess that I am of the firm belief that the existing law is amply sufficient to enable any competent Secretary of the Treasury to bring about resumption, and that without distress to the country; but this certainly will not aggravate the toil and distress of bringing resumption about, but will greatly facilitate it.

So far as any expression that I have heard from members of both the Senate and the House, of all parties, it has been conceded that this measure would be a beneficent one. I hope that it may receive the favor of the Senate.

Mr. COCKRELL. I supposed from the remarks made by my colleague that the Senator from Ohio would give some explanation of the bill. Why the necessity of attempting to pass a bill of this importance just on the heel of the session, at the last and dying hours of the Forty-fourth Congress?

Mr. SHERMAN. I stated exactly the reasons. When this bill was reported, and reported with great unanimity, during the pendency of the electoral count, we felt that it was hardly worth while to try to pass it. Now I understand (and whether I am correct or not can soon be tested) from gentlemen of both political parties that there is an earnest desire on their part to pass the bill. It was recommended by the President of the United States sometime since, and was generally agreed to. In substance, the first section has passed the Senate four or five times and has been defeated in the House for fear of its operation in contracting the currency, and we have so modified it that I do not think it could possibly contract the currency to any considerable extent, because the banks can restore any currency needed, and it would greatly aid us in approaching to the par of specie.

I have received to-day a telegram from the Department calling attention to other telegrams from the State of New York, showing the condition of the money market to be so favorable that now we can probably sell a portion of these bonds at par in currency. It does not interfere at all with the 4½ per cent. loan for this reason: The 4½ per cent. loan is a fifteen-year loan, redeemable in thirty years. This is a thirty-year loan bearing 4 per cent. In the particular state of the money market now, with the large amount of money lying idle, it is probable that a long bond for thirty years at 4 per cent. will approach very near, within 5 or 6 per cent. at least, the value of 4½ per cent. fifteen-year bonds. My friend from Missouri [Mr. BOGY] knows the importance of time in the question of a loan. It is plainly manifest that it is the interest of the people of the United States to avail themselves of the present condition of the money market to pursue this funding system to such an extent as to enable us to resume specie payments. That is what is proposed to be done under this bill. Under the law for the resumption of specie payments the Secretary of the Treasury might to-day or to-morrow sell bonds bearing a higher rate of interest than these, but it would not be politic or wise for him to do it; and if he can sell 4 per cent. bonds to accomplish this purpose, how much better it is to save one-half of 1 per cent. I do not think there is in the country any general difference of opinion in regard to this bill. When the bill was reported, indeed when the message of the President was sent in and the bill was printed, it met with almost universal favor throughout the United States.

As for the second section, it is nothing but an enlargement of the amount of silver coin. The silver coin is largely being absorbed, so that we fear that the amount fixed last session, $50,000,000, will not be sufficient to supply change, because the silver is held and hoarded more, a good deal, than paper money. Some of it no doubt is melted down and destroyed and some exported, so that it requires a larger amount of silver coin to answer for change than it would of paper money.

It is proposed simply to allow the Secretary of the Treasury at his discretion to increase the amount, if demanded by the people, not to exceed $80,000,000. As a matter of course, if the people do not want this silver change they will not ask for it. They have to take it at par in greenbacks. If they ask for it they ought to have it, and we ought not to adjourn Congress leaving matters in such a condition that there may be a scarcity of change. The fractional currency is disappearing; probably the great body of that which existed has disappeared already; and if you are left now to rely and depend solely upon $50,000,000 of silver change, you might perchance have such a dearth of it as to create inconvenience among the people. This simply authorizes, on the demand of the people, for exchange of United States notes the issue of a larger amount of silver subsidiary coin.

There is nothing new about it, nothing that has not been discussed over and over and over again. I see no necessity for further discussion now. My friend from Missouri knows all about the bill. It simply revives and continues in operation to this extent the funding act of 1870, but provides for the issue of 4 per cent. instead of 4½ per cent bonds. In every stage of the operation of the law it must be for the benefit of the people of the United States.

Mr. BOGY. I cannot consent to the issuing of $80,000,000 of debased silver coin in this country which is not at the same time made a legal tender. My friend from Ohio says if the people do not want this money they will not take it. They will have no option. They will have no other but this debased silver coin. The greenbacks by the operation of this bill will disappear, the fractional currency will all have disappeared, and the people will have $80,000,000 of silver coin debased in weight and not a legal tender. How will the poor people get along in paying their rents or in complying with any obligation which is to be complied with under the forms of law? No man can pay an execution of $10; no person can pay anything with it. It would be perfectly disastrous to the country.

My friend speaks of change getting scarce unless the amount authorized be greater. We have already provided by an issue of $50,000,000, a sufficient amount for this country at the present time. Certainly I do not want to issue $80,000,000 of silver money and not make it a legal tender, and it ought not to be made a legal tender, because it is not of the proper weight.

Mr. EATON. Mr. President, on general principles I am in favor of a bill of this character; but this does not strike me very favorably. I do not like the bill introduced. In my judgment, bonds having thirty years to run, with interest payable in coin, sold in the open market, in the present condition of the money market to-day would save the United States from 3 to 5 per cent. I have no doubt about it; and if the Senator from Ohio would examine into this matter, it strikes me that he would make such amendments to this bill as would meet with the general approval of the Senate.

I admit that there is a plethora of money to-day. I say "plethora," because I know there are hundreds of millions of dollars seeking investment. This is the very best investment in the world; gold-interest-bearing bonds of the United States having not less than thirty years to run will be sought for; and the person who has $100,000 in greenbacks unoccupied and lying idle, will be glad to gobble up those bonds with his greenbacks at 96 or 97 per cent. Why not use the money thus saved for the benefit of the Government of the United States? It strikes me that that is what we ought to do. I have no fear of the contraction that so alarms the honorable Senator from Missouri.

Mr. HARVEY. Mr. President, I cannot give my vote for this bill, but I do not wish to detain the Senate by making a lengthy speech. I will only state in a few words some of the reasons why I cannot support it.

In the first place, it is, I think, a measure of contraction. The Senator from Ohio a few minutes ago said that the so-called resumption law made some provisions looking to this result. I see very plainly a feature in this bill that cannot be found in the resumption bill; I mean that clause in this providing for the cancellation and destruction of the legal-tender notes. Now, I understood the bill for the resumption of specie payments to have had for its object the making of the legal-tenders equal in value to coin, silver, and gold. With that view it was supported, not to destroy the greenback but to make it more valuable.

Now the value of legal-tender notes approaches already under that legislation and under the existing condition of things a value so nearly equivalent to the value of coin, that it must be evident to every gentleman that without any measure of contraction, without changing into bonds any portion of our non-interest-bearing debt by the 1st of January, 1879, the time fixed in the resumption act for the redemption, not the retiring and destruction, of the legal-tenders, their value will have so appreciated that there will be no necessity for any such legislation as that had in view in this bill.

Therefore, without continuing any further, I feel that I have given reason enough to justify my vote against the bill. I supported the resumption act and have sustained it to my cost; but I do not propose to support any legislation looking to a contraction of the currency or to changing in any manner the method provided in that act for the redemption of the legal-tender notes to make them equivalent in value to coin. I am ready to stand by that and I propose to do it, but not to do anything further in that direction than public interest and honor requires.

Mr. MAXEY. Mr. President, I am as decidedly in favor of the resumption of specie payments as any Senator on the floor or any gentleman in the country, but I am as earnestly opposed to any hasty legislation on a measure of so much consequence as this. A financial measure should be thoroughly discussed and thoroughly understood. We have been engaged here for weeks past, and our whole time occupied about other affairs, and this is the last day of the session, and it is impossible to discuss this bill so as to have it understandingly before the Senate. While I may not be opposed to its provisions, I do not understand it sufficiently to say affirmatively that it ought to pass. Therefore I think it would be better to have the matter deferred till the next session of Congress, when it can be thoroughly discussed and thoroughly understood. In the mean time the currency is not suffering; the condition of the greenback is every day getting better and better; gold is now less than 105; and therefore I can see now no special necessity for pressing a measure of this kind on the Senate at the very heel of this excited session, when the minds of Senators have been entirely occupied with other matters.

Mr. COCKRELL. I am unwilling to proceed with the consideration of this bill now. A great many Senators have had no time to make a thorough investigation of the bill, and it is not such a bill as we ought to vote upon without due consideration. I hope that by the meeting of the next Congress, the Forty-fifth Congress, in December, legislation may be unnecessary. Financial matters are regulating themselves very happily, and if we let them alone specie resumption will come of itself. The business interests of the country will bring about the resumption of specie payments.

Now I move that this bill be postponed until the first Wednesday in December next.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be postponed until the first Wednesday in December.

Mr. BOGY and Mr. MORRILL called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 24; as follows:

YEAS—Messrs. Alcorn, Bailey, Bogy, Booth, Cockrell, Conover, Davis, Dennis, Ferry, Goldthwaite, Gordon, Harvey, Hereford, Ingalls, Johnston, McCreery, Maxey, Norwood, Patterson, Ransom, Stevenson, Teller, Wallace, Withers, and Wright—25.

NAYS—Messrs. Anthony, Blaine, Boutwell, Burnside, Cameron of Wisconsin, Chaffee, Christiancy, Conkling, Cooper, Cragin, Dawes, Dorsey, Eaton, Hamlin, Howe, Jones of Florida, Kelly, Kernan, Mitchell, Morrill, Paddock, Sherman, Wadleigh, and West—24.

ABSENT—Messrs. Allison, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Edmunds, Frelinghuysen, Hamilton, Hitchcock, Jones of Nevada, Logan, McDonald, McMillan, Merrimon, Morton, Oglesby, Randolph, Robertson, Sargent, Saulsbury, Sharon, Spencer, Thurman, Whyte, and Windom—26.

So the motion to postpone was agreed to.

FORT UNION RESERVATION.

Mr. GORDON. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 4304) to authorize the United States to secure a title to the Fort Union military and timber reservation in New Mexico, have had the same under consideration and instructed me to report that they adopt the report of the House Committee on Military Affairs on this bill, and recommend the passage of the bill as a measure of interest to the Government. I ask for the immediate consideration of the bill.

Mr. COCKRELL. I object, and move that the report and bill be printed and placed on the Calendar.

The PRESIDENT *pro tempore*. The bill goes over.

FORTIFICATION APPROPRIATION BILL.

Mr. WINDOM submitted 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. 4188) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending ending June 30, 1878, 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 House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, with an amendment striking out the words "machine guns" in line 9 of the bill and the Senate agree to the same.

That the Senate recede from its amendment numbered 2, and agree to an amendment as follows:

On line 12 of the bill, after the word "dollars," add the following: "And for Gatling or other machine guns, $25,000."

And the House agree to the same.

WM. WINDOM,
JOHN A. LOGAN,
H. G. DAVIS,
Managers on the part of the Senate.

EUGENE HALE,
O. R. SINGLETON,
HIESTER CLYMER,
Managers on the part of the House.

The report was concurred in.

NAVAL APPROPRIATION BILL.

Mr. SARGENT submitted 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. 4616) making appropriations for the naval service for the year ending June 30, 1878, 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 6 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, and 11; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, with an amendment striking out the sum therein named and inserting in lieu thereof "$6,600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same, with an amendment adding at the end of the paragraph the following:

Provided, That $100,000 of the above sum shall be available for and be expended by the Bureau of Provisions and Clothing, for provisions; which sum shall be immediately available.

And the Senate agree to the same.

That the House recede from its agreement to the amendment of the Senate numbered 4, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$1,750,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same, with an amendment striking out the sum therein named and inserting in lieu thereof "$942,000;" and the Senate agree to the same.

A. A. SARGENT,
GEO. S. BOUTWELL,
R. E. WITHERS,
Managers on the part of the Senate.

JAMES H. BLOUNT,
JOHN T. HARRIS,
EUGENE HALE,
Managers on the part of the House.

Mr. SARGENT. The naval bill, as this report makes it, is substantially the same that it was last year, except that about $850,000 more is appropriated for all the Navy. I give notice that this, nevertheless, will leave a deficiency for the next fiscal year which will have to be supplied by a deficiency bill; but it being the amount, and all the amount, that the House conferees were willing to allow upon the principle which I stated yesterday with reference to the deficiency bill, I accept it.

I will state further in reference to some other items, and notably as to the appropriations for the Bureau of Construction and Repair and the Bureau of Steam-Engineering, that I am not satisfied with the report. The amount appropriated is entirely inadequate for the needs of the service. I move, however, the adoption of the report.

The motion was agreed to.

AWARDS OF CLAIMS COMMISSION.

Mr. WRIGHT. I now ask that House bill No. 4433, which was taken up and laid aside temporarily to give way to the Senator from Ohio, [Mr. SHERMAN,] be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. WRIGHT. I suggest that we follow the same course with this bill that we have pursued with regard to other appropriation bills, and that the Clerk be only required to read the amendments. There are a few unimportant amendments.

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

The bill was reported from the Committee on Claims with amendments.

The first amendment of the Committee on Claims was in line 17, to strike out "Anstill" and insert "Austill."

The amendment was agreed to.

The next amendment was in line 96, in the name of "Jeremiah B. Jack," to strike out the letter "B" and insert "R;" so as to read "Jeremiah R. Jack."

The amendment was agreed to.

The next amendment was in line 113, to strike out "Lefau" and insert "Lefan."

The amendment was agreed to.

The next amendment was to strike out lines 147 to 151 inclusive, in the following words:

To George W. Ridge, $1,106.
To George W. Ridge, administrator of William Ridge, deceased, $1,086.25.

The amendment was agreed to.

The next amendment was in line 301, in the name of "John B. Nichols," to strike out the letter "B" and insert "R;" so as to read "John R. Nichols."

The amendment was agreed to.

The next amendment was in line 333, before the word "Watson" to strike out "Isham" and insert "Isom."

The amendment was agreed to.

The next amendment was in line 454, to strike out "Kautz" and insert "Kantz."

The amendment was agreed to.

The next amendment was in line 537, after the word "Metoyer" to insert a semicolon.

The amendment was agreed to.

The next amendment was in line 783, after the word "hundred" to insert "and;" so as to read "$968."

The amendment was agreed to.

The next amendment was in line 928, after the words "two hundred and" to fill the blank by inserting "forty dollars;" so as to read:

To James P. Dysart, $240.

The amendment was agreed to.

The next amendment was in line 4 of section 2, after the word "Hudnall" to strike out the word "and," and in the same line, to strike out the letter "J," in the name of "Mason J. Shipman," and after the word "Shipman" to insert:

George W. Ridge, George W. Ridge, administrator of William Ridge, deceased, Ambrose Kantz, sr., Ambrose Kantz, jr., and Lewis Bailey.

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.

RECESS.

Mr. WINDOM. I ask consent of the Senate to move that a recess be taken at five o'clock until half past seven.

Mr. SARGENT and others. You had better say eight.

Mr. WINDOM. Very well; I move that the Senate take a recess from five until eight o'clock this evening.

The motion was agreed to.

THEODORE MOSHER, JR.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of the bill (H. R. No. 4296) to authorize the appointment of a sergeant in the Signal Corps as a second lieutenant in the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill. It authorizes the President to appoint and, by and with the consent of the Senate, to commission Theodore Mosher, jr., sergeant in the Signal Service of

the United States, to be a second lieutenant in the Army, to fill any existing vacancy in any regiment, notwithstanding the provisions of section 1218, Revised Regulations; but he shall be duly found and deemed by the President to be otherwise qualified and eligible for such appointment.

The PRESIDENT *pro tempore*. The Chair is informed that this provision has been made in a conference report.

Mr. BURNSIDE. I understand it has not.

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

JOHN N. HALL.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 3833) for the relief of John N. Hall. The bill has passed the House of Representatives, and comes here with a report made by the House committee, stating the facts, and also a letter from the Secretary of the Treasury, which I will ask to have read if it is desired.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to adjust and settle the claims of John N. Hall, late collector of internal revenue in and for the first district of Minnesota, for moneys paid to deputy collectors by him for services rendered during the months of July, August, September, and October, 1866, and for clerk-hire in his office as such collector during the quarter ending September 30, 1866, and for moneys paid by him for hire of clerks in his office in making out the accounts and return thereof between October 1, 1866, and June 30, 1867.

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

DISABILITY BILLS.

Mr. HOWE. I have two bills here, and I ask the unanimous consent of the Senate to reconsider the vote by which they were postponed indefinitely. They were reported adversely by the chairman of the Judicary Committee some days since upon the understanding that the parties who are petitioners to have their disabilities removed were defaulters. It turns out that the committee were misinformed, and the chairman of the committee, who is now sick and is not here, authorized me to have this done.

Mr. STEVENSON. What are the bills?

Mr. HOWE. One is a bill to remove the political disabilities of George Watson Carr, of Virginia, and the other to remove the political disabilities of Joel S. Kennard, of Georgia. I ask the unanimous consent of the Senate to reconsider the vote by which those two bills were postponed indefinitely.

The motion to reconsider was agreed to.

Mr. HOWE. I move that the Senate proceed to the consideration of the bill (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed; two-thirds of the Senators present voting in favor thereof.

Mr. HOWE. I now move that the Senate proceed to the consideration of the bill (H. R. No. 4475) removing the political disabilities of Joel S. Kennard, of Savannah, Georgia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed; two-thirds of the Senators present voting in favor thereof.

Mr. HOWE. I now report from the Committee on the Judiciary, to whom was referred the petition of John M. Haden, of Galveston, Texas, praying for removal of political disabilities, a bill to remove his political disabilities. I should like to have the Senate act upon it at the present time if there is no objection.

By unanimous consent, the bill (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas, was read three times, and passed; two-thirds of the Senators present voting in favor thereof.

Mr. HOWE. I am also directed by the Committee on the Judiciary, to whom was referred the petition of Theophilus H. Holmes, of Fayetteville, North Carolina, praying for the removal of his political disabilities, to report a bill for his relief. I ask the present consideration of the bill.

By unanimous consent, the bill (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina, was read three times, and passed; two-thirds of the Senators present voting in favor thereof.

POST-ROUTE BILL.

Mr. HAMLIN. I now ask that the Senate take up the report of the committee of conference on the post-route bill.

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

The report was 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. 3628) establishing post-roads having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

The House agree to recede from their disagreement to section 8, and agree to the same, with an amendment that said section be amended by striking out the words "place and stead," and insert in place thereof "in the name;" and the Senate agree to the same.

The Senate recede from its disagreement to sections 5 and 7 of said amendments.

The House recede from its disagreement to sections 9, 10, 11, and 12.

The House recede from its disagreement to section 13, and agree to the same, with an amendment striking out all of the section after the word "mail" in the fifth line, and insert: "all public documents printed by order of Congress, and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the Houe shall be written theron, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office;" and the Senate agree to the same.

The House recede from its disagreement to the amendment of the Senate amending the title of the bill.

The conferees of the two Houses, being unable to agree to sections 2, 3, 4, and 6, disagree to the same, and recommend to their respective Houses a separate vote upon the following proposition, to wit:

To strike out said sections and insert the following:

"The sum of $75,000 be, and the same is hereby, appropriated out of any unexpended balances made for the support of the Post-Office Department for the current year, to enable the Postmaster-General to obtain proper facilities from the great trunk lines of railroads for railway postal service during the fiscal year ending June 30, 1878."

Said conferees further agree and recommend that the bill be amended by adding an additional section establishing certain new post-routes according to schedule hereto attached marked "A."

H. HAMLIN,
H. G. DAVIS,
Conferees on the part of the Senate.
JOHN B. CLARK, JR.,
J. G. CANNON,
Conferees on the part of the House.

Mr. HAMLIN. I will say that this conference report enables the two Houses to agree upon the whole bill with the exception of the sections which are there named, to wit, 2, 3, 4, and 6, which sections provided for additional fast-mail service. Those sections were incorporated in the bill during the last session of Congress. A commission was subsequently organized to investigate the railway service, and while that commission was discharging its duty it was deemed unwise to make an appropriation for fast mails; but it was deemed wise on the part of the committee of the Senate to make appropriation for additional post-offices on the railroads, so that the mail could be distributed along the route, thus facilitating the delivery of the mails to regions beyond Saint Louis and beyond New York some twenty-four hours. However, the committee of conference on the part of the House would not agree with the Senate to make that amendment. Subsequently it was recommended that a separate vote be taken in each branch upon that proposition. The House have voted, and they have voted against the proposition to allow the Department $75,000 out of the moneys already appropriated and unexpended, for that purpose. It was the object of the committee of conference to get a vote of the House upon that distinct proposition. I think I may say it was the understanding of the committee of conference that if the House would not agree to the amendment then at a subsequent conference the Senate would agree to abandon it. Now, if we insist upon our former vote it would lead to an additional conference. If we follow the direct line recommended by the committee of conference it would require an additional conference to effect that, instead of which I ask the unanimous consent of the Senate to make a motion that the Senate recede from its vote on sections 2, 3, 4, and 6, the sections named, and agree to the passage of the bill. The motion that the Senate recede will supersede the motion to insist upon a new committee of conference, and so much time will be saved.

I want to say that I have labored long and hard to accomplish a result than which none can be more just to all the people of the country, and particularly to those who had most occasion to use the mail routes and who contributed most largely to its revenue. I regret to find myself in a position at this time to abandon that which I know is eminently just and right, but an additional conference would not save it, and the motion which I make is simply a saving of time. I therefore move that the Senate recede from its disagreement and concur in the passage of the bill with those sections omitted.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate recede from the amendments which he has stated and agree to the report of the committee of conference.

The motion was agreed to.

SARAH E. GARLAND AND FRANK M. HOPPIN.

Mr. OGLESBY. I ask the Senate to proceed to the consideration of a bill of very little importance to the Senate, but of a great deal of importance to Sarah E. Garland and Frank M. Hoppin. It directs $338 to be paid out of the Treasury to them. The Committee on Claims have passed upon it and recommend the passage of the bill. I simply ask that it be disposed of.

Mr. COCKRELL. I hope the bill will pass. It has been passed upon by the Committee on Claims.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin. It authorizes the Secretary of the Treasury to pay to Austin M. Garland, for the use and benefit of Sarah E. Garland and Frank M. Hoppin, $337.82, being the amount of

succession tax erroneously paid by them to the collector of the eighth district of Illinois.

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

LAW OF DOWER.

Mr. WRIGHT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill from the House of Representatives No. 2043 entitled "An act to improve the law in relation to dower in the District of Columbia," after a full and free conference, beg leave to report as follows:

That the House recede from its disagreement to the amendments of the Senate; and agree to the same.

GEORGE G. WRIGHT,
J. W. STEVENSON,
Managers on the part of the Senate.
WM. LAWRENCE,
WM. P. LYNDE,
SCOTT LORD,
Managers on the part of the House of Representatives.

The report was concurred in.

EXECUTIVE SESSION.

Mr. ANTHONY. I move that the time for taking the recess be extended ten minutes, and I will then move an executive session.

The motion was agreed to.

Mr. DAVIS. I wish to call up Senate bill No. 1072, in order to leave it as the unfinished business.

Mr. WITHERS. I object to the consideration of that bill.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were re-opened, and (at five o'clock and two minutes p. m.) the Senate took a recess until eight o'clock p. m.

EVENING SESSION.

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

HOUSE BILL REFERRED.

The bill (H. R. No. 2803) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted on application filed previous to January, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pension, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Pensions, if there be no objection.

Mr. INGALLS. The committee having reported on that subject, I move that the bill lie on the table.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Immediately before the recess the Senator from West Virginia [Mr. DAVIS] moved the consideration of a bill, which will be read.

The Chief Clerk read the bill (S. No. 1072) making an appropriation for continuing the improvement of the Monongahela River, in the States of West Virginia and Pensylvania, by its title.

Mr. DAVIS. I see there is a very thin Senate and I will not ask the consideration of the bill until a few more Senators at least get here. Ithink it would be wrong to consider it now.

Mr. ANTHONY. I wish to call up the resolution to print additional copies of the report of the Committee on Privileges and Elections in the Oregon electoral case.

Mr. COCKRELL. It may be very painful to Senators, but I do not think the seven or eight who are here should undertake to do business for seventy-six.

If the business is not of sufficient importance to draw the presence of Senators here it is not of sufficient importance to pass this body. I protest against the transaction of any business until there is a quorum here.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll of Senators; and twenty-two Senators answered to their names.

After some little delay, sixteen additional Senators having entered the Chamber, the President *pro tempore* announced that a quorum was present.

MONONGAHELA RIVER IMPROVEMENT.

Mr. DAVIS. I now move that the Senate proceed to the consideration of the bill (S. No. 1072) making an appropriation for continuing the improvement of the Monongahela River, in the States of West Virginia and Pennsylvania.

The motion was agreed to; and the Senate, as in Committee of the the Whole, proceeded to consider the bill. It appropriates $150,000, to be expended, under the direction of the Secretary of War, for continuing the improvement of the Monongahela River between Pittsburgh, in the State of Pennsylvania, and Fairmont, in the State of West Virginia.

The bill was reported from the Committee on Commerce, with an amendment to strike out "one hundred and fifty" and insert "ten" before "thousand;" so as to read:

That the sum of $10,000 be, and the same is hereby, appropriated, &c.

Mr. DAVIS. I desire to make a short statement to the Senate. I regret that the Senator from New York, [Mr. CONKLING,] who is chairman of the Committee on Commerce, is not in his seat. The reason of the present appropriation is because there is an unfinished lock and dam on the river, which will cost about $10,000, and no use whatever can be made of the money already expended until this additional sum of $10,000 is appropriated. It is manifest that the river and harbor bill will fail, or I should not have called up this bill, which I introduced some time ago. The bill appropriates $10,000 for the completion of this lock, and the object is, as is plainly seen, to have that lock constructed so that the appropriation heretofore made, which was large, can be used.

Mr. DAWES. I do not know that I heard the Senator distinctly; I am afraid I misunderstood him. Am I to understand that the Senator from West Virginia proposes to reduce the appropriation in the bill?

Mr. DAVIS. The fact is that there is an unfinished lock on the Monongahela River which empties into the Ohio, as we all know, at Pittsburgh. Ten thousand dollars, which is the sum reported by the engineer department, will finish that lock and dam and put it into use.

Mr. DAWES. What surprised me was that we should find anybody proposing to reduce an appropriation in a river and harbor bill. I do not know that I understood the Senator; but is that true?

Mr. DAVIS. For once the Senator has found a man who is willing to do that.

Mr. EATON. I should like to ask the Senator from West Virginia what has become of the river and harbor bill?

Mr. DAVIS. The river and harbor bill, as I understand—I am not fully aware of the facts—is still in the House. It certainly has not come to the Senate, and it is believed by those having charge of it that it will not reach here. The object of this bill is to complete an unfinished lock which it will need $10,000 to do.

Mr. EATON. I certainly am opposed to taking up and completing an unfinished lock in this river in West Virginia, if works of national moment are to go by. Here is the great work in New York Harbor, in which the whole commerce of the world is interested. Is that to go by and this little appropriation pass here specially? I am opposed to it. I hope it will not receive any favor at the hands of the Senate. If that entire bill is to go by let this go by.

Mr. McMILLAN. May I ask the Senator from West Virginia if there has been a report from the Committee on Commerce upon this bill.

Mr. DAVIS. A majority of the committee, I believe all the members except the Senator from Minnesota, [Mr. McMILLAN,] were consulted. The chairman was consulted; he did not finally give his full consent to it, but the other members of the committee did. At the time that I saw the members of the Committee on Commerce, which was this morning, the Senator from Minnesota was not in the Senate, or I should have asked him. It comes with the recommendation, I believe, of all the members of the committee except the Senator from Minnesota, who was not here at the time, and the Senator from New York, who said he would make no objection; but he did not give his consent.

Mr. MITCHELL. Mr. President, this is the most extraordinary river and harbor bill that I have ever seen yet in this body, and how in the name of common sense my friend from West Virginia succeeded in getting it reported from the Committee on Commerce is more than I can tell.

Mr. INGALLS. Was this bill reported from the Committee on Commerce?

Mr. MITCHELL. Yes; it appears to have been reported from the Committee on Commerce, and that, too, by the honorable Senator from West Virginia. The heading of the bill reads in this way:

[Senate bill No. 1072.]

IN THE SENATE OF THE UNITED STATES, *December* 12, 1876.

Mr. DAVIS asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS. That does not state that the bill was reported.

Mr. MITCHELL. I do not know that it has been reported at all.

Mr. DAVIS. I see that the Senator from Oregon wants to have a little sport over this bill. I see from his eyes that that is what he means.

Mr. MITCHELL. I am in dead earnest.

Mr. DAVIS. I would say, for his advantage as well as of the Senate, that the Senator from Minnesota just interrogated me upon that point, and I thought I answered him as correctly as I knew how. The bill was reported by a majority of the committee; by all except two probably of that committee; not in the regular way, but I was authorized to report it.

Mr. MITCHELL. It may be a very meritorious river and harbor bill, but it occurs to me that it needs amendment.

Mr. DAVIS. O, certainly; I have offered an amendment to it myself, to strike out "one hundred and fifty" and to insert "ten," as

I understand that $10,000 will complete an unfinished lock and put in use a river in which Pittsburg, it is true, is more interested than the State I in part represent; but the lock happens to be located in the State of West Virginia.

Mr. MITCHELL. Then I understand from the Senator from West Virginia that the whole amount appropriated by this bill, as amended by him, is $10,000.

Mr. DAVIS. That is all. The amount of the appropriation is so small that I hope the Senator from Oregon will not talk further upon it, but will let the bill pass.

Mr. MITCHELL. I know my friend from West Virginia is a very modest man; but the fact that he has presented this bill at this time and seriously urges its passage leads me to believe that he is not so modest as I thought he was. Now, the idea of the Senator from West Virginia coming in here, at the eleventh hour, when no river and harbor bill has been reported from the House, or even from a committee of the House, I believe, and undertaking to slip through a little one-horse river and harbor bill for the benefit of a river in West Virginia, when great public improvements, as stated by the Senator from Connecticut, [Mr. EATON,] such as the Columbia River and others that I might refer to, are to have the go-by——

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor. Does he yield to the Senator from West Virginia?

Mr. MITCHELL. I yield to the Senator for a question.

Mr. DAVIS. Mr. President, I can stand almost any rub that the Senator chooses to give me, particularly when I want to accomplish my object, which in this case is to pass this little bill; but when the Senator talks about slipping through, I want to remind the Senator——

Mr. MITCHELL. I did not mean anything offensive to the Senator.

Mr. DAVIS. The Senator is so in the habit of slipping things through the Senate that he now thinks, after having got his matters through, this is also slipping through.

Mr. MITCHELL. No, this is not through yet; and if this river and harbor bill is to pass at all, I desire that the text should be perfected, and that it should be so amended as to be respectable, at least.

Mr. DAVIS. To include Oregon?

Mr. MITCHELL. And include some other great works as well as the one mentioned in this particular bill. The Senator from West Virginia talks about unfinished locks; he knows that there are unfinished locks on the Columbia River, and that an appropriation of $90,000 was made at the last session for the construction of these locks. That money has been expended, but the locks are not completed, and I scarcely think that the gentleman from West Virginia would, in seriousness, get up here and urge the passage of a special bill to improve his little one-horse river in West Virginia, and give the go-by to a great river like the Columbia, and all the other great rivers and harbors throughout the country.

I do not wish to amend the bill, but, if it is to be pressed, then I propose to offer an amendment something like this:

That the sum of $300,000 be, and the same is hereby, appropriated, to continue the construction of canals and locks at the cascades of the Columbia River.

Mr. CHRISTIANCY. Will the Senator from Oregon allow me to inquire whether it would be in order to add, by way of amendment, every other item of the river and harbor bill to the bill proposed by the Senator from West Virginia? If it will, perhaps that might be a practical mode of getting through with the bill.

Mr. MITCHELL. Certainly it will.

Mr. CHRISTIANCY. I only suggest that, if he will accept that I shall not oppose his motion.

Mr. DAVIS. If other Senators have forgotten or, from some cause best known to themselves, have not arranged or got their bills in a shape to come properly before the Senate, for the amounts they desire to have appropriated for rivers and harbors in their States, it is not my fault. I hope that Senators now will not object to this small appropriation. I do not want to take up the time of the Senate in discussing it. It is meritorious; and I hope that Senators will not object to it from this fact: that probably this is the only bill that can be now offered under the rules of the Senate. I take it that the Committee on Commerce has not reported any other. I have not heard of any other.

Now, sir, if, from any cause whatever, I have been a little more industrious than some of my friends, I hope they will not take offense of that and defeat the only small appropriation that everybody who knows anything about it knows is necessary. I was disposed to run along in a joking way to some extent with my friend from Oregon, but I know he is not serious when he wants to cause the small amount I have asked for to be defeated. I hope he will withdraw all opposition and let the bill pass.

Mr. EATON. I do not quite like the remark which fell from my friend from West Virginia. He seems to intimate that other Senators have forgotten their duty, or, if they have not forgotten it, that they have been less urgent in carrying out the views of their constituents than he. Now, I had supposed the true course was that, when great public improvements were necessary, the proper committee should entertain the views of all the various Senators and take into consideration all great matters pertaining to river and harbor improvements, and then report fully. My State is as deeply interested in such improvements as any State in this Union, small though it may be. From her waters into New York every day of the three hundred and sixty-five days of the year there go by steamers a tonnage of 20,000 tons burden. But a great work which belongs not to Connecticut and New York alone, not to Connecticut, Massachusetts, and Rhode Island alone, but to the entire commercial world, is forgotten, and $10,000 must go out of the people's money to take care of a little river in West Virginia. Upon my word, Mr. President, I admire the talent of my friend from West Virginia, and if we could get rid of a river and harbor bill for this entire country for $10,000, we should do very well.

Mr. DAVIS. I agree with my friend from Connecticut, and I hope we shall get rid of this bill as quick as we can.

Mr. EATON. I will try to get rid of it. If there is to be no river and harbor bill, I move the postponement of this bill until the first Monday in December.

Mr. MITCHELL. I second the motion.

Mr. DAVIS. I believe I have a right to say a word upon that motion. My two friends each talk of the Monongahela River as a little river. Neither of them means that it is a small stream when he refers to it as a little river. We know that the Monongahela River is one of the principal rivers in this country; of course it is not the principal river, but it is one of them; and it would be economy on the part of the Government to complete the lock and dam that is now partly completed, and it will have to go over another year if this small amount of $10,000 is not appropriated. I do not think it makes any difference to Senators, and I do not see why they specially object to this appropriation because other improvements are not in the same condition. If the river and harbor bill comes here, I say to my friends frankly that I am willing to join with them and help them, and I will withdraw this bill at once.

Mr. MORRILL. I do not know whether this $10,000 would do the Monongahela any good; but I am quite satisfied that it would do my friend from West Virginia at least ten thousand dollars' worth of good, and that, I think, would be a public benefit, and therefore I propose to vote for it.

Mr. DAVIS. I thank the Senator very much indeed; it encourages me, and I believe with that speech I will stop talking and that the bill will pass. Of course I hope that the motion to postpone until the first Monday in December will fail and that we shall then pass the bill.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill until the first Monday in December.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WRIGHT. I ask leave at this time to make a couple of reports. The Committee on the Judiciary, to whom was referred the joint resolution (S. R. No. 21) defining the meaning and intent of the act of June 11, 1870, entitled "An act in relation to the Hot Springs reservation in Arkansas," have had the same under consideration and have instructed me to report it back, with a recommendation that it lie on the table, the Senate having passed a bill in relation to the same subject.

The report was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the joint resolution (S. R. No. 23) in relation to the Hot Springs reservation in the State of Arkansas, have instructed me to report it back with a recommendation that it lie on the table, there having been a bill reported and passed on the same subject.

The report was agreed to.

CAPTAIN SAMUEL ADAMS.

Mr. WRIGHT. The bill (H. R. No. 3489) for the relief of Captain Samuel Adams has been, as I remember now, indefinitely postponed. I move that the order indefinitely postponing the bill be reconsidered, and that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

BENJAMIN P. RUNKLE.

Mr. CLAYTON. I move that the Senate proceed to the consideration of the bill (S. No. 1003) to restore Benjamin P. Runkle to the retired list of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of War be, and he is hereby, authorized and directed to convene a court of inquiry to investigate and report upon the proceedings of the court-martial before which Benjamin P. Runkle, late major United States Army, (retired,) was tried in 1872; that the court of inquiry shall be authorized to take new testimony, if the same shall be deemed necessary; that, upon a report by said court of inquiry acquitting the said Benjamin P. Runkle, the President shall be authorized to appoint said Benjamin P. Runkle a major in the Army of the United States, and to place him upon the retired list.

Mr. CLAYTON. There is a report accompanying the bill, but I will make a statement.

Mr. SARGENT. Is it the unanimous report of the Military Committee?

Mr. CLAYTON. Yes, it is a unanimous report.

Mr. INGALLS. I should like to hear the statement.

Mr. CLAYTON. This officer was tried in 1872 by court-martial. He had but a very short time to make his defense. He was put under arrest in Louisville, Kentucky, and was not allowed to visit Washington, where his papers were. He was detailed for service in the Freedmen's Bureau. His papers were all in Washington. He had not time to come here and get his papers, and therefore he could not make the defense which he now claims he can make and which the committee believes he can make. In fact the committee has seen testimony of a documentary character which would have had very great bearing on the case if produced before the court-martial. The bill is merely to authorize the Secretary of War to convene a court-martial to re-investigate the testimony in this case, and hear such additional testimony as he may bring, and then if he exonorates himself the President will re-appoint him.

Mr. SARGENT. Is that testimony newly discovered?

Mr. CLAYTON. He was held responsible for the act of a subagent, and the court-martial regarded that subagent as his subagent, when it turned out that this subagent was appointed by his superior officer. He had no control whatever over him, could not remove him, or anything of that kind, and therefore ought not to have been held responsible.

Mr. SARGENT. Why was he put upon the retired list?

Mr. CLAYTON. He was on the retired list and detailed to perform this service. I think the bill is all right. Out of abundant caution we thought it best to let the whole matter be re-investigated.

Mr. INGALLS. It appears to me the better plan would be, if injustice has been done this man, to authorize the Secretary of War to institute a court for the investigation of the offense for which he was tried.

Mr. CLAYTON. This bill does that.

Mr. INGALLS. And we should await the result of that investigation before providing that he shall be appointed a major if the result of that inquiry should happen to be favorable to the person named in the bill. It is an extraordinary proposition, and it seems to me to be one that ought not to be entertained. If any wrong has been done him, let us authorize a tribunal to try the case over again and not anticipate whether he will be found guilty or whether he will be acquitted.

Mr. CLAYTON. It is an extraordinary proceeding; but I think it is one that should be adopted in future. The proceeding heretofore has been for the Senate to restore to the Army; and I think that proceeding, very frequently, is not as thorough as it should be. This bill originally provided for restoration by an act of Congress. The Committee on Military Affairs thought it best and safest to require a board of officers to be convened, and ascertain whether this officer has been unjustly dealt with or not. If it so turns out that he has been unjustly dealt with, then it seems to me we should give the President authority to re-appoint him. The President is not compelled to do it, but he is merely given the power to re-appoint him.

Mr. INGALLS. It will be time enough to authorize the President to re-appoint him if he is found innocent.

Mr. CLAYTON. It ought to be done hastily. You cannot be too quick to do justice. If this officer has been unjustly treated, I do not think that justice can be too soon meted out to him. You can trust the Secretary of War to revise this proceeding; and you can trust the President, if the officer is found to be innocent, to re-appoint him.

Mr. SARGENT. Does the Secretary of War recommend the bill?

Mr. CLAYTON. I think the particular proposition was not referred to him.

Mr. SARGENT. Did not the committee ask the opinion of the De partment on this matter?

Mr. CLAYTON. We have all the papers here from the Department.

Mr. SARGENT. Does the Department recommend it?

Mr. CLAYTON. No; their recommendation was not asked for. We have the papers all here.

Mr. SARGENT. The committee did not ask the opinion of the Department about it?

Mr. CLAYTON. We had the report of the Judge-Advocate-General reviewing the case, and upon that report and the recommendation that this legislation should be had this bill is based. Before he was dismissed he was on the retired list.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Benjamin P. Runkle, late a major on the retired list of the United States Army."

WILLIAM L. SCRUGGS.

Mr. HAMLIN. I move that the Senate proceed to the consideration of the bill (H. R. No. 4418) to pay William L. Scruggs, late minister at Bogota, from October 10 to November 21, 1876.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to William L. Scruggs, late minister of the United States of America at Bogota, United States of Colombia, $854.17, the amount which would have been due him as minister from the United States of America from October 10, 1876, to November 21, 1876, the time actually and necessarily detained in Bogota after his recall, by reason of the siege of the city by the revolutionary troops.

Mr. HAMLIN. This bill received the approval of the House. It was referred to the Committee on Foreign Relations of this body, and has been unanimously reported back. The facts in the text of the bill state the case. The minister was detained there something I think over two months, owing to the insurrectionary condition of the country and could not leave at the time of the notice of the Government, and it is believed that he is fairly and justly entitled to this small sum as the compensation which would have been due him had he not been recalled.

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

J. B. M'CULLOUGH.

Mr. WITHERS. I move that the Senate proceed to the consideration of the bill (S. No. 1127) for the relief of J. B. McCullough, Mrs. L. S. Fountain, administratrix of James Fountain, and John Howze, surviving partner of the firm of Howze & Hendricks.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims, with amendments, so as to read:

That the proper accounting officers of the Treasury be, and they are hereby, directed to pay to J. D. McCullough, of Petersburgh, Virginia, the sum of $328.87; the said sum being for the rent of property belonging to the aforesaid party, and occupied under contract by the United States, and for which vouchers were given to him; and an amount sufficient to pay the same is hereby appropriated from the Treasury.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of J. B. McCullough."

STEVEN V. BENÉT.

Mr. WADLEIGH. I move that the Senate proceed to the consideration of the bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Steven V. Benét for patents for cartridges.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SARGENT. Mr. President——

Mr. WITHERS. I should like to hear an explanation from the chairman of the committee reporting the bill stating why it is that it is necessary to review this case.

Mr. SARGENT. The Senator from Virginia has made my speech.

Mr. WADLEIGH. The bill passed the House upon a report which I send to the Clerk.

The PRESIDENT *pro tempore*. If there be no amendment, the bill will be reported to the Senate.

Mr. WRIGHT. I understood the reading of the report to be called for.

The PRESIDENT *pro tempore*. The Secretary will read the report.

The Chief Clerk read the following report submitted by Mr. SAMPSON, from the Committee on Patents of the House of Representatives, March 31, 1876:

The Committee on Patents, to whom was referred the petition of S. V. Benét, praying the passage of an act authorizing the Commissioner of Patents to reconsider his rejected application for a patent on an improvement in the manufacture of metallic cartridges, beg leave to submit the following report:

In 1866 General Benét, then of the rank of brevet lieutenant-colonel United States Army, was in command of the United States arsenal at Frankford, near Philadelphia, Pennsylvania, and was charged in his official capacity with the manufacture, for the use of the military service, of metallic cartridges, and while thus employed designed an improvement therein, which he believed to be entirely novel and of sufficient importance to justify him in applying for a patent therefor, and, April 14, 1866, made such application in the manner prescribed by law.

On the 27th of the same month his application was rejected on the ground that there was no essential novelty in the invention. March 7, 1867, the specifications were amended as the law permitted, and again submitted for re-examination, and was, on the 14th of March, again rejected by the primary examiner for the same reason as before.

General Benét has long been in the Ordnance Department, is now Chief of Ordnance, United States Army, has had great experience and the best opportunities for acquiring information on the subject of the manufacture of cartridges, and with this knowledge, entitling his opinion to some consideration, expresses in his petition the belief "that in the start of the art in this country"—at the time of filing his application—"the importance of what appeared to be but slight alterations of form in his device was scarcely appreciated by practical experts and those skilled in the art, not to mention those by whose theoretical knowledge only the ministerial actions in the Patent Office in respect to his application for a patent were determined, and that, therefore, his application for a patent was mistakenly rejected," and your committee are not prepared to say that such was not the case.

If petitioner was in fact the inventor of an important and valuable improvement in this art, and has been mistakenly deprived of the honor and benefit of his invention—and on these points there is no doubt—a correct decision may be now obtained, if permitted a re-examination and to prosecute the appeals allowed by law, which before were not taken. Then assuredly he ought to have the privilege, at least, of making the attempt to have such mistake corrected, unless some valid reason can be urged against it.

If, in consequence of his official position, his relations to the Government or the public were such that a patent ought not to be granted; or from his own laches in failing to avail himself of the facilities which the law afforded him to secure a correct determination of his application he is not entitled to consideration; or the granting a patent now, if entitled to one, would work injustice to others, then the relief he is now seeking should not be given.

The fact that he was an officer in the Army will not of itself deprive him of the right to his invention. The law of Congress enacted in pursuance of the power given in the Constitution to secure to inventors, for a limited time, the exclusive right to their discoveries, provides that any person who has invented or discovered any new and useful art, machine, manufacture, &c., or improvement therein, may, by application in the manner prescribed by law, obtain a patent therefor, except officers and employés in the Patent Office. And this question has been decided by the Supreme Court in the case of The United States *vs.* Burns, (12 Wallace, 256.) Mr. Justice Field uses this language:

"If an officer in the military service not specially employed to make experiments with a view to suggest improvements in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters-patent for the improvement from the United States, equally with every other citizen not engaged in such service; and the Government cannot, after the patent is issued, make use of the improvement any more than a private individual, without license from the inventor or making compensation to him."

It is, therefore, settled that an officer of the Army may be entitled to a patent for the invention of an improvement in the materials of war, and even the Government liable for its use after patent is granted. But if the officer be assigned to the especial duty of experimenting and making improvements in the particular materials to which his invention relates, then it would seem a somewhat different rule should apply. In such case he is the servant of the Government, assigned by its command to do for the good of the service just what he has done, and the Government should not, because he has accomplished what he was assigned to do for its benefit, be deprived of that benefit; and this principle is recognized by the petitioner himself. He has offered in his petition to release to the Government all right to royalty or compensation for Government use of the invention.

But the further question is, Should an invention wrought out under such circumstances inure not only to the Government but to the benefit of all individual citizens of the entire country? True, he was the servant of the people, educated, perhaps, at their expense; was in their employ, and paid out of their Treasury; but what was the extent of that employment? It was only for governmental purposes. His duty was to make the improvement for the military service; and outside of that the products of his brain and his hands were as much his own property as the fruits of the labor of any other citizen, not in the service of the Government, would be his. But if it was all the Government's, should we not possess the grace to surrender to him so much of the right as we do not desire to use ourselves? He has well said, in his argument before the committee, he was employed to invent a cartridge for the military service of his own Government, not for individuals for sporting purposes, not for foreign governments or the world at large.

The next inquiry is, Has he reasonable excuse for not prosecuting his application to the court of last resort? When his claim had been rejected the second time by the primary examiner, he might have appealed to the board of examiners-in-chief, thence to the commissioner, thence to the supreme court of the District of Columbia, and on refusal there filed his bill in equity, had a hearing before a district or circuit court of the United States, and if error was committed, then gone to the Supreme Court. This he failed to attempt to do until too late. At the time of the rejection of his application there was no limitation, as now, by section 4894 of the revision, that upon failure for two years after any action therein, of which notice was given, to prosecute the application, it should be regarded as abandoned; but cases might be and were sometimes taken up again even eight or ten years after rejection. The rejection was in 1867, when there was no limitation. In 1869 he was ordered from Frankford arsenal to other important duties. July 8, 1870, this law of limitation was enacted, and gave only six months in which to resume the prosecution of rejected claims. In the engrossing cares of his official duties, this did not come under his observation until he undertook to renew the prosecution at the Patent Office, and was informed it was too late. In the judgment of the committee, these circumstances do show a reasonable excuse for failing to prosecute.

The remaining objection which might be urged is this: Several years have expired since the invention and application. The cartridge has been extensively manufactured and gone into quite general use. Should the public now be deprived of the use of that which it has long enjoyed, which it now supposed was public property, free and open alike to all, or pay a license or royalty therefor? If, through his misfortune, occasioned by change of the law, the public has enjoyed for several years, free, for what otherwise it would have had to pay a royalty, and all the present existing rights can be protected, then this can be no valid argument why he should not be permitted, for a limited time in the future, to enjoy some benefits from the fruits of his own invention; and these existing rights are carefully protected by the bill.

Your committee, therefore, submit the accompanying bill and recommend its passage.

The bill was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. EATON. I ask for a division on the passage of the bill.

The question being put, there were on a division—ayes 19, noes 17; no quorum voting.

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

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I trust that this bill will pass. I think it a meritorious bill. General Benét was in the employ of the Government making improvements in cartridges, and made a most valuable improvement. This bill carefully reserves to the Government, in whose employ he was, all the advantages for the future and for the past use of that improvement. The patent is inoperative as against the Government. There is no reason why foreign nations should have the benefit of his invention, and this is really only a protection against their use of it.

General Benét has an abundant excuse for suffering the limitation to expire before he took an appeal, inasmuch as the law was passed in 1870 and only six months was given in which he could take his appeal, and he was not informed of the change which had been made in the law. This only authorizes him to renew his application. If it is an invention worthy of being patented, it is to be patented; otherwise not. I think it is but justice to an American citizen to give him this protection against foreign nations.

Mr. LOGAN. Mr. President, I am not going to make any opposition to this bill; but I desire, in order that it may be understood, to call the attention of the chairman of the Committee on Patents to one fact, if he will listen to me. The language of the bill is that the Government shall have the free use of this cartridge. Now, I want to know whether that includes the right to fabricate the cartridge?

Mr. WADLEIGH. It does.

Mr. LOGAN. I want it understood, for the reason that this bill was brought to me some time ago and I objected to it on the ground that the Government was not authorized to fabricate the cartridge. If it gives the Government that right, I have no objection.

Mr. WADLEIGH. The Government is entitled to the free use of the invention. That includes the right to manufacture.

Mr. LOGAN. I merely wish that statement to be made so that it may be understood hereafter.

Mr. FRELINGHUYSEN. The language of this bill is this:

And the subsequent sale and use of those manufactured at the time of the issue shall not be held to be an infringement of said patent. And the Government shall be entitled to the free use thereof—

That is, the patent—

for the military or naval service.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The question being taken by yeas and nays, resulted—yeas 32, nays 12; as follows:

YEAS—Messrs. Allison, Anthony, Barnum, Bayard, Blaine, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Conkling, Cragin, Dawes, Dennis, Dorsey, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kernan, McMillan, Maxey, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Teller, Wadleigh, Windom, and Wright—32.

NAYS—Messrs. Alcorn, Bailey, Bogy, Davis, Eaton, Gordon, Hereford, Ingalls, Logan, Robertson, Saulsbury, and Withers—12.

ABSENT—Messrs. Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cockrell, Conover, Cooper, Edmunds, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Johnston, Jones of Florida, Kelly, McCreery, McDonald, Merrimon, Norwood, Randolph, Ransom, Sharon, Sherman, Spencer, Stevenson, Thurman, Wallace, West, and Whyte—31.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, asked a conference on the disagreeing votes of the Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. ERASTUS WELLS of Missouri, and Mr. CHARLES FOSTER of Ohio managers at the conference on the part of the House.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4616) making appropriations for the naval service for the year ending June 30, 1878, and for other purposes.

The message further announced that the House had concurred in the resolution of the Senate that of a digest of the opinions of the Attorneys-General and of the decisions of the Federal courts with reference to international law and kindred subjects prepared at the Department of State, there be printed, in addition to the usual number, five hundred copies for the use of the House of Representatives and one thousand for the use of the Department of State.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same; and it was thereupon signed by the President *pro tempore*.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives, non-concurring in the amendment of the Senate to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, and asking for a committee of conference thereon.

Mr. BLAINE. I move that the Senate insist on its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the committee, and Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE were appointed.

BOUNTIES TO SOLDIERS.

Mr. LOGAN. Mr. President——

Mr. STEVENSON. I ask the Senator from Illinois to yield to me for the purpose of calling up the bill (H. R. No. 4313) for the removal of the political disabilities of Charles L. Scott, of Alabama.

The PRESIDENT *pro tempore*. The bill referred to by the gentleman from Kentucky is not at the desk.

Mr. DORSEY. I would like to have a bill passed while the Clerk is looking for the bill of the Senator from Kentucky. If the Senator will yield to me a moment I can pass the bill to which I refer while his bill is being looked for. I ask unanimous consent to proceed to the consideration of the bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas.

The PRESIDENT *pro tempore*. The gentleman from Arkansas asks

unanimous consent to proceed to the consideration of the bill named by him. Is there objection?

Mr. LOGAN. I do not know whether the Senator from Arkansas was recognized or not while another Senator had the floor. I was standing on the floor and I thought I was recognized before the Senator from Kentucky.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Illinois was to be recognized after the Senator from Kentucky, and pending the search for the bill called up by the Senator from Kentucky, the Senator from Arkansas, being near the Chair, asked to have a bill considered.

Mr. LOGAN. That is just what I should like to have myself.

Mr. DORSEY. I hope that the bill will be considered. It is a very brief matter.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. The Senator from Illinois objects.

Mr. LOGAN. Mr. President, I have a bill that has been before the Senate, I think, for over a year now and I move that it be taken up. It is House bill No. 58.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. DAVIS. Is there a report with the bill? If so, I should like to have it read.

The PRESIDENT *pro tempore*. There is no report accompanying the bill.

Mr. DAVIS. I desire to have the report, if there be one, read for the reason that it has been stated here by the chairman of the Committee on Finance, I think, that to carry out the provisions of this bill, if they could be carried out at all, would cost a hundred million dollars. I think that was the statement of the chairman of the Finance Committee, that he had in some way had it examined into and that, if its provisions could be carried out, that was his estimate; or perhaps he said it was the estimate of the Department. I would ask the Senator from Illinois, who I see is looking this way, whether or not that was the statement of the chairman of the Finance Committee?

Mr. LOGAN. I do not know what the statement of the chairman of the Finance Committee was, or anything about that statement, nor am I responsible for it. This bill has been discussed time and again in the Senate; it passed the House, I think, five times; it passed the Senate once, and was vetoed and is before the Senate again. It has been discussed here and statements have been made *pro* and *con* in reference to it. I suppose every Senator is conversant with the statements that have been made. I place no reliance in any statement that has been made in reference to the great cost of it. I do not know what it will cost. I have tried to compute the cost of it, but do not know what it may be, and it is immaterial to me, as far as that is concerned. It is just that these men should have their bounty and I am not making calculations about how much it may cost. I only desire that the law which asked the soldiers to go into the field and promised to give them a certain bounty shall be carried out. I ask for a vote on the bill.

Mr. KERNAN. I should like to inquire if there is any report or statement of the committee as to what amount this bill would require to be taken from the Treasury. I have seen it stated at a very large sum, between $100,000,000 and $200,000,000.

Mr. LOGAN. I call for the reading of the amendments reported by the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The first amendment will be reported.

The CHIEF CLERK. It is proposed to insert in line 4, before the word "wagoner" the word "enlisted;" and in line 5, after the word "soldier" to strike out "sailor, and marine, including those borne upon the rolls as slaves and Indians;" so as to read:

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, enlisted wagoner, and private soldier who faithfully served as such, &c.

Mr. MORTON. Is that amendment offered here?

The PRESIDENT *pro tempore*. It was reported from the Committee on Military Affairs.

Mr. LOGAN. That amendment was reported to the Senate from the Committee on Military Affairs. The word "enlisted" placed before "wagoner" is a proper amendment, but the words "those borne upon the rolls as slaves and Indians" should be stricken out for the reason that the bill includes all who were soldiers, no matter whether they were slaves, Indians, or what. That amendment was agreed to in the Senate committee. The words "those borne upon the rolls as slaves and Indians" should be stricken out of the bill and the other words that are crossed out in the bill should remain.

Mr. MORTON. Mr. President, this amendment may perhaps be a very proper one, but if any correction is needed it can be made hereafter. I regard the adoption of any amendment as fatal to this bill. It passed the House under peculiar circumstances, and if it is to go back there again it does not stand a ghost of a chance of going through. Any amendment that sends this bill back to the House destroys it; consequently I will vote for no amendment. I would rather take the chance of having any correction made hereafter in any proper manner than to have the bill go back into the House.

Mr. LOGAN. I agree with the Senator from Indiana in reference to these amendments. The amendments were reported by the committee, but I agree with the Senator that their adoption is almost a certain defeat of the bill; and for that reason I will ask the Senate to non-concur in the amendments made by the committee and pass the bill as it came from the House.

Mr. SARGENT. I think the amendments ought to be reported.

The PRESIDENT *pro tempore*. The first amendment has been reported. The Secretary will again read it.

The CHIEF CLERK. The first amendment is in line 4, before the word "wagoner" to insert "enlisted."

The PRESIDENT *pro tempore*. The question is on this amendment.

The question being put, it was declared that the noes appeared to prevail.

Mr. SARGENT. I ask for a division.

The question being put, there were on a division—ayes 20, noes 12; no quorum voting.

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

The yeas and nays were ordered.

Mr. BURNSIDE. I should like to have the amendment stated.

The PRESIDENT *pro tempore*. The amendment will be reported.

The Chief Clerk again read the amendment.

The question being taken by yeas and nays, resulted—yeas 27, nays 17; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bailey, Barnum, Bayard, Bogy, Cockrell, Cooper, Cragin, Davis, Dawes, Dennis, Eaton, Gordon, Hereford, Howe, Kelly, Kernan, Maxey, Robertson, Sargent, Saulsbury, Stevenson, Teller, Wallace, and Withers—27.

NAYS—Messrs. Blaine, Bruce, Burnside, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Dorsey, Ferry, Harvey, Hitchcock, Ingalls, Logan, McMillan, Morton, Paddock, and Wright—17.

ABSENT—Messrs. Booth, Boutwell, Cameron of Pennsylvania, Conkling, Conover, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Merrimon, Mitchell, Morrill, Norwood, Oglesby, Patterson, Randolph, Ransom, Sharon, Sherman, Spencer, Thurman, Wadleigh, West, Whyte, and Windom—31.

So the amendment was agreed to.

The next amendment of the Committee on Military Affairs was in lines 5 and 6, to strike out the words "sailor and marine, including those borne upon the rolls as slaves and Indians."

The amendment was agreed to.

The next amendment was in line 10, before the word "wagoner," to insert the words "and enlisted."

The amendment was agreed to.

The next amendment was in line 11, after the word "soldier" to strike out the words "sailor and marine."

The amendment was agreed to.

The next amendment was in section 2, line 3, after the word "artificer," and before the word "wagoner" to insert the word "enlisted;" in the same line, after the word "soldier" to insert the words "sailor or marine;" in line 6, after the word "three" to strike out the word "minor;" in line 7, before the word "wagoner" to insert the word "enlisted;" and in line 8, after the word "soldier," to strike out the words "sailor or marine;" so as to make the section read:

SEC. 2. That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not re-married, or, if there be no widow or she has re-married, then to the child or children of such deceased non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier.

The amendment was agreed to.

The next amendmeut was in section 3, line 3, before the word "wagoner" to insert the word "enlisted;" in the same line, after the word "soldier;" to strike out the words "sailor or marine," and in line 6 after "United States;" to strike out the words "or State" so as to make the section read:

SEC. 3. That in computing and ascertaining the bounty to be be paid to any non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, or to his proper representatives, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of ans United States laws.

The amendment was agreed to.

The next amendment was in section 5, after "United States" to strike out the words "or State;" in line 6, before the word "wagoner" to insert the word "enlisted;" in line 7, after the word "soldier" to strike out the words "sailor or marine;" and after line 8, to insert the words "except in case of the application of the widow, or child, or children;" so as to make the section read:

SEC. 5. That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States laws to the non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, by whom or by whose representative the claim is made, except in case of the application of the widow, or child, or children.

The amendment was agreed to.

The next amendment was in section 9, line 2, after the word "artificer" to insert the word "enlisted;" in line 3, after the word "soldier" to strike out the words "sailor or marine;" so as to read:

SEC. 9. That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the committee.

Mr. SARGENT. I offer the following as an additional section to the bill:

SEC. —. That to enable the Treasurer of the United States to meet the demand caused by the foregoing sections of this bill, a duty of three cents per pound upon all coffee and ten cents per pound upon all tea imported into the United States shall be imposed from and after the passage of this act.

Mr. MORTON and Mr. HITCHCOCK. I ask for the yeas and nays.

Mr. LOGAN. I hope the call for the yeas and nays will be withdrawn.

Mr. MORTON. I will withdraw it at the request of the Senator from Illinois.

Mr. HITCHCOCK. Very well.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If there be no further amendment the bill will be reported to the Senate as amended.

Mr. DAVIS. I ask for the yeas and nays upon the passage of the bill.

Mr. LOGAN. I desire now, if the Senate will give me their attention one moment, before offering an amendment to say a word. I supposed that there was probably not a Senator present who would not be willing at any time to give a direct vote on this bill with a view of the bill becoming a law. I do not like to see a bill defeated by persons who ought to vote for it piling amendments on it, and I appeal to Senators on the other side of the Chamber who have appealed here for contracts made with men who had gone into the confederacy and secured the legislation which passed last night, amounting to hundreds of thousands of dollars, now to let the law of this land that was a contract with the poor soldier who suffered for his country to be executed. I offer now as a substitute to the bill as amended the original House bill, and I ask a vote on that directly, so that then we may see whether we can pass a bill of that kind or not.

Mr. SARGENT. Is that in order?

Mr. LOGAN. Certainly it is.

Mr. SARGENT. I raise the point of order on the reception of such an amendment.

The PRESIDENT *pro tempore*. The Senator cannot offer the one bill for the other.

Mr. LOGAN. I offer it as a substitute. I move to strike out all after the enacting clause and insert the words in the original bill.

The PRESIDENT *pro tempore*. This is the bill itself which is pending.

Mr. LOGAN. I know, but I move to strike out all after the enacting clause and offer the words that I send to the desk.

Mr. EATON. That cannot be done.

Mr. SAULSBURY. I ask if the Senate has not already expressed its judgment upon the amendments offered to this bill, which are now made part of the bill?

Mr. LOGAN. Very well, I am not offering a bill. I move to strike out all after the enacting clause of the bill, and insert what I send to the desk.

The PRESIDENT *pro tempore*. The Chair cannot entertain the amendment, it being the same bill on which the Senate has acted. The Chair cannot entertain a motion to strike out and insert the same matter. If the Senate desires, when the bill reaches the Senate, it can non-concur in the amendment, which would leave the bill as it stood originally.

Mr. SARGENT. I understand the amendments have been concurred in already.

The PRESIDENT *pro tempore*. No, they have not.

Mr. MORTON. Is this matter settled?

The PRESIDENT *pro tempore*. Not yet. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. MORTON. I ask for the yeas and nays on the amendment in regard to taxing tea and coffee.

The PRESIDENT *pro tempore*. Then the amendments will be taken up separately. The question is on the first amendment of the committee.

Mr. PADDOCK. Was not the amendment in regard to taxing tea and coffee withdrawn?

Mr. MORTON. No, sir; it was adopted.

Mr. DAVIS. I raise the point of order that the amendments were announced from the Chair as having been concurred in.

The PRESIDENT *pro tempore*. The Chair asked if there was objection to concurring in the amendments, and then the Senator from Illinois rose to offer a further amendment. That was in the nature of an objection to the concurrence.

Mr. LOGAN. What amendment was adopted?

Mr. DAVIS. All the amendments were adopted.

Mr. LOGAN. What was the last amendment about an appropriation from the Treasury?

Mr. SARGENT. I should like to inquire whether the record of the Clerk shows that the Senate has concurred in the amendments made as in Committee of the Whole?

Mr. LOGAN. The Senate has done no such thing.

The PRESIDENT *pro tempore*. The Chair was correct. When the Chair stated the question on concurrence in the amendments made as in Committee of the Whole the objection was made, and the record shows that no vote for concurrence was taken. The question is now whether the Senate will concur or non-concur in gross or separately in the amendments?

Mr. LOGAN. Let us vote on the amendments separately. I did not understand the amendment of the Senator from California. I thought it was an amendment to pay money out of the Treasury for this bounty, but I understand it is an amendment in reference to a tax on tea and coffee.

Mr. MORTON. It is a tax on tea and coffee.

Mr. SARGENT. Certainly it is, because the operation of this bill, as I understand it, would take from the Treasury an amount equal to that which we have now there as a sinking fund. It would destroy our credit; and it seems to me that a measure of this kind should carry with it the means of preserving our credit and making the payment which would have to be made from the Treasury under this bill. Therefore I offer the amendment in perfect good faith. I should like to say, however, that upon the merits of the bill itself I am opposed to its passage. Let it be distinctly understood that that is my position in regard to the matter. There should be no doubt about it, for I have voted against this bill at previous sessions over and over again. I shall do it as long as I believe the beneficiaries of this bill will not be the soldiers, but claim agents, who particularly insist that Senators shall vote for it. I do not believe that the financial condition of the country at the present time is so flourishing that we can afford to take anywhere from ten to a hundred millions of dollars from the Treasury for this purpose. I believe that under the necessary operation of this bill the number of clerks that would be required and the amount of machinery which would be set at work in the Department would be something from two and a half to three millions of dollars. That is not a wild guess at all, but founded on figures which I myself have received from officers of the Treasury Department who have investigated the matter. In obedience to my request that they would give me the best information within their power, they never set the cost of this bill at less than $21,000,000; and it is a very grave question. For one I do not think the bill ought to pass unless there is coupled with it something that will fill up the gap that will be made by it in our resources. If Senators are in earnest in desiring that this money shall be paid, let them at the same time provide the means by which it shall be paid.

Mr. LOGAN. Mr. President, I intended when I called up this bill to-night to have a vote taken on it without any discussion, for the reason, as I stated, that it has been discussed so often in this Chamber that I thought there was no necessity for any further discussion. But I am very sorry to see the character of objections that are urged against it. If there is a debt known to man that ought to be paid, it is the debt that the Government owes the men who saved its life. These men have gone for twelve years unpaid, with the law upon our statute-book calling them into the service of this country and promising them a bounty for their enlistment in behalf of the Government. They were mustered out, some of them one day before the term expired, some of them two days, some of them a month before, merely sufficient time under the construction given by the Adjutant-General to the law to deprive them of receiving the least bounty that the Government had agreed to pay them. A bounty was to be paid annually to soldiers, and they received two years' allowance, but not the last year's, because they were mustered out one day before the expiration of the three years. It was construed that they were not entitled to bounty although they had performed service to the Government.

This claim has been presented from the year 1866 up to the present time and passed through the House of Representatives of every Congress of the United States since. My patriotic friend from California stated on this floor last night that he would vote to pay claims against the Government to men who went into the confederate service that were due for mail service to this Government, because the Government had contracted to pay them and because of the patriotic service within the last few days of his friends in voting the same way he did. Now, it does strike me as strange that he should object now to the little pittance that is to be given in many cases to poor widows or orphans, or a crippled or lame soldier that the Government agreed to pay, and solemnly enacted it into a law. I thought that no republican, if I may use the expression, would ever be found in Congress who would fail to support a bill which gave to the soldier that which the Government agreed to give him. I did not believe that a democrat could be found who would do it. I believed that there was patriotism enough left in this land to carry out the contract with the men who saved the Government.

Sir, in 1865, when 100,000 of these poor soldiers marched down Pennsylvania avenue, right on the walls of this Capitol where now their rights are denied was in grand, large, and magnificent letters the following language: "There is one debt the Government never can pay: that is the debt of gratitude it owes to the soldiers that saved this Republic." Sir, the Government doubtless has been grateful to these men; but the gratitude that these poor men ask now—and when I speak of poor men I mean the poor soldier, the man who is suffering and needs his money, or his widow, or his orphan—is not that you will give them office; it is not that you shall follow him with drum, and fife, and flag, but it is that you shall pay him the money that you owe him according to the law of the land. That is the gratitude that the soldiers ask; that is the gratitude they have appealed to Congress

for time and again; and I am sorry to say that only in this Senate Chamber has it ever been refused by any party or any set of men representing the people of this country. No House of Representatives of either politics has ever been found that refused to pass a bill paying these men what they are entitled to; but in the Senate of the United States it has time and again been defeated. It passed once and was vetoed. Again it is presented when the bill has passed by almost a unanimous vote of the House of Representatives, at the last session, voted for by democrats and by republicans alike, because it is just and honest.

An estimate in report after report has been made in reference to this bill. The estimate that I made myself was that it would cost probably $13,000,000; but in costing that the same estimate would show that it would take probably ten years to fulfill and comply with the law. It would pass along for a great while before these men would all be paid the little pittance due, before their applications could be made, examined, passed upon, and payment made, and in that way the country would not feel it, in that way the Government would certainly not be robbed and surely not bankrupted by carrying out its own obligation.

If the Congress of the United States shall fail to perform what I believe to be an honest duty toward these men, then I will say that the Government of the United States of America has not acted in good faith with the men who defended it in the time that it needed their strong arms in support of a rocking and trembling Republic.

Is there a man here that will put up the little plea of agent, and say that agents will get some of this money? God knows it is not a question in my mind whether some agents will receive $5 or $10. That has nothing to do with it. The question with me is whether this money is due to the crippled soldiers that come to our door day after day and appeal to us through committees from almost every State in this Union for the passage of a bounty bill that gives to them the pittance they were entitled to under the law. Have they not been cheated out of it by being mustered out one day or two days or three days prior to the expiration of their time? This bill gives them the eight and one-third dollars per month, so as to equalize the bounties—$100 a year—that they were entitled to had the whole year's service been exhausted; but, forsooth, one day was lacking, and therefore they could not receive the amount.

I know it is getting nowadays to be that if any one makes an appeal for the soldier you see a sneer or a kind of laugh on the faces of many. They say, "The soldier is played out." Well, perhaps he is; I shall not say. It certainly seems that he is, in Congress. It is very sure that he has never knocked at the door of Congress in reference to getting what the Government ought to pay him, that he has got it under a bill of this character. The same false plea is made that some claim agent will make $10 or that the Treasury will lose it. But, Mr. President, if the rich and the haughty and the proud come to your doors and ask you to pay large amounts on your appropriation bills for claims not well proven, in nine cases out of ten it is done. If the question is asked whether you will take up your currency and give bonds by the hundred million, drawing a rate of interest, to be substituted for a debt drawing none, nine times out of ten you find Congress ready to pass it for the benefit of the man who has money. But if the poor and humble ask you to do a kindly act for them, the Treasury is going to be robbed, and it cannot be done!

This, Mr. President, is perhaps the last appeal I shall ever make in the halls of legislation in behalf of the soldier of my country. I have stood here and tried to defend him for years and tried to see that he should have the rights at least that the laws of the country give him. I have failed. Now, sir, let me say that if your country again shall ever be in a disturbed condition, when it shall be tottering from its base, when it shall be rocking and careening, when enemies from foreign lands shall thunder at the gates of your Capitol, or when insurrection may occur at home and your flag is being trailed in the dust, these men that you deprive of that which the law gives them will be the men you will appeal to again to save your institutions; and poor and humble as they may be, decrepit perhaps as they may be, they are the first to respond and will be the first. It is the poor and the humble man that saves your country in time of trial. He is the man that carries the musket; he is the man that carries the flag; he is the man that does the work; he digs your trenches; he sleeps behind your fortifications; he stands up to be shot; he is the man that appeals to you now to do him justice. But, sir, if justice cannot be done, I for him in this Senate Chamber will say the time has never been and the time never will be when, if these men are called upon as the protectors of this land, they will not stretch out that strong arm again and steady the rocking pillars of the grandest Republic that man has ever known or was ever permitted to have an interest in. They have done it once; they will do it again; and for them now I appeal to this Senate to at least give an opportunity to these men to present their claims. If they are just, permit them to be allowed; if unjust, let them be rejected like the claim of any other man. They are certainly preferable to cotton claims; they are certainly preferable to claims for destroying property in preserving the nation; they are certainly preferable to the claim of the pardoned man for making war against his Government, when he asks you to pay him for the property lost while he was trying to destroy the Government that gave him protection. While this is being done I only ask that their claims may be made equal, for I believe it looks as if the time was approaching when these men would have to bow and beg pardon for having preserved the country. But before you force them to do that, pay them what you owe them. [Applause in the galleries.]

The PRESIDENT *pro tempore*. If the Chair hears applause a second time he will order the galleries cleared at once; and this he means.

Mr. SARGENT. Mr. President, I suppose it will be admitted in this Chamber or anywhere else where the question may be mooted, that the President of the United States, General Grant, is a republican. I suppose it will be further admitted that he has as warm and intelligent a sympathy for the soldiers as any man over this broad country. Any man who impeached either of these propositions would impeach his own honesty and good sense. This bill once passed both Houses of Congress and was vetoed by General Grant, the President of the United States, a republican without fear, without reproach; a soldier himself of most exalted service; a man the warmest impulses of whose heart are for the soldiers with whom he served; and I want to know what right any Senator has to impeach his republicanism, or impeach the motives of any other Senator who stands in the same position upon this matter as the present President of the United States. That is a sufficient answer to all aspersions of motives attempted upon this floor. That fact cannot be wiped out.

Mr. LOGAN. Nobody has aspersed the motives of any one.

Mr. SARGENT. Senators who oppose this bill are spoken of as if they turned with cold hearts away from the soldiers of the Republic, as if they had no appreciation of their valor upon the battle-field, no sympathy for their sufferings, no care for their rights. It is only those who favor the bill who are entitled to the respect and confidence of that class of the community. Now, sir, I dare do what I think right in the face of clamor from any class. I dare stand here and state that I believe that this bill is iniquitous in its provisions, instead of equitable. The claim is made here that this is the law, and we are violating right and law because we do not pass it to enforce the law. Why, if it was the law on the statute-book, all we need do would be to put an amount in an appropriation bill and the Department would apply that amount to carry out the provision of the law. It is because you have to come in now and make additional provision of law, causing great expenditure of the Departments, that I claim that we should carefully scrutinize this bill; and not, under the claim that there was a right springing out of previous contracts, pass it.

I have a respect and admiration for the present President of the United States, President a few hours longer, which is enhanced by the fact that he saw clearly and plainly the tendency of this bill and that it was an injustice to the Treasury and simply was enriching claim agents rather than the soldiers over whom so much sympathy is expressed. I have an admiration for him because his administration in nearly every direction has been a great success. He came into power with gold at 140, and to-day it stands in New York between 104 and 105. Under his administration and by economy, taxation being reduced, the public debt of the United States has been reduced by $400,000,000, and $30,000,000 payment off the annual interest charge; his foreign policy has vindicated the good name of America, ay, vindicated its power before all the nations of the earth, and not by war but by peaceful arbitration and moral means. However circumstances may have defeated the just application of his policy with reference to domestic matters, I believe that in all these things it will be conceded that he was patriotic and did that which he thought best for the country.

The past has not been ungrateful to the fame of General Grant, or the present, although both have come far short of rendering full justice to his purity of character, his patriotic purposes, and his great achievements in war and in peace. The future will make full compensation; our children and our children's children for countless generations will hold in admiration not only the brave and skillful warrior, directing during a period of a terrible conflict the forces and resources of the nation in an unerring path to triumph, but will appreciate and admire his equally great services in composing the warring elements lashed into confusion by civil war, and look back with loving veneration upon a record in every line of which is written dignity, honor, wisdom, and patriotism.

When such a man, whom even now the assaults of party malice fail to lessen in public love and esteem, comes forward and puts his seal of condemnation upon a bill like this, relating to the class of which he was an eminent member, it may be well for us civilians to inquire whether upon a matter so purely military in so many of its points we ought not to pause before overruling him.

I have here a document emanating from the Treasury showing that the expense of this bill will be at least $100,000,000. Is that an amount to be taken from the Treasury upon an appeal to sentiment?

Mr. LOGAN. Will the Senator allow me to say that any estimate of that character made by any man, I care not whether he is an official or not, is without any foundation whatever? I have made the calculation as carefully as anybody. That now referred to is based on the number of soldiers given, without calculating deaths or anything else. I made the estimate, as I stated, that it would not be over $13,000,000, and I know that statement is not out of the way. I have estimated it time and again, and the statement now cited by the Senator has been contradicted here and shown not to be correct time and again in this Senate Chamber.

Mr. SARGENT. I have no doubt the Senator conscientiously believes the statement that he makes. I think, however, that upon a mere financial proposition the statement of the Comptroller of the Treasury is entitled to great weight. I want to call the attention of the Senate to a careful statement made by the Comptroller showing the elements of his calculation; and I say that, after a careful examination made by myself of this statement, I fully believe the conclusions at which he arrives. This is dated Treasury Department, Second Comptroller's Office, February 17, 1874:

SIR: In compliance with the request contained in letter of Hon. POWELL CLAYTON, United States Senate, to the Second Auditor of the Treasury of date the 10th instant, referred by the Auditor to the Secretary of the Treasury, and by the Secretary to this office for preparation of reply, I have the honor to submit the following *estimate* of the *amount paid* for "bounty to soldiers who served in the late war for the Union, including those borne on the rolls as slaves," and the "*amount* which would be *necessary* to carry out the provisions of the bill herewith inclosed (H. R. 1910, Forty-first Congress, second session) should the same become a law."

He then goes on to give the date of the calls, the number of soldiers called for, the service in months, the number of men credited, the bounty paid, and the amount required to equalize, with explanatory remarks, and then shows the amount required under each item.

April 15, 1861, there were 75,000 called for who served three months; 93,326 were credited, and the amount to equalize them is $25 each. This item alone amounting to $2,333,150.

May 3, 1861, for the six months' service 2,715 men were credited and the amount required to equalize is $50, and that would amount to $135,750.

Under the calls of July 22, and July 25, 1861, 500,000 men were called for who served respectively for twelve, twenty-four, and thirty-six months. The number credited respectively was 9,056, 30,950, and 671,419. The bounty paid to part of them was $150, and part $200, and the amount required to equalize in the one case would be $50, and in the other $100. For part of them the total would be $1,547,500 and for the rest $67,141,900, in itself five times the amount of the estimate made by the Senator from Illinois.

In June, 1862, there were 15,000 more men credited. The amount required to equalize is $25 each, and the total required would be $375,175. July 2, 1862, there were 300,000 men called for who were in service thirty-six months, and 430,201 were credited who received $200 bounty, and $100 would be required to equalize them, and this amounts to $43,020,100.

And so, going through the table, he shows the amounts that were called for at different dates, the number who responded, the amount of bounty, the term of service, and the whole figures up $141,596,375. He then goes on to give credit for deductions. Deducting the number of men enlisted in 1861 and in 1862 who re-enlisted as veterans, 158,507, to whom a bounty of $200 was paid and $100 is required to equalize, making $15,850,700, and then for deserters and bounty-jumpers he deducts $10,000,000, and deducts for officers and soldiers dishonorably discharged or discharged at their own request as minors, enlistments from rebel prisoners, excess of credits over actual enlistments, and all other causes, $15,000,000 more, making deductions of $40,850,700, leaving a net result of $100,746,675.

Mr. LOGAN. How much does he allow for deaths in the Army?

Mr. SARGENT. I have stated the deductions that he gives. The letter continues:

January 15, 1872, the Paymaster-General submitted to Hon. John Coburn, chairman of House Committee on Military Affairs, an estimate of the amount required to carry out the provisions of H. R. 89, known as "Niblack's bill," the amount being $137,275,105.94; and that to carry out the provisions of H. R. 240, introduced by Hon. Mr. Holmes, would require $163,543,634.61.

He says:

My estimate on first-named bill (H. R. 89) was $101,947,825. From the foregoing data it is evident that the bill under consideration, (H. R. 1910,) should it become a law, would call for more than $100,000,000 to satisfy claims under it, and would necessitate the investigation and settlement of about one million five hundred thousand claims, requiring the labor of two hundred and fifty additional clerks in the office of the Second Auditor, and a corresponding increase in this office for four years to prepare for adjudication and payment the cases arising under the law.

This was directed to Hon. William A. Richardson, Secretary of the Treasury at that time.

Now, sir, I am not entirely familiar with all the elements of the calculation. The suggestion made by the Senator from Illinois that allowance is not made for deaths in the Army, which may be deducted under this bill, may have considerable bearing; but we are dealing with a sum of a hundred millions, and deduct one-fourth, and then you have seventy-five millions, and certainly that would be an extraordinary deduction, even under the suggestion that he makes.

Sir, I desire to repel for once and all the imputation upon Congress or any party in Congress, so far as that is concerned, or any party in the country, and especially for the republican party, that they have been ungrateful to the soldiers. We are paying now, annually, $30,000,000 in pensions to our soldiers and their widows and orphans. We have paid since the war closed $450,000,000 in the way of pensions to soldiers and their widows and orphans. The country has been most generous and most appreciative of this class of men; and it is no reason, because a claim is raised that the soldiers want the money or that we ought to have more sympathy for them, that we should put our hands into the Treasury and draw out $75,000,000 or $100,000,000, and such suggestions should have no value in legislation. If there is a contract with us let them show the contract and it will be upon the statute-book. The contract will speak for itself. If the accident of war, the abrupt termination of it is as was supposed, the mustering out of the regiments some weeks before the time they enlisted to serve expired, shortened the time during which they were paid or the amount of bounty to which they were entitled under existing laws, that was an incident of the service and does not raise an obligation in the nature of a contract. At most it is an equity; and putting it upon this ground, that this is a mere equity, then we should ask whether we ought for an equity of that kind, doubtful certainly in its character, and where we are making so much appropriation annually on a burdened Treasury for pensions to men paid so liberally, as ordinarily our soldiers are paid during war as compared with other soldiers, to put our hands into the Treasury and take out from seventy-five to one hundred million dollars.

I trust it will be very distinctly understood whether I am for or against this bill, and whether I offer amendments in order to perfect the bill or to defeat it. I think with the President of the United States that the bill ought to be defeated.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House still further insisted on its disagreement to the seventy-sixth and seventy-seventh amendments of the Senate to the bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes, asked a still further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. HIESTER CLYMER of Pennsylvania, and Mr. CHARLES FOSTER of Ohio managers at the conference on the part of the House.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4187) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1878, and for other purposes.

The message further announced that the House had passed a bill (H. R. No. 3349) granting a pension to Mrs. Rebecca C. Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteer Infantry.

Mr. LOGAN. Mr. President——

Mr. ALLISON. I ask the Senator from Illinois to yield, that I may make a conference report.

Mr. LOGAN. Yes; certainly, I yield for that.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON submitted 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. 4187) entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1878, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment of the Senate No. 12, and agrees to the same, with an amendment making the sum $9,250,000; and the Senate agrees to the same.

The House recedes from its disagreement to the amendment of the Senate No. 13, and agrees to the same, with an amendment making the sum $150,000; and the Senate agrees to the same.

The House recedes from its disagreement to the amendment of the Senate No. 33, and agrees to the same, with an amendment making the sum $2,939,725; and the Senate agrees to the same.

W. B. ALLISON.
H. G. DAVIS.
H. L. DAWES.
Managers on the part of the Senate.

WM. S. HOLMAN.
CHAS. FOSTER.
HIESTER CLYMER.
Managers on the part of the House.

The report was concurred in.

THE LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM submitted 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. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes, having met, after full and free conference, have been unable to agree.

WM. WINDOM,
W. B. ALLISON,
H. G. DAVIS,
Managers on the part of the Senate.

WM. S. HOLMAN,
HIESTER CLYMER,
HENRY WALDRON,
Managers on the part of the House.

Mr. WINDOM. As it is known to the Senate, the only disagreeing vote, referred to the committee were those relating to the President's salary, the House bill reducing it from the present salary to $25,000. The committee have disagreed upon it, and I move that the Senate insist on its amendments and ask a further conference with the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS were appointed.

EQUALIZATION OF BOUNTIES.

The Senate resumed the consideration of the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. LOGAN. I do not desire to detain the Senate in discussion; but I merely rise to ask their attention for a moment that they may see how men can be imposed on and how strange it is that an official under the Government should attempt to palm off a paper of this kind as an honest statement.

The whole number of enlisted men was 2,690,401. He gives the whole number of enlistments, and then shows that the bounty of that number of men would amount to so much, and deducts the bounty actually paid and includes the balance to make up this $100,000,000. I ask the Senator from California if he does not think that some of these soldiers died. Were not some of them killed? Did not some of them desert?

Mr. MORTON. Not many.

Mr. LOGAN. I suppose not.

Mr. SARGENT. Three million dollars are deducted in this statement for bounty-jumpers and deserters.

Mr. LOGAN. There were 80,000 deserters from our Army. The Senator knows the fact that out of the 2,000,000 men enlisted we never had over a million of men in the Army. Some men enlisted three times, and every enlistment is counted to make up the 2,690,401, and this statement calculates the bounty of 2,690,401 men. The statement is a fraud on its face and the Senator ought to know it. We had about a million of men in the Army and never more than that. Some enlisted twice; some enlisted three times; some jumped, as they called it, were bounty-jumpers; some deserted; some few absolutely died, strange to say; and this paper does not show that a solitary man died or that anybody ever was killed. It makes the calculation just as though we had to pay bounties to 2,690,000 soldiers. How this paper was gotten up I do not care to state, except that it was got up in order to prevent the passage of this bill. It is not a truthful statement; it is not an honest statement; it is not a fair statement; it is a fraud upon the Congress of the United States; and the man that made it up knows it, and the man who signed it knows it; I do not care who he was nor how high an official he was. I have made the calculation taking the estimate from the War Office of deaths and desertions, of bounty-jumpers, and of the number of soldiers now alive.

Mr. SARGENT. Will the Senator allow me a moment? In view of that statement will the Senator please explain to me section 2, which provides:

That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not remarried, or if there be no widow, or she has remarried, then to the child or children of such deceased non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier.

Now I should like to know how death figures in the case; if the amount which would be paid to a soldier if alive is to be paid to his widow or children.

Mr. LOGAN. The Senator is wrong again. He goes on the proposition that every man in the Army was a married man and had children. There were some few in the Army who were not married.

Mr. SARGENT. Will the Senator allow me?

Mr. LOGAN. Certainly.

Mr. SARGENT. I was simply carrying out his statement. Even he cannot say every one who went into the Army was not married.

Mr. LOGAN. No, I do not say that; some of them were. I only want to call attention to the unfairness of this statement. The majority of men in the Army were single men; everybody knows that; and a great many died. I have the figures, but I do not want to take up the time of the Senate. We did not get back home with two-thirds of the Army that enlisted. We never had over a million of men, and the majority of that million of men drew their bounty. You may take the amount required for bounty for a million of men, take off two-thirds, and the fair calculation would be to compute for only one-third, and it would make about $10,000,000. That is about a fair estimate. Thirteen millions I put it at, because I did not think it was unfair or unreasonable to go that far.

Mr. MORTON. Mr. President, I have supported the administration of General Grant with a reasonable fidelity, but I do not acknowledge myself bound by any veto message or other message that he may send to the Senate except for the reasons contained in it.

If the President vetoed this bill on a former occasion for good reasons, I should feel myself bound by it, not because of the veto but because of the reasons. I had the understanding that the former veto proceeded on a mistaken notion entertained by the President as to what this measure would cost, a notion growing out of the report or paper which has just been read by the Senator from California. I must say in regard to that estimate that I do not regard it as at all reliable. I think it was gotten up as a scarecrow. It proceeds upon a false basis. I do not believe that this bill will cost one-third, or more than that, of the estimate contained in that paper. But suppose it did; that is a mere calculation as to how much it will cost to be honest, how much it will cost to do simple, naked justice.

This is a bill "to equalize the bounties of soldiers who served in the late war for the Union;" a bill to place them all upon the same equality, a bill to pay one good soldier just as much as was paid to another, a bill to carry out the spirit of the contract and to do justice where the spirit was violated by the letter. A great many men lost their bounty because they failed to serve out the full term of the enlistment, where they were honorably discharged, discharged for wounds or for sickness or because the war came to an end before the term of their enlistment expired. It was held by a technical construction of the law that they could not receive their bounty or the proportion of it because they had not served out the full time. A man who enlisted for three years and who served two years and eleven months and was honorably discharged for a wound, or because the war was at an end, it was held could not receive his bounty, because he did not serve out the full three years.

At one time it was held in England that if a man hired himself to work for one year and worked three hundred and sixty days, and then was unable from sickness to complete the full term of one year, he was not entitled to receive a cent of the whole compensation. That was once the law; but it was afterward overruled and, the courts held otherwise. It was upon that principle that these bounty laws received the construction that unless a soldier served out the full term of his enlistment, no difference from what cause he was mustered out of the service, he could not receive his bounty. It was gross injustice, and it is an injustice that will cry aloud until it is remedied. You may put it off now; you may take the opprobrium of refusing to do justice now; but it will come some time, and the men who bring it about will get the credit for it, and the men who refuse it will get the credit for that.

Now, Mr. President, let me read a portion of the first section of this bill, and see what it says:

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, enlisted wagoner, and private soldier who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of eight and one-third dollars a month for all the time which such non-commissioned officer, musician, artificer, and enlisted wagoner, and private soldier, actually so served, between the 12th day of April, 1861, and the 9th day of May, 1865.

It is to pay them each eight and one-third dollars a month for the time they actually served, and that is all. The most of them have received it; but some, from misconstruction of the law and from other causes, have not received it; and the purpose of this bill is to make things equal, to do equal justice to all, to put all upon the same footing. On this demand for equal rights, equal justice to the soldiers who exposed their lives for their country, we are met by a question of cost. How much will it cost to carry out the contract in its spirit rather than in its naked letter? How much will it cost to do right, to do this simple justice to the soldiers that saved our Government, if it shall be saved? We are met by a cold calculation from some clerk in the Treasury Department that it will cost so much money, and that I believe proceeds upon a false basis. He takes the whole number of soldiers nominally mustered into the service over two millions, whereas we know there was no such number in the field.

Mr. LOGAN. Two million six hundred thousand.

Mr. MORTON. We all know that that is a false basis. The Senator from California, who is remarkably well informed, must himself understand that there was no such number in the field.

Mr. SARGENT. The bill includes wagoners and others.

Mr. MORTON. You may take mule-drivers and everybody.

Mr. LOGAN. And the mules, too, would not make that much. [Laughter.]

Mr. MORTON. The Senator from California has offered an amendment here to raise revenue to pay off these bounties by levying a tax of 3 cents a pound on coffee and 10 cents a pound on tea. I call that Senator's attention to the fact that such an amendment is unconstitutional. Every bill to raise revenue must originate in the House of Representatives. I thought that provision was pretty well understood, but lest it may have been forgotten I will read it:

All bills for raising revenue shall originate in the House of Representatives.

You cannot levy a tax upon tea and coffee by attaching a tax bill to a bill providing for paying soldiers' bounties, or providing for any other matter, in the Senate. It is in the nature of a bill to raise revenue, even if you put it on in the form of an amendment in the Senate to this or any other bill. Perhaps it is all wrong that the Constitution makes that requirement, but it does. That amendment has no business here. I suggest that it is out of order to receive it.

The Senator from California says that this is for the benefit of claim agents who are principally urging it. Section 7 provides:

That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, final statement, descriptive list, or other paper, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of this act. And all such transfers, assignments, barters, or sales heretofore made are hereby declared null and void as to any rights intended to be so conveyed by any such soldier.

That is a very stringent provision, intended to guard the soldiers against the sale of this bounty for a trifle, against the schemes of claim agents, of tricksters, and of gamblers. It makes every transfer invalid. The money can only be collected by the soldier himself, and no transfer or sale of his claim can be made that will enable the person purchasing or obtaining it to draw the money.

Mr. President, the very genius of our Government is equal justice to all, equal rights, and we can never safely stop short of it. Because a portion of the soldiers were deprived of their bounty by a

technical construction of law or by misfortune or accident, where they were honorably discharged and were good soldiers, we cannot safely refuse to do those men justice. If we do, it will come back as a punishment to us; it will come back as a punishment to the party that does it.

My friend from California said the republican party could not safely be charged with ingratitude to the soldier. Not up to this time, perhaps; but whether we can be charged with it will depend not upon the declaration of my friend, but upon what we do. We cannot refuse this justice and then go to the soldiers and say, "We are your friends; we intend to do you justice." They will point you to your act, and I say there are thousands and tens of thousands of good soldiers all over the country who are now demanding the passage of this bill as an act of simple justice to them who feel that they are entitled to this money although it may be a small sum, and upon every principle of justice and of gratitude that the country can owe to a man. Those men will go to their graves feeling that way, and their children will believe that way after them. It is not a question of how much it will cost, but it is a question of right, of justice.

Mr. President, the Senator from California says he has always voted against this bill. I have always voted for it and I intend to vote for it whenever I get a chance. That it will yet be accorded, I have no sort of doubt. Justice lives; you may crush it but it rises again. This demand will forever come back to us until it has been complied with. It has been delayed a long time now, and I can say to my republican friends that they have suffered by the delay that this claim has received.

I do not present that as an argument, but I say that is the fact and that they will suffer for it. But that is not a legitimate argument. This claim should stand upon its own merits. If this money is due in the spirit of the law as a matter of absolute justice, it ought to be paid, no matter what party suffers or what party gains, no difference whether we have money in the Treasury or have to provide some means of collecting it.

I am going to say one thing further, and then I shall be done. I hope every amendment will be voted down. To adopt an amendment is to destroy the bill. I want the friends of the bill to understand that, and I want them to understand that nobody will be deceived, either, by the adoption of the amendments; it will be understood that every amendment that is adopted to this bill at this time is equivalent to its destruction. If the bill requires amendment in some small particulars, that can be corrected hereafter. When once the main proposition is adopted everybody will be willing to correct it afterward in order to make it what it ought to be and to relieve it from any error. The main proposition is now before us and it ought not to be defeated by any small thing. I hope, therefore, that the friends of this bill will vote down every amendment and let the bill pass.

Mr. HARVEY. I think it hardly fair for my friend the Senator from California to throw the great public services and good intentions of the President into the scale against this bill. If events should prove that he still entertains the view of this matter that he did on a former occasion, under different circumstances, there will be time enough then to consider any reason that he may have for vetoing it when it again reaches him. I do not think there is much in what has been urged as to the state of the Treasury in preventing the passage of this bill. The Treasury, under our Constitution, in this country is not a great institution to dominate and control the legislative action of the Government. The Treasury is the place where the money of the people is deposited for safe-keeping until it is required for the payment of the public debts, and if it should prove that there is not now a sufficiency of money in the Treasury to pay these claims and other demands, as has been justly stated, provision can be made in the proper quarter and at the proper time for raising the necessary money.

A great deal of stress has been placed upon the necessity of doing justice to public creditors. The Government has done justice to most of its public creditors, especially that portion of them who have accumulated sums of money, whether from the advantages given to them through shoddy contracts or otherwise, and who have invested in bonds. The Government has paid the bondholders promptly, and the interest even has been anticipated and paid before it was due, while the men who bared their bosoms to the storm of battle in defense of the country await tardy justice, and very tardy justice indeed. I think they have waited so long that we cannot justly ask them to wait longer. I care not what anyone else thinks of this measure, I shall take pleasure in voting for it as often as I shall have an opportunity to do so. I have voted for it upon every opportunity heretofore.

Mr. LOGAN. I hope the Senate will consent to vote upon the amendments in gross and let us take the yeas and nays on all the amendments together. Those who are in favor of the bill of course will vote against the amendments, and those who are not in favor of the bill of course will vote for the amendments. We might as well decide by one yea and nay vote upon the amendments in gross.

The PRESIDENT *pro tempore*. Shall the amendments be taken in gross?

Mr. SARGENT. To that I have no objection.

Mr. EATON. I hope not. I hope the amendments will be taken singly.

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

The CHIEF CLERK. In line 4, before the word "wagoner," the Senate as in Committee of the Whole inserted the word "enlisted;" so as to read:

That there shall be allowed and paid to each non-commissioned officer, musician, artificer, enlisted wagoner, &c.

Mr. SARGENT. It is so obvious that that amendment is right that it ought to be adopted. No one can question that the Committee on Military Affairs, of which my friend is the honored chairman—I only regret that he is not to be hereafter—reported the bill with amendments, obviously for a good purpose.

Mr. LOGAN. I will say to the Senator that it is immaterial whether the word "enlisted" is inserted in this section or not. The reason the word was put in was to make the language a little more clear.

Mr. SARGENT. I trust my friend will not weaken my confidence in the Military Committee.

Mr. LOGAN. I hope the Senator has confidence in the committee, his votes, however, do not show it.

Mr. SARGENT. Sometimes.

Mr. LOGAN. I will say that if a person being a wagoner was a soldier, he would get a bounty anyhow, although he could not get it simply as a wagoner. The amendment would include enlisted wagoners, those who were enlisted not as soldiers but as wagoners, but who became then a part of the Army. By not putting the word "enlisted" in, I will say to the Senator, it would give less money, and therefore to leave the word "enlisted" out is just on his line of economy. I hope the amendment will not be adopted, for the reason that I think it might cause the bill to be lost.

Mr. SARGENT. The committee were in favor of the largest amount, then, whether right or wrong.

Mr. LOGAN. No, sir; the committee were not in favor of the largest amount. The committee were willing to give every man who was enlisted in the Army, whether as a teamster or as a soldier, who took the chance of his life, the same right. That is the reason for the amendment; but for the purpose of getting the bill through I desire that the amendment shall not be adopted, although I think it is just. It is not a material amendment, however.

Mr. DAVIS. I think it right and proper if the bill is passed to provide for the collection of additional revenues. Why? The chairman of the Finance Committee, who is not now in his seat, has stated more than once, I think, that additional means must be provided if this bill should pass, and that it would cost about $100,000,000; and the figures presented by the Senator from California bear out that statement.

Mr. LOGAN. Let me ask the Senator a question, which I think he will consider pertinent. Suppose the bill should pass and the means were not at hand to pay this money; the Government certainly would not pay it until it got the means. Therefore, if the means are not provided, the Government would only delay the payment until the means were provided. We do not need to provide the means, because that would defeat the bill. Congress may convene shortly, and then it could provide means if necessary.

Mr. DAVIS. I will ask the Senator, in return for his question, whether or not he desires the Government to be dishonored on account of the very soldiers whom he proposes now to protect, having them come to the Treasury to be told that there is no money there to pay them; or does he want the payment of other matters to be delayed?

Mr. LOGAN. I do not mean that the Government should be dishonored any more than the Senator from West Virginia. I think I have stood up for the honor of the Government as much as the Senator from West Virginia, and perhaps if our records were compared it would be shown that I have been equal to him in that respect; but I want to put this question to the Senator: Did the Senator last night, when he was defending the payment of mail contractors who went into the confederate army, make an attempt to provide the means for paying them, or did he simply vote for the appropriation without any means being provided?

Mr. DAVIS. That money belonged to those men, and the Government has kept it in the vaults of the Treasury; it has been standing to their credit for sixteen years.

Mr. LOGAN. Just as the money in this case has belonged to the soldiers.

Mr. DAVIS. The Senator last night voted against paying those contractors.

Mr. LOGAN. Of course I did. I voted against it as I vote against every other fraud, or where I think there is a fraud.

Mr. DAVIS. Now, I will go on with what I was saying. The entire revenue of the country for last year from customs was $148,000,000, in round numbers; from internal revenue, $116,000,000. From those two sources nearly all the revenue comes. The two sums together, as you see, make about $260,000,000. According to the best estimates we have had, this bill will take $100,000,000 out of the Treasury.

Mr. LOGAN. Now I desire right here to say——

Mr. DAVIS. These figures seem to trouble my friend very much.

Mr. LOGAN. No, sir. I ask my friend to state whether an honest estimate ever given by any man makes this payment cost a hundred millions or one-fifth of a hundred millions?

Mr. DAVIS. We had an estimate read here this evening coming from the Department. More than once, when I was attacking the Treasury Department, showing that the figures were in the wrong, my friend said, "No, they are all right."

Mr. LOGAN. No, I never said any such thing.

Mr. DAVIS. Now the Senator comes and calls them in question.

Mr. LOGAN. The Senator puts words in my mouth.

Mr. DAVIS. The chairman of the Committee on Finance, who has these things especially in charge, has stated from his seat here several times that it would cost $100,000,000 to carry out this bill, and that whenever this bill passed additional provision must be made for the payment of the bounties to these soldiers.

Mr. LOGAN. I ask the Senator if he believes the statement which was read, immaterial from whence it came, to be true? Does he believe that there were over 2,640,000 soldiers in our Army? Does he believe that statement?

Mr. DAVIS. I have to take the official records that come from the Department. That is the only way we can get evidence. That evidence has come to us from an official source, from the Department of the Government and from the books of the Department, and I certainly would take that evidence as quick as I would take any statement that could come from any other source.

Mr. LOGAN. I ask the Senator if he believes any school-boy fifteen years old in the United States is ignorant enough not to know that there never were 2,640,000 soldiers in our Army?

Mr. DAVIS. Then the official records are mistaken. I suppose the Senator knows more than those in the Department know who sent the records here. I take it he knows more than they do. We must take the official figures and not the words of anybody.

Mr. LOGAN. I never take falsehoods.

Mr. DAVIS. I have said that additional means must be provided. When we take the revenue report of last year, which is the last official record we have, we find that while there ought to have been a sinking fund of about $34,000,000 in round numbers, there were only about eighteen or nineteen million dollars, so that there really was a deficiency last year in the Government; and if this additional amount is to be put upon them, of course there must be a larger deficiency. Something must go without being paid, or this appropriation must be provided for. If the Senator really means that these men shall have their money, and if the Government owes them any money, let him provide a way for paying them, not for having them rapping at the Treasury without being able to get money which we voted should be paid. We should not pass a bill here without providing means for payment. That is not the right way of doing business. We should go square to the mark and increase taxes and provide at once for raising revenue so as to get the money.

Something has been said about the soldiers and the republicans and the democrats. The Senator has said he did not believe there was a republican in this land who would oppose the bill that is now before the Senate. As was well said to him by the Senator from California, the President vetoed this precise bill, a bill perhaps in the same words, and it is not fair to presume that he did so before unless he would do so again. He knew that there was not money enough in the Treasury to pay it.

Mr. LOGAN. Will the Senator allow me to correct his language a little? I prefer to make my own speeches. I did not say that I did not believe there was a republican in this land who would oppose the bill, but I said I did not believe that there was a republican in this Senate Chamber who would oppose it, but I was mistaken. I did not say anything about a soldier not opposing it; I used no such loose language.

ARMY APPROPRIATION BILL.

Mr. BLAINE. I dislike to interfere with this discussion, but I have an important conference report which I should like to present.

Mr. DAVIS. That is always in order.

Mr. BLAINE. I know it is in order; but I do not like to interrupt a discussion where there is a probability of a vote being taken.

The PRESIDENT *pro tempore*. The report will be received.

Mr. BLAINE submitted 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. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, having met, after full and free conference, report that they are unable to agree.

J. G. BLAINE,
W. B. ALLISON,
WM. A. WALLACE,
Managers on the part of the Senate.

J. D. C. ATKINS,
ERASTUS WELLS,
CHAS. FOSTER,
Managers on the part of the House.

Mr. BLAINE. It was left to the committee in each House to state the points of disagreement rather than to embody them in the report. There were two points of disagreement—the large points, as they may be termed, in the Army bill as it came from the House. The first was the reduction of the Army to 17,000 men. On that the committee disagreed, but not so absolutely and pointedly as upon the second point; and, disagreeing so entirely on that, we rather left the first point unsettled. The House conferees took the ground that they would not under any circumstances consent to an Army appropriation bill unless the fifth section were retained, which directs by Congress what the President shall and shall not do with the Army in a given case. The Senate conferees were unable to yield that point, and therefore report to the Senate that they have so acted. I have no hesitation in saying myself that I think the loss of the Army appropriation bill would be a very small evil compared with the assumption by Congress of the power to direct in cases of that kind what the President of the United States as Commander-in-Chief shall or shall not do. I do not know what might be done in a new conference—of course one will be in order—but differing on these two points, and failing to come to anything like an agreement on the second point, the disagreement being just as absolute as it could be, there was nothing left for us but to report to each branch the conclusions to which we had come, or to which we had failed to come; and there the matter stands.

Mr. CAMERON, of Wisconsin. What do you propose?

Mr. BLAINE. I do not want to shut the door to any further conference; but I should dislike to see any conference that would indicate the slightest disposition on the part of the Senate to yield that point.

Mr. LOGAN. I do not think that Congress can amend the Constitution by an appropriation bill.

Mr. BLAINE. That was the ground which the conferees on the part of the Senate took; they thought it was not exactly in order to do it, and declined to recommend it.

The PRESIDENT *pro tempore*. Does the Senator move to insist and ask for another conference?

Mr. BLAINE. I would rather the new conference should be asked by the House.

Mr. WEST. Let the report go over.

Mr. BLAINE. Let it go over at all events for the present; it is privileged, and may be called up at any time.

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

HOUSE BILL REFERRED.

The bill (H. R. No. 3349) granting a pension to Mrs. Rebecca C. Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteer Infantry, was read twice by its title, and referred to the Committee on Pensions.

EQUALIZATION OF BOUNTIES.

The Senate resumed the consideration of the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. ALCORN. Is an additional amendment to the bill now in order?

The PRESIDENT *pro tempore*. Not unless it is touching an amendment on which a concurrence is asked. If it pertains to any amendment on which the Senate is to concur or non-concur, it is in order.

Mr. ALCORN. I wish to offer an amendment as an additional section to the bill.

The PRESIDENT *pro tempore*. That would come last. The question is on concurring in the first amendment of the Committee of the Whole, which the Secretary will report.

The CHIEF CLERK. In line 4, before the word "wagoner" the Senate, as in Committee of the Whole, inserted the word "enlisted;" so as to read:

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, enlisted wagoner, &c.

Mr. EATON and Mr. LOGAN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. WEST, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here he would vote in favor of this amendment and I should vote against it.

The Secretary concluded the call of the roll.

Mr. MORTON, (who had voted in the negative.) I am just reminded that I am paired with my colleague [Mr. MCDONALD] upon all polit ical questions. He was called away on account of sickness in his family, and perhaps this may be regarded as a political question. If it can be regarded in that way, I shall withdraw my vote.

Mr. HARVEY. Republicans have voted both ways on the question and I do not see how it can be considered political.

Mr. PADDOCK. I should like to inquire in what sense this can be considered as a political question.

Mr. MORTON. It ought not to be.

Mr. EATON. I do not think it is. General Grant vetoed the bill.

Mr. PADDOCK. It would be drawing it very fine to call it a political question.

Mr. SARGENT. I hope this will not be considered a political question. I do not wish to separate from my friend from Indiana on this question. The President vetoed the bill.

Mr. LOGAN. I think it will be a political question before many years.

Mr. MORTON. I do not withdraw my vote.

The result was announced—yeas 31, nays 19; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bailey, Barnum, Bayard, Bogy, Booth, Cockrell, Cooper, Cragin, Davis, Dennis, Eaton, Gordon, Hereford, Johnston, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Morrill, Norwood, Ransom, Robertson, Sargent, Saulsbury, Stevenson, Teller, and Withers—31.

NAYS—Messrs. Blaine, Bruce, Burnside, Cameron of Wisconsin, Chaffee, Clayton, Ferry, Harvey, Hitchcock, Ingalls, Logan, McMillan, Mitchell, Morton, Oglesby, Paddock, Patterson, Sharon, and Wright—19.

ABSENT—Messrs. Boutwell, Cameron of Pennsylvania, Christiancy, Conkling, Conover, Dawes, Dorsey, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Howe, Jones of Nevada, McDonald, Merrimon, Randolph, Sherman, Spencer, Thurman, Wadleigh, Wallace, West, Whyte, and Windom—25.

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, in the fifth line of the first section struck out the words:

Sailor and marine, including those borne upon the rolls as slaves and Indians.

The amendment was concurred in; there being on a division—ayes 29, noes 14.

The next amendment made as in Committee of the Whole was in section 1, line 10, before "wagoner" to insert the words "and enlisted," and in line 11 to strike out the words "sailor and marine."

The amendment was concurred in.

The next amendment was in section 2, line 3, before the word "wagoner" to insert the word "enlisted;" after the word "soldier," in the same line, to strike out the words "sailor or marine;" in line 6, before the word "child," to strike out the word "minor;" in line 7, after the word "artificer," to insert the word "enlisted," and in line 8, after the word "soldier," to strike out the words "sailor or marine;" so as to make the section read:

That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not remarried, or if there be no widow, or she has remarried, then to the child or children of such deceased non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 3, line 3, before the word "wagoner" to insert the word "enlisted;" in the same line, after the word "soldier," to strike out the words "sailor or marine," and in line 6, before the word "laws," to strike out the words "or State;" so as to make the section read:

That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, or to his proper representatives, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States laws.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 5, line 5, before the word "laws" to strike out the words "or States;" in line 6, before the word "wagoner" to insert the word "enlisted;" in line 7, after the word "soldier" to strike out the words "sailor or marine;" and in line 8, after the word "made" to insert the words "except in case of the application of the widow or child or children;" so as to make the section read:

That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States laws to the non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, by whom or by whose representatives the claim is made, except in case of the application of the widow or child or children.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 9, line 2, after the word "artificer" to insert the word "enlisted;" and in line 3, after the word "soldier" to strike out the words "sailor or marine;" so as to make the section read:

That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, enlisted wagoner, or private soldier, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert as an additional section the following:

SEC. —. That to enable the Treasury of the United States to meet the demand caused by the foregoing sections of this act, a duty of three cents per pound upon all coffee and ten cents per pound upon all tea imported into the United States shall be imposed from and after the passage of this act.

Mr. MORTON. In order to find out whether it is constitutional to originate a tax on tea and coffee in this body, I ask for the yeas and nays on concurrence in this amendment.

The yeas and nays were ordered.

Mr. SARGENT. I wish to say that I offered the amendment very well aware of the constitutional prohibition, and I would not vote for the amendment if I supposed it would pass finally in this Chamber; but I offered it in order to show, by the strongest argument which I could write, the tendency of this bill, that it was to bankrupt the credit of the United States, and that some extraordinary means should be taken by Congress, if Congress is to pass the bill, in order to prevent a depreciation of our credit. So far as I can—I suppose I cannot—I will withdraw the amendment.

Mr. LOGAN. I object. The yeas and nays have been ordered.

Mr. SARGENT. Very well; I shall vote against it. I have explained my motive.

Mr. MORRILL. Is an amendment in order?

The PRESIDENT *pro tempore*. It is to this amendment.

Mr. MORRILL. I offer a substitute for the amendment of the Senator from California. I move to strike out all after the word "that" of the amendment adopted as in Committee of the Whole and insert what I send to the Chair.

The words proposed to be inserted were read, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized to issue United States bonds to the amount of $150,000,000, payable in thirty years from date, bearing interest at the rate of 4½ per cent. per annum, payable semi annually, or so much thereof as may be necessary to meet the expenditures authorized by this act.

Mr. MORRILL. Mr. President, I am about the last man who would advocate the killing of any bill that seemed to be for the purpose of doing justice to the soldiers of the late war, but this bill, instead of being a bill to equalize bounties, is wholly destructive of the theory of all bounties. It is a measure proposing increased pay; not bounties after the war has closed, and not in advance. It is undertaking to compute in money value the priceless services of our soldiers—an utter impossibility—and ignoring the honor and glory won. I suppose that if we are to pay this eight and a third dollars per month to every man who served in the late war, the amount of it would be easily computable, and it is vain for members here to represent that this is to involve only an insignificant sum.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. MORRILL. I prefer to get through.

Mr. LOGAN. The Senator is certainly mistaken. It does not pay every man eight and a third dollars, but it pays those who did not receive the bounty that sum.

Mr. MORRILL. I understand the bill.

Mr. LOGAN. But the Senator said it paid every man.

Mr. MORRILL. It pays every man the sum of eight and a third dollars for all the time they served, short or long, during the whole period of the war, and then whatever has been paid of bounty is to be deducted. If you figure the amount that has been paid out for the full pay of the soldiers, and then deduct from it any bounty received, you will see what the addition is to the vast sum which was properly paid out to our soldiers. It adds at least 50 per cent. to the amount that was originally paid to them; and if you look at the report from the Paymaster-General's Office, showing the amount required to pay whatever is now to be appropriated by this bill you will see that it could not be less than $150,000,000.

The bill is grossly unjust to the States, as it will be seen that bounties which have been paid by States, and bounties paid by the United States, are equally to be deducted from this new pay of the soldiers. The United States are to be credited with and receive the benefit of all State bounties and not the soldiers. Vermont paid its soldiers, over and above the United States pay, from the outset to the end, $7 per month. This would be deducted, as I read the bill, from the accounts of her soldiers and the pittance left of one and one-third dollars would not enable them to pay the taxes required to meet the sum due to soldiers less liberally treated by other States. I do not complain that Vermont is not to get the money, but that her soldiers are not to get it, although it is manifestly unjust.

Again, I submit that the bill is wrong in principle. When we have a war and offer bounties we expect to get volunteers in consequence of those bounties, but if it shall be understood that at the close of any war men who are drafted, or who by any means come into the service, are to be treated equally well with the earliest and swiftest volunteers, it seems to me that it is very wrong in policy and principle.

I offer the amendment which has been read, because it struck me that the amendment proposed by the Senator from California was not legitimate for the Senate of the United States where revenue bills cannot be originated. Therefore, I propose some means by which the Treasury would be enabled to pay the amount estimated to be required if this bill should pass. There is another amendment that ought to be adopted if the bill is to pass, and that is to give at least one hundred or one hundred and fifty more clerks to the War Department. If there were a hundred more clerks added to the War Department they could not get through.

Mr. DAVIS. I beg to state to the Senator that the estimate read here this evening was two hundred and fifty clerks and four years' time.

Mr. MORRILL. I was stating it then very much within bounds. I was going to say that these accounts could not all be settled in the space of four years. We must provide not only the money but the help necessary to do the work or the bill will be no better than so much blank paper. If the bill should pass it would not redound very much to the benefit of the soldier. It would all, or a very large share of it, go into the pockets of claim agents. They are vastly more interested in promoting the passage of this bill than the soldiers. I have never had a soldier in my State to ask for this bill. They understand its character perfectly, and never regretted that President Grant refused to sign it when it was once before, in the last hours of the session, hurried through the Senate.

The idea that this bill would come up to-night was certainly foreign to my expectations. I had no such thought and am by no means prepared to discuss the measure. If I had been advised that it was to come up, I would have had here the documents that I had last year, which were carefully prepared by officers whose evidence would not be disputed in this body or anywhere else, showing that the estimates which I have presented here are not in any degree exaggerated. I

hope if the bill is to be passed to-night that this amendment will be adopted, because the means should be promptly provided, if we are to pass a bill, to meet so heavy a draught upon the Treasury at once.

Mr. EATON. Mr. President, there seems to me a very considerable indifference to certain matters here. My friend, the Senator from California, has proposed an amendment to impose a tax upon tea and coffee in order to meet the demand of this bill. The senior Senator from Vermont has introduced a different amendment. Now, I apprehend at this hour, nearly half past eleven o'clock, and so near the close of the session, the best disposition that could be made of this bill would be to indefinitely postpone it, and therefore I make that motion.

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

The yeas and nays were ordered.

Mr. MORTON. Is that motion debatable?

The PRESIDENT *pro tempore*. It is.

Mr. MORTON. The amendment offered by the Senator from Vermont to authorize the issue of $150,000,000 of bonds is perhaps in the right direction. It is, however, about five times too large. Perhaps the Senator supposed that the amount would of itself result as an intimidation. Here is another form of intimidation now proposed. The question is not, as I said before, whether we are to give a new bounty, to make a new contract, but it is simply to do an equity. The most of this sum would be paid to soldiers who failed to receive their bounty because they had not served their time out. If they were mustered out of the service one day before their time was out, because of the end of the war, or because of an honorable wound, they lost the bounty. Can we afford as an honest people to insist upon the letter of the law? It is "the pound of flesh;" that and nothing more. As a matter of private contract between man and man we could stand on no such principle as that. The merchant, the manufacturer, the farmer who would undertake to deprive his hired help of pay for their labor because by no fault of theirs they failed to work the last day, would be regarded as dishonorable. I want the attention of the Senator from Vermont to that point. I want to say to him that the man in private life who would attempt to deprive his hired help of their pay because through sickness or some cause, no fault of theirs, they failed to work the last day, would be considered dishonest. You do not change the principle when you apply it to a nation. As has been shown, the most of this back pay or bounty would go to those who failed to receive it because they were mustered out before the time their enlistment expired.

Mr. MORRILL. Does not the Senator admit that the account of every soldier would have to be opened?

Mr. MORTON. What is there in that? No, sir; not every one, not one-fourth, not one-fifth. But suppose it was so, I ask what difference that makes about it. Let us come right down to the simple point, can this nation afford to withold from the soldiers, the most of them poor, their bounty because the Government mustered them out of service, without fault of theirs, before the full expiration of the time? Now, there is the question; there cannot be any evasion of it.

Mr. LOGAN. If the Senator will allow me, I will call his attention to section 5, which shows that the Senator from Vermont is wrong:

That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under provisions of any United States laws.

So that, if the man received his bounty, he cannot make an application under this law without subjecting himself to the penitentiary.

Mr. MORTON. If any soldier has received his bounty the Government has got his receipt. There has been no double payment.

Mr. LOGAN. If he has been paid, no application can be made under this bill.

Mr. MORTON. The whole matter is well guarded. It may take two hundred and fifty clerks, but I do not believe it will take one hundred more. I understand the Senator from West Virginia to say it will take two hundred and fifty clerks for four years. If it is to be distributed through four years, it will not fall very heavily in one year. If it will take four years to run it through, it will not come like an avalanche on the Government. There will be a vast amount of detail which will cost something in the way of clerk hire; but when my friend talks about economy, I want to say to him that his party have spent in the way of investigations for the sake of making political capital ten times the amount in the last year that it will cost in the way of clerk hire to make up these accounts.

Mr. WITHERS. What has the Senate spent in investigations?

Mr. MORTON. One investigation may force another. I am not saying we should refuse to investigate because of the cost. I shall not stop now to vindicate the propriety of the investigations made by the Senate; but I am saying that the investigations that have been made by the House of Representatives, the most of which have been utter failures, have cost ten times the amount that all the additional clerk hire will come to in order to carry out this bill.

This is perhaps the last time—it is certainly the last time this session, and it may be for a good while—that this claim can be presented; but, as I said before, it will not die; it will live in the hearts of the men to whom it is coming, and not only so, but in the hearts of the whole people. It is bound to come, and, as I said before, those who oppose it will get credit for the refusal, and those who finally pay will get the credit for that. It is a simple matter of justice, as plain as anything can be. Shall a man be deprived of his bounty, a small sum of money, because the war ended before his time was out, or because, on account of an honorable wound, he was mustered out of the service? As well deprive the hired man of his pay for a year because on the day before the year was out he received a fall and broke a limb and could not work his time out.

O, no, Mr. President, the objections to this bill will not bear daylight at all. I should like to see a vote taken on the motion made by the Senator from Connecticut, [Mr. EATON,] a fair and square vote. Let us not dodge this by amendments. Let us vote on the main question.

Mr. DAWES. Mr. President, if the simple purpose is to do equal and exact justice to all those who have exposed their lives in the defense of their country, I think that the Senators who are so earnest in the advocacy of this bill will not object to the amendment which I send up to the desk, which is to amend the law providing for the pensions of the soldiers of the war of 1812 as additional sections.

The PRESIDENT *pro tempore*. That amendment is not in order at this time. The question is on the motion to postpone the bill indefinitely, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLAINE, (when his name was called.) The Senator from Georgia [Mr. GORDON] was called on important business to the House just now, and I agreed during the few minutes he might be absent to pair with him. If he were here he would vote "yea," and I should vote "nay" on this motion.

Mr. WEST, (when his name was called.) I am paired on this subject with the Senator from Vermont, [Mr. EDMUNDS.] If present he would vote to postpone, and I should vote against it.

Mr. WALLACE, (when his name was called. I am paired with my colleague if this is a party vote.

Several SENATORS. It is not a party vote.

Mr. WALLACE. Very well.

The roll-call having been concluded, the result was announced—yeas 31, nays 25; as follows:

YEAS—Messrs. Alcorn, Anthony, Bailey, Barnum, Bayard, Bogy, Booth, Christiancy, Cockrell, Cooper, Cragin, Davis, Dennis, Eaton, Hereford, Johnston, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Morrill, Norwood, Ransom, Robertson, Sargent, Saulsbury, Stevenson, Teller, Wallace, and Withers—31.

NAYS—Messrs. Allison, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Chaffee, Clayton, Conkling, Dawes, Dorsey, Ferry, Harvey, Hitchcock, Ingalls, Logan, McMillan, Mitchell, Morton, Oglesby, Paddock, Patterson, Sharon, Wadleigh, Windom, and Wright—25.

ABSENT—Messrs. Blaine, Cameron of Pennsylvania, Conover, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Hamlin, Howe, Jones of Nevada, McDonald, Merrimon, Randolph, Sherman, Spencer, Thurman, West, and Whyte—19.

So the bill was postponed indefinitely.

CHARLES L. SCOTT.

Mr. STEVENSON. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 4313) to remove the political disabilities of Charles L. Scott, of Alabama, have directed me to report it back without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

REPORT OF MONETARY COMMISSION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print 10,000 copies of the report of the monetary commission, created by the joint resolution of August 15, 1876, together with the evidence and accompanying documents, have instructed me to report it back with amendments. The amendments reduce the number from 10,000 to 5,000. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution. The amendments of the Committee on Printing were to strike out "3,000" and insert "1,500," and to strike out "7,000" and insert "3,500;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring,) That 1,500 copies of the report of the monetary commission created by the joint resolution of August 15, 1876, together with accompanying evidence and documents, be printed for the use of the Senate; and 3,500 for the use of the House of Representatives.

Mr. BOGY. The original resolution provided for the printing of three thousand copies for the use of the Senate and of seven thousand copies for the use of the House. The Committee on Printing has cut down these numbers one-half. I think the number should not be reduced for the reason that I have myself received many letters inquiring for this report. It may not be a very able report; I do not say that it is an able report; but it contains a great many very important facts.

A commission was appointed by the Senate and House at the last session to examine into the subject. This commission has devoted to it a long time, a vast amount of labor, and has sent abroad for a great deal of information from every part of the world pretty much. This report contains statistics and information of absolute necessity and of the very greatest importance. It contains the only correct returns ever obtained of the production of our own mines. I know, from the number of letters and telegrams that I have received, that there will be a very great anxiety to obtain the report. I know that it is a report of very great importance, although it may not be a very able

document. I do not pretend to say how that is; it must stand on its own merits in that regard.

I am very sorry to see the number cut down. We print every day here documents of little importance, by the thousand and the ten thousand.

Mr. SAULSBURY. We report enough.

Mr. BOGY. I know that my friend from Delaware if he could cut it down to five hundred or two hundred and fifty would do it. I do not deny that he may be a good judge of silver, and a good judge of many other things, but I do not know that my friend is a good judge of the quality or the quantity of the printing which this country requires. I think this is very small economy, and I do hope the original resolution will be sustained; that is, three thousand copies for the Senate and seven thousand for the House.

Mr. ANTHONY. It was almost impossible to make the estimate required by law in this case, and we were obliged to gather our data from the opinion of the members of the commission as to the length of the document, and we estimate that it will cost about a dollar and a half a copy; so that the cost under the original resolution would be about $15,000, while under this, as amended, it will be about $7,500. Of course there is a great demand for books that are given away; but anybody who desires this book can get it by sending the cost of it to the Public Printer in advance of its publication.

Mr. SAULSBURY. I am sure the Committee on Printing would have been very happy to have gratified the Senator from Missouri and all persons interested in this report. Our reason for cutting down the number of this report to be printed was not because the report did not contain valuable information, but because it is utterly impossible for the committee to report in favor of printing everything that is desired. We think we have been extremely liberal to the commission that made this report, and I am sure no member of the committee wished to do any injustice to the commission that made this report. We think we have been extremely liberal in granting them five thousand copies of a report which costs $1.50 a copy. I am sure I have no disposition to do injustice to any committee or commission, but as a member of the Committee of Printing, knowing the vast expenditure which will necessarily follow unless we do restrict this printing, I felt bound to concur in this report to cut down the number.

Mr. COCKRELL. I should like to ask the Senator from Rhode Island what will be the size of this publication?

Mr. ANTHONY. It will be in two volumes, about four hundred pages to a volume. That is as near as we can estimate it.

Mr. COCKRELL. About what is the estimated cost?

Mr. ANTHONY. A dollar and a half a copy.

Mr. LOGAN. How many thousand copies are provided for the Senate?

Mr. BOGY. Fifteen hundred; which will give to each Senator about twenty copies. I have had demands already for more than fifty copies.

Mr. LOGAN. How many for the House?

Mr. BOGY. Thirty-five hundred for the House.

Mr. LOGAN. Only five thousand altogether.

Mr. BOGY. It is perfectly ridiculous.

Mr. LOGAN. That would pay the bounty for several soldiers. Here is a report in two volumes without a bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Printing.

Mr. BOGY. I hope the amendment will not be agreed to.

The CHIEF CLERK. The amendment is to strike out "3,000," where it first occurs, and insert "1,500," and to strike out "7,000," and insert "3,500."

The amendment was agreed to, there being on a division—ayes 25, noes 14.

The resolution, as amended, was agreed to.

OREGON ELECTORAL VOTE.

Mr. ANTHONY. I now move that the Senate proceed to the consideration of the resolution, reported yesterday, for printing additional copies of the report of the Committee on Privileges and Elections upon the Oregon electoral case.

Mr. LOGAN. I want to call the attention of the Senator from Rhode Island to one thing, and it is a matter in which I think the Senator is interested as well as others. Inasmuch as we have just agreed to print five thousand copies of the report of the silver commission—a report in two volumes, without a bill—in order to make the report complete, I desire to have the Senate take up the silver bill.

Mr. ANTHONY. I insist on my motion.

Mr. LOGAN. I ask that the Clerk read that bill, and I will then move to postpone all other orders to take up that bill, and I will ask a vote of the Senate upon it.

Mr. DORSEY. I ask the Senator from Illinois to yield to me a moment.

Mr. LOGAN. I cannot yield now.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, to take up the resolution which he has named.

Mr. KERNAN. That resolution refers to a very long report, a report made before all the evidence was taken, and I do not think it is such a report that it is necessary to have five thousand copies of it.

Mr. LOGAN. I think we ought to have as many reports printed on the Oregon question as on the silver question. Both are about alike. There is no bill in either case.

Mr. KERNAN. I suppose the silver question is the more important, certainly for the future. I voted for printing five thousand copies of that report. I suppose the ordinary number of copies has been printed of this report, and I think that ought to be enough.

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

Mr. KERNAN. If this report is to be printed, I desire, as part of my remarks, to ask the Clerk to read a portion of the testimony taken since the report was made.

The PRESIDENT *pro tempore*. The question now is on taking up. That does not open the merits to discussion.

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

Mr. SAULSBURY. The usual number of this report has been printed. There are so many special committees of both Houses, that if we undertake to print five or ten thousand copies of all the reports that are made we might just as well appropriate two or three million dollars more than we have appropriated to carry on the Government Printing Office. If we do not put some restriction about this continual printing, we had better make very liberal appropriations to carry on the Printing Office. This report has been printed already in the RECORD; it has gone out in every RECORD that was printed at the Printing Office on the day on which it appeared; and now the proposition is, after printing the usual number, to print five thousand extra copies of this Oregon report. It has had its day; the report has accomplished all the purposes, I suppose, it was designed to accomplish; and now it is to become a precedent for printing an equal number of all the reports that have been made by all the committees. I think we ought to have some view to economy in reference to printing.

Mr. MITCHELL. The Senator from Delaware says this report has been printed in the RECORD and has gone out. The Senator is mistaken about that. If objection had not come from the other side of the House when it was proposed to print the report in the RECORD, it would have been printed in the RECORD, and the probabilities are that there would have been no resolution introduced for additional copies. But the Senator from Delaware will recollect, and the Senator from New York, my colleague on the committee, will remember, that when this report was made, a week or some ten days ago, from the Committee on Privileges and Elections, it was proposed by the member of the committee making the report to have it printed in the RECORD just as every such report made from different committees heretofore in both Houses at the present session had been printed. Objection was made by the Senator from New York and by other Senators against printing the report in the RECORD. A discussion ensued. I was compelled to leave the Senate Chamber to go before the electoral commission and had to abandon the discussion. The matter went over, and the report was not printed in the RECORD; while in the RECORD of the very next morning I found that a voluminous report made by a committee of this Congress in regard to the condition of affairs in South Carolina was printed at length. I say, too, that every political report made at the other end of this Capitol has been printed in the RECORD. If now this report could be printed in the RECORD, so far as I am concerned, I would abandon every effort to have additional copies. But I think it is unfair and unjust to have the reports of one branch of Congress, so to speak of one political party, inserted *in extenso* in the RECORD, while, when the other party propose to have their reports printed, objection is made. It is not right. I appeal to the Senator from New York, who is usually fair, whether that is proper or right.

This is not my resolution; it is a resolution reported from the Committee on Printing. They report in favor of five thousand additional copies of this report; and I appeal to my friend from New York to withdraw his objections and allow the extra numbers to be printed. I will state that I am in receipt of applications for it every day. Not a day has elapsed since that report was made that I have not been in receipt of from one to as many as ten or twelve letters asking for copies of the report. I have four copies of the report, all told. We had a long investigation; a great deal of testimony was taken; a report has been made, as my friend from New York knows, containing what the majority of the committee claim is a fair statement of the facts in the case. No minority report has been made. If the statement of the report in reference to the facts is not a correct one, then my friend from New York, representing the minority of the committee, had the right to put in the shape of a minority report his dissent. He has done so verbally by stating that he dissents, in general terms. But wherein or how?

I think it is no more than fair that a reasonable number of copies of the report and of the testimony—because the resolution includes both—should be printed, in order that they may go to the country and that it may judge of the merits of the controversy. The resolution only provides for five thousand, the Committee on Printing has reported in favor of it, and I insist that the resolution ought to be adopted.

Mr. KERNAN. Mr. President, now I am appealed to to be fair; and I always want to be fair. But first, with reference to reports being printed in the RECORD, I have not assented to any one being so printed. I understood that the reason why some reports did get printed in that way was because the appropriation for public printing in any other

form than the RECORD had run out, and some did on that account go into the RECORD. Why should this report now be printed in the RECORD? Judging from its length, I venture to say that no man can read it through in less than two hours. I do not say that in depreciation of it, but as a very good reason why it should not be put into the RECORD.

Again, I oppose the printing of any extraordinary number of this report in this form. It is certainly not intended to be used for any practical purpose, in the Senate or elsewhere, that I know of. It is a report that in my judgment is unjust in the imputations that it casts upon some gentlemen. My friend says that I might make a minority report. This evidence was closed on Wednesday night, and how could I make a minority report without sifting the evidence? Night and day since then we have been continuously occupied. I dissented from the report; I said frankly I thought it was a report that was unjust in its conclusions, and I cannot believe that the object in printing it is for aught else than, as my friend alluded to other matters in that connection, as a "political document."

Mr. MITCHELL. I will state to my friend from New York that the principal object I have in asking the additional number is to be able to answer to some reasonable extent the demands which are made upon me from all over the country.

Mr. KERNAN. I do not think we can spend the money of the Government properly in distributing reports which are not useful unless it be to throw imputations upon some persons. This report throws imputation upon a gentleman who sits here, and, as I understand it, unjustly. It throws imputations upon others in Oregon, as I think, unjustly. It throws aspersions upon certain parties without naming them, which I think are unjust. I, for one, in this matter, I trust, will act as I would if the effort was made on our side to print a political report; namely, be guided by the usefulness of it. When this investigation commenced, it was commenced, undoubtedly, in the expectation that it would bear upon the counting of the electoral vote. Before the report of my friend was made, the tribunal to which the question was to go had held, not only that it would not hear evidence which was taken by either of the committees, but that it would not hear witnesses brought before it. Therefore any usefulness of it was out of the question, so far as concerned the counting of the vote. Now, to say that we will make an appropriation to have it printed, without any public necessity for this large amount, I think, is a bad principle. I say it without the least feeling. I do not think it is a thing that ought to be done.

Mr. MITCHELL. The Senator from New York says that the report, in his judgment, casts unjust aspersions upon certain persons, some that are here and some that are elsewhere.

Mr. KERNAN. I understood that the question was on taking up, and I had no right to debate the merits of the report. I do not object to its being taken up. If it is taken up I want to say something.

Mr. MITCHELL. I do not wish to debate the merits, but simply to reply in a word. The Senator says in his judgment the report casts unjust aspersions. If that is true, it is only a matter of justice to the persons to whom my friend from New York refers that the testimony and all the testimony in the case, which as a matter of course could not be embodied in the report, should be puplished, in order that people may judge for themselves as to whether the report is unjust or not.

Mr. KERNAN. Allow me to say that I do not make objection to printing a reasonable number of copies of all the testimony. If there is included that which was placed in my hands yesterday morning, I make no objection.

Mr. MITCHELL. That is all that the resolution does: provide for printing five thousand copies of the report and testimony.

Mr. KERNAN. The resolution calls for the printing of your report made long before the testimony was closed. The printing of the evidence I do not object to. I think that it is just to print such number of copies as is deemed proper of the evidence taken.

Mr. MITCHELL. The Senator from New York says that my report, as he calls it, was made long before the testimony was closed.

Mr. KERNAN. Some ten days or two weeks.

Mr. MITCHELL. All there is in that is this: No witness was examined at all after the report was passed upon by the whole committee, with the exception of W. T. Pelton, and he had opportunity, time and again, to come upon the stand and close his examination before the report was made; but he kept back, I think I am justified in saying held back, until after the report was submitted. Then he comes into the Committee on Privileges and Elections and desires the privilege of submitting a carefully prepared written statement. That is the only statement that was taken by the committee after the report was submitted. That statement is here; that is published with the testimony and can go for what it is worth. If that statement of Colonel Pelton condemns the report, then I am willing it shall be condemned.

Mr. KERNAN. Allow me now one word. When that report was brought in here, William T. Pelton was not subpœnaed by you; I had no intimation that he was to be examined by you. He was then, however, under subpœna to appear. He came up one evening and we could not examine him; and then, when you told me you did not intend to examine him, I asked him to come before the committee, and then he did come at my solicitation.

Mr. MITCHELL. Yes, Mr. President, and after he was subpœnaed he was notified, day after day for one mortal week, to come up to the committee and be examined, and he did not come and kept away. Finally he did come up one night. He was notified to be here at half past seven o'clock, and he put in an appearance at half past nine o'clock, when the committee could not proceed with the examination. But prior to that time, let me state to the Senator from New York—and I did not wish to refer to it, and would not have mentioned it if he had not alluded to the fact that the report was made long before the testimony was closed—he had been notified, not only in the regular way, to appear at a certain time, but time and again a like notice was sent to him at his hotel by myself to come at certain hours and submit to the examination, and he failed to come until the time referred to by the Senator from New York, when, instead of coming at half past seven o'clock, the time for which he was notified, he came, as my friend from New York knows, at half past nine o'clock at night. That is all there is of that.

Mr. KERNAN. I do not wish to enter into any discussion of facts; but I will say to my friend now, in all candor, that I think he has allowed himself to get suspicious. We were running up to the committee-room when we could get an opportunity. Colonel Pelton was under subpœna. I understood he was ready to come in at any time. He did come here sometimes when we could not go to the committee-room or when we had some one else there on some other question. He was in the city and told me that at any time that he could be examined he would attend. I am sure the Senator cannot say that he sought to avoid examination, when he was not out of the city at all, was at his hotel here, and was ready to be examined. I am sure I rested on the idea that he had been examined by you, and only when you said you would not examine him was it that I had him examined.

Mr. MITCHELL. I do not care to pursue it further.

The CHIEF CLERK. The resolution as referred to the committee was in the following words:

Resolved, That 5,000 additional copies of the evidence and report in the case of the Oregon electoral vote be printed for the use of the Senate and House.

The Committee on Printing report to strike out the words "and House."

The amendment was agreed to.

Mr. SAULSBURY. As a member of the Committee on Printing, I did not agree to any portion whatever of the report. Now look at this matter in a practical light. This is but one subcommittee of the Committee on Privileges and Elections. The subcommittee of which I was a member went to New Orleans and took somewhere in the neighborhood of between three and four thousand pages of testimony. We have prepared a report and the views of the minority. We all think our babies pretty; there is no question about that, and I say to the Senator from Oregon that while he has prepared a report, and while I prepared to a certain extent the expression of the views of the minority, all which we may flatter ourselves will be read with great interest by every person, his report and the testimony which he has taken and the report which I have had the honor to help in part to make and the testimony which I have had the honor in part to help take will scarcely be read by anybody outside of the penitentiary in one week from to-day. What is the use, therefore, of incurring this expense? Another subcommittee, of which the Senator from Wisconsin [Mr. CAMERON] was chairman, went to South Carolina, and another subcommittee, of which the Senator from California [Mr. SARGENT] was chairman, went to Florida. All these subcommittees have made reports, and voluminous testimony has been taken. The cost of the publication of five thousand copies of this will be a very considerable tax upon the Government. Let the usual number be printed and I will venture to say that there are not as many men one week from to-day who will read the reports we have made as there will then be numbers of the copies of the reports made. There is no use in incurring this expense. I was very anxious to see the work in which I was engaged distributed through the country; but what advantage will it be?

Mr. MITCHELL. I do not think very much.

Mr. SAULSBURY. My impression is that neither the report of the Senator from Oregon nor the report which I have helped to get out will be read by a dozen men in a week from to-day, however important documents they may be, however well calculated to transmit our names to posterity. Perhaps if some man was shut up in a penitentiary he might do us the honor to read them; but I doubt very much whether he would do that.

Mr. KERNAN. Mr. President, this report was made before all the evidence was taken, and evidence has been subsequently taken. I ask leave, as part of my remarks, to read the testimony given by Mr. Pelton on pages 494, 495, and 496, as I have marked it.

Mr. MITCHELL. Had we not better have all the testimony read, so as to go into the RECORD?

Mr. KERNAN. I have no objection at all; but I want the part read that I have marked.

The Secretary read as follows:

WASHINGTON, *February* 28, 1877.

W. T. PELTON recalled.

By Mr. KERNAN:

Question. State what knowledge you have as to whether Governor Tilden did or did not know anything about or see the telegrams from Oregon in reference to money?

Answer. He did not know anything about them in any way whatever. He never saw one of them or knew anything about them at all.

Mr. LOGAN. Let it go in the RECORD, unless you desire to have it read.

Mr. MITCHELL. I have no objection, if the cross-examination goes in too.

The Secretary continued the reading, as follows:

Q. If you have a statement to make in regard to the matter, you can now make it.

A. I have prepared the following statement:

It has been stated that money has been used to purchase an elector in Oregon. It is due to myself, as well as to the democratic party, to state the facts in regard to that matter.

Telegrams addressed to me have been put in evidence; other telegrams, dated in New York, without any signature and without any proof that they came either from me or any person connected with the national committee, have also been put in evidence. These telegrams, without regard to dates, have been published, following each other in the order best suited to the purposes of those who had the examination of them.

Telegrams came every day following the election in large numbers from all parts of the country, addressed sometimes to myself and sometimes to members of the committee. Wherever they were addressed, they were delivered during the day at 59 Liberty street, and during the night at the Everett House, in accordance with directions given at the telegraph offices. These telegrams were opened by such officer or member of the committee as was present at the time; therefore these telegrams were not received at 15 Gramercy Park, even when directed there; nor were the answers sent from there. None of the Oregon cipher telegrams were delivered at 15 Gramercy Park, nor were the answers to them sent from there. Governor Tilden never saw or knew of any of the cipher telegrams received from or sent to Oregon. The famous "Gobble" dispatch was not received at 15 Gramercy Park, and was never seen by Governor Tilden, or its contents known to him.

Telegrams and letters addressed to me were often opened, read, and answered by others without my seeing them or knowing of them. Many of the telegrams put in evidence purporting to come from Oregon, and addressed to me, I do not recognize as having come to my knowledge, and they were never received by me. As my time was fully occupied, cipher telegrams were not usually translated by me, as it was very slow and tedious work. They were often defectively translated, and their meaning often imperfectly ascertained, and sometimes they could not be read at all. The telegram put in evidence dated Portland, Oregon, November 28, and purporting to be signed by Mr. Patrick and Senator KELLY, was never translated or read by me as translated before the Senate committee, and never understood by me to contain a proposition to purchase a republican elector or any other elector. I never sanctioned or encouraged the furnishing of money to purchase an elector in Oregon, or countenanced any such use of money, nor did any one else with my knowledge. My purpose was to supply to the democratic committee of Oregon, who claimed they were poor, sufficient funds to meet the just and legitimate expenses of sustaining their rights.

Whatever contingent arrangement there was suggested in the telegram from New York dated November 29, which seems to me to be very imperfectly translated, referred to payment of lawyers' fees. These fees seemed to be very large. Senator KELLY and Mr. Bellinger both testify that the answer to their requisition for money, dated November 28, was a distinct and definite refusal. That is my own recollection.

The three republicans who were candidates for electors were all fully examined before the Senate committee, and it is not pretended to be shown that there was a suggestion even made to either of them by any one to influence their action or the action of either one of them.

* * * * * * *

And Mr. Bellinger, the chairman of the democratic State committee, and Senator KELLY, have both testified that no money was applied for, proposed to be furnished, or intended to be used, or used for any such purpose.

Mr. Patrick was totally unknown to me at the time he went to Oregon. Dr. G. L. Miller, of Omaha, a member of the national democratic committee, had been telegraphed to go to Oregon. He not being able to go, found that Mr. Patrick was going to Salt Lake on his own business, and requested him to go on to Oregon, and he went. I have no recollection of the long telegram put in evidence, purporting to come from Portland, dated November 30.

Certainly it was never read by me as it is pretended to be now translated before the Senate committee. It does not appear, by the telegrams given in evidence, to have ever been replied to or any notice taken of its contents. It certainly never was assented to by me or by any one else to my knowledge.

The telegram from New York dated December 1, the next day, and put in evidence as if it were an answer to the telegram of the former day, treats all suggestions about money as if discarded, and inquires about convening the Legislature to provide for the vacancy in the office of elector.

I have never heard it intimated by any one that Governor Grover or any one else in office in Oregon was to be paid anything, or was to receive anything; and I never heard that Mr. Cronin was to be paid anything for expenses, loss of time, or for any other purpose, until long afterward, and never heard that any money was desired for such a purpose until I saw the evidence before the Senate committee.

If it be true that any improper use of money did in fact enter the mind of one man, it was utterly without authority, was never adopted or sanctioned by any one else, and was never acted upon by himself, and no suggestion of it was ever made to either of the parties to be influenced.

As I have before testified, so far as I am concerned, no money was ever furnished for any purpose whatever. The only transaction of which I am cognizant was for perfectly legitimate purposes, and even that credit was never used, and, as a matter of fact, the funds never left the city of New York.

By Mr. KERNAN:

Q. Now I want to ask you just a few questions. Had Governor Tilden in any way notice or knowledge, or had any suggestion been made to him, that they wanted money to buy up an elector or anybody else?

A. No, sir; he never knew anything in regard to any matter connected with these telegrams until he saw them in the newspapers.

Q. Was he ever consulted in any way about furnishing money for legitimate expenses?

A. No, sir.

Q. There was no consultation with him; he had no knowledge at all of that fact, so far as you know?

A. No, sir; none whatever.

Q. For any legitimate purpose, or for any other purpose whatever?

A. Not for any purpose.

Q. Where were the telegrams addressed to Gramercy Park delivered?

A. They were delivered at the Liberty-street office and at the Everett House. You, sir, know, of course, that we had two offices. We had the Liberty-street office, where we were during the day, and the Everett House, where we were at night. They were delivered at the Liberty-street office, perhaps between ten o'clock in the morning and five or six in the afternoon, and during the night at the Everett House.

Q. Was that done in pursuance of instructions left at the telegraph office?

A. In pursuance of instructions left at the telegraph office that was done—the telegraph office, the office that delivered the message to us, because that was where the business was all done.

Q. Did the committee keep any account there?

A. At the telegraph office? Yes, sir.

Q. And they were charged?

A. They were charged to the committee at the office.

Q. As to Governor Tilden himself, had he any knowledge that those telegrams came to him by means of a key or dictionary, so that he could decipher those cipher telegrams?

A. Not the least.

Q. He had no key?

A. He had no key; had no knowledge of it whatever.

Mr. MITCHELL. I do not insist on that being read.

Mr. KERNAN. Let it be read as far as I have marked.

Mr. MITCHELL. I want the balance put in.

Mr. KERNAN. You can have read whatever you want to put in.

Mr. MITCHELL. I desire the rest to go into the RECORD. ["Agreed."]

The testimony ordered to be printed in the RECORD is as follows:

WASHINGTON, *January* 16, 1877.

WILLIAM T. PELTON sworn and examined.

By Mr. MITCHELL:

Question. Where do you reside?

Answer. In New York City.

Q. How long have you lived there?

A. I think about ten years.

Q. What is your business?

A. I have always led a business life, but not a professional one. I have been engaged in different kinds of business, at one time manufacturing.

Q. What have you been engaged in in the last year principally?

A. I have been attending a portion of the time to my own business, and I have had something to do with politics.

Q. In what capacity have you taken part in politics?

A. During the campaign I have been acting secretary of the national committee.

Q. The national democratic committee?

A. Yes, sir.

Q. Are you now the secretary of the national democratic committee?

A. I am still acting in that capacity.

Q. You are the secretary?

A. Strictly not, because Mr. Prince, of Boston, is secretary.

Q. But you have been the acting secretary?

A. Yes, sir. I wish to make that distinction.

Q. You had charge of the campaign as secretary as far as a secretary would have charge of it?

A. I had charge of certain things.

Q. Are you acquainted with Mr. Scott, a member of the committee?

A. Yes, sir.

Q. What is his full name?

A. William L. Scott, of Erie, Pennsylvania.

Q. Are you acquainted with Messrs. Martin & Runyon, of Wall street?

A. I am not.

Q. Have you ever met Mr. Runyon?

A. I do not recollect ever having met him at all; I do not think I should know him if I were to see him; I do not know him at all.

Q. Do you remember calling at the office of Messrs. Martin & Runyon about the 5th or 6th of December last?

A. I do not.

Q. Do you remember telling Mr. Runyon that a person would call to see him that day?

A. No, sir. I never called at Martin & Runyon's office, to my knowledge.

Q. Did Mr. Martin ever call at your office?

A. Not that I know of.

Q. Do you know the firm of Martin & Runyon?

A. I know there is such a firm.

Q. Do you know where they are located?

A. I do not know where they are located. They are down town, I suppose, but I do not know their particular number.

Q. Do you state positively that you did not call at their office?

A. I state positively that I do not remember ever calling at their office.

Q. If you had called there you would be likely to remember it, would you not?

A. I should think so.

Q. Do you remember Mr. Runyon ever calling at your office or on you at any place in the city of New York, and having a talk with you about coming to Washington city to testify?

A. No, sir.

Q. You had no such conversation with him?

A. I had not.

Q. Were you at the meeting of the national democratic executive committee on the night of the 5th of December last, in New York, at their headquarters at the Everett House?

A. I was there nearly every evening about that time.

Q. Do you know Mr. Jordan, cashier of the Third National Bank?

A. I do.

Q. Did you see him that evening?

A. Yes, I think he was there. He was there frequently.

Q. Did you have any conversation with him?

A. I do not remember whether I had a conversation with him that evening or not. I frequently had conversations with him. He was frequently there, and we had conversations from time to time.

Q. Will you state positively that you do not know Mr. Enos Runyon, of the firm of Martin & Runyon, Wall street, New York?

A. Yes, sir; I state positively that if he was in this room I could not pick him out, from any knowledge I have of the man. I do not know the man at all, and never had any acquaintance with him.

Q. Do you not know that you had a conversation with Mr. Enos Runyon, of the firm of Martin & Runyon?

A. I do not.

Q. Will you say you did not?

A. I will say I do not remember any such conversation, positively. I have no recollection of ever seeing the man at all, or ever having any conversation with him.

Q. Do you know where his office is?

A. No, sir; I have said I do not.

Q. Have you seen in the prints recently a report of the fact that Mr. Runyon had testified here, and Mr. Martin, in regard to politics?

A. Yes, sir

Q. Do you now say you do not know where their office is?

A. I say I do not remember it at the moment. I might have seen it in the papers, and probably did, but I do not remember. I have a recollection that it is either in William or Wall street. That is all I know about it.

Q. Did you see a report in the papers that Mr. Runyon had testified that you called on him and told him a person would call to see him that day? Did you see any report of that in the newspapers?

A. No, sir; I did not see any thing of that kind.
Q. Did you see your name connected in any way with the testimony?
A. Yes, sir. If it is so it is not true.
Q. Do you know Mr. Scott?
A. Yes, sir.
Q. Did you see him on the night of the 5th of December?
A. Yes, sir; I saw Mr. Scott every night during that period when he was in town.
Q. Did you and Mr. Scott and Mr. Jordan have any talk that night?
A. I do not remember that we had any talk together, simply we three. I do not remember that.
Q. Do you know Mr. Burton Harrison?
A. I do.
Q. How long have you known him?
A. Several years; five years, perhaps. I am not certain. It may be longer; perhaps six or seven years.
Q. Did you call at his office on the 6th of December last?
A. I was at his office, or at the office where he was.
Q. For what purpose did you go to see him?
A. I wished to talk with him in regard to a certain matter. Of course it has all been brought out here.
Q. What was it, state?
A. I was informed by Mr. Jordon that Mr. Runyon had been subpœnaed to come here, and during the day before Mr. Runyon was subpœnaed to be here Mr. Harrison came to my office, as he very often does, every day or two, and in the course of the conversation said he was coming over to Washington that night on business of his own. I then told him what Mr. Jordan had told me in regard to Mr. Runyon being summoned.
Q. What had Mr. Jordan told you?
A. He simply told me the fact that Mr. Runyon had been subpœnaed. I simply told Mr. Harrison that.
Q. When did Mr. Jordan tell you that?
A. The night before, I think.
Q. Where?
A. At my house. My recollection is that the subpœna was for Saturday, but I am not sure of it; and it was during Friday that Mr. Harrison was at my office, and it was Thursday evening that Mr. Jordan told me the fact.
Q. Do you recollect the day of the month Mr. Jordan told you this?
A. I could tell by looking at an almanac. I cannot remember. It was, I should say, a week ago last Thursday. This is what I should think at the moment.

By the CHAIRMAN:

Q. Was it at your house that Mr. Jordan told you this?
A. Yes, sir.
Q. Your dwelling-house?
A. Yes, sir.
Q. In the evening?
A. At night.
Q. Did Mr. Jordan go to your house to communicate that fact?
A. He told me that while he was there. Whether he came there on purpose I do not know.
Q. Was that his business?
A. I do not know; I suppose not.
Q. Did you advise him to consult Mr. Harrison then?
A. No, sir; because at that time I did not know Mr. Harrison was coming to Washington.
Q. After you found out that Mr. Harrison was coming to Washington did you go and advise Mr. Runyon to consult Mr. Harrison?
A. I did suggest to Mr. Jordan that Mr. Runyon should call on Mr. Harrison.
Q. Then did you notify Mr. Harrison that somebody would call on him?
A. Yes, sir.
Q. What was your purpose in notifying Mr. Harrison?
A. Simply because I told him that if he did not wish to see him I would call on him and let him know.
Q. Did you procure Mr. Jordan to advance $8,000 to be sent to Oregon, or any other sum of money?
A. No, sir; I did not procure him to advance any money at all.
Q. Did you have any conversation with Mr. Jordan in regard to transmitting money to Oregon?
A. Yes, sir; I did.
Q. When was that?
A. That was, I think, on the 5th; the 4th or 5th. It was about that time.
Q. What did you tell Mr. Jordan in regard to it?
A. I told Mr. Jordan that it was desirable that certain gentlemen in Oregon should have a credit for $8,000.
Q. How did you come to fix on that amount; what was the way in which you fixed upon it?
A. I can hardly tell why any particular amount was fixed on. The reason of the thing was that there was likely to be in Oregon extensive litigation growing out of the ineligibility of one of the electors. The case was an important one. We had supplied Governor Grover with all the decisions and all the opinions that were possible on the case. We felt that it was important, as the other side did. We had supplied him with all those, and we had done everything in that way which should give him our view of the law, we having first satisfied ourselves on the best legal authorities that our view of the law was correct. We supposed the case was so important, and there being a difference of opinion, that actions of various kinds would be taken.

By Mr. KERNAN:

Q. In the courts there?
A. In the State courts there, and that it was proper that those gentlemen should be enabled to protect and maintain their rights in the courts. Five thousand dollars we thought was too little and $10,000 was too much.

By the CHAIRMAN:

Q. Had you had any demand from Oregon, from anybody there, for money?
A. No, sir; no demand.
Q. Had you had a request or suggestion?
A. For such purposes, yes, sir.
Q. For money?
A. My recollection is, not any specific amount.
Q. Whom did that come from? Who made that request or suggestion; what person in Oregon?
A. My impression is, the chairman of the State committee; I do not remember distinctly who it was, though.
Q. Do you remember his name?
A. Bellinger.
Q. Had that been done by telegraph or by letter?
A. I do not remember about that, which it was, whether by telegraph or letter.
Q. Had you received a request that very day, or the day before, for money, from Oregon? Did you not receive such a request by telegram?
A. I do not remember the time exactly.
Q. Did you receive it by letter or by telegram?
A. I should say by telegram.
Q. Did you receive more than one?
A. O, yes, sir, we had more than one. We had information from there in regard to the condition of things from time to time.
Q. Had you received any telegram that any suit had been commenced in court in Oregon?
A. No, sir.
Q. Or that there would be any? Had anybody telegraphed you that there would be a suit commenced?
A. I do not know that I can say they telegraphed that there would be; they apprehended it. I do not know they said there would be; nobody could tell what there would be.
Q. You had received no telegrams that there had been?
A. No, sir; I said that.
Q. Did you see Mr. Scott at the Everett House, at the democratic rooms, on the night of the 5th of December, the night before you made the arrangement with Mr. Jordan?
A. I think he was there.
Q. Did you have any conversation with him about this Oregon matter?
A. It was somewhat discussed with Mr. Scott and other gentlemen there.
Q. Did you ask Mr. Scott to endeavor to raise money for you?
A. I do not remember asking him to endeavor to raise the money. No, sir.
Q. Did you procure him then to give Mr. Jordan an assurance of repayment of money that might be advanced to the amount of $20,000?
A. Whatever assurance he gave him was the result of the talk we had; perhaps not a direct request for him to do it, but the result of the general talk which was had.
Q. Then whatever assurance he may have given was the result of the talk that you had there?
A. I do not say the talk we had alone there, but the talk we had had about these matters for days before. I do not know the first time Mr. Scott spoke to Mr. Jordan about it.
Q. When you spoke to Mr. Jordan about advancing this $8,000, did he say anything to you about giving security for it?
A. No.
Q. Was there any talk about that in any way?
A. Not on my part.
Q. Or on the part of the committee?
A. None. Mr. Scott, you are aware, is a member of the committee, and of the finance committee also, and had been, as I might explain to you, one of the active members of the committee. He was one of the active members, and was a gentleman who contributed money himself and who raised money from others, as is done by the few active men in every such committee.
Q. Had there been any money sent to Oregon before that?
A. Not that I know of.
Q. Had there been a draft sent?
A. Not that I know of.
Q. Had you heard of any such thing?
A. No, sir.
Q. By anybody?
A. No.
Q. Had you heard of any money being sent by express to Oregon?
A. No, sir.
Q. None at all?
A. None.
Q. Was this the first effort that was made on your part to send money there?
A. Yes, sir; it was the first thing I did about sending money.
Q. Was there any effort made afterward to send money there?
A. No, sir.
Q. In any other way?
A. No.
Q. There was not?
A. No, sir.
Q. Had you sent any person to Oregon before that time for the purpose of looking after that electoral matter?
A. No, sir; I never sent any one there.
Q. Did you know of any person being sent?
A. I knew of a gentleman going.
Q. Who was it?
A. Mr. Patrick was out there, and was in Oregon; I do not remember the exact day; but he had mining interests and mining business near there, part of the way, and went from there to Oregon.
Q. When did Mr. Patrick start there?
A. I do not remember exactly the time when he started.
Q. Was it along in November some time?
A. I should think it must have been in November.
Q. Who procured Mr. Patrick to go?
A. I can hardly say that any one procured him to go, because he was a man who was very much interested in politics himself, and was going near there, and thought he would go there.
Q. Was he not requested to go there by somebody?
A. I think that he had some conversation with one of our committee, who lives at Omaha, Mr. Miller.
Q. Did you correspond with Mr. Miller on the subject?
A. Mr. Miller wrote me that he had gone.
Q. Did he write you that he had gone to look after that matter?
A. That he had gone to Oregon to look after that matter; yes, sir. But all I wished to convey was that he did not go on purpose for that; that he has large interests at Salt Lake.
Q. Salt Lake is a long way this side of Oregon?
A. Yes; but not as far as New York is. He was partly on the way there.

By Mr. KERNAN:

Q. Was Salt Lake the place where he was going?
A. Yes, sir.
Q. And Miller wrote that he would go on to Oregon?
A. That is as far as I understand.

By the CHAIRMAN:

Q. Had you written to Mr. Miller before that to get Mr. Patrick or some one to go?
A. No, sir, I had not.
Q. Had anybody?
A. No, sir.
Q. Had you telegraphed him?
A. I had not telegraphed Mr. Miller to ask anybody to go to Oregon at all.
Q. Did Mr. Miller, then, act on his own motion, without any suggestion from New York?
A. It had been suggested to Dr. Miller that he should go himself.
Q. And he procured Mr. Patrick to go? Did you send any money to Dr. Miller to pay Mr. Patrick's expenses?
A. No, sir; not that I know of.
Q. Was anything advanced to Mr. Patrick in any way?

A. No, sir.
Q. Do you know of his ever being paid since then?
A. No, sir.
Q. You have no knowledge of his having been paid since then?
A. No, sir.
Q. Do you know of anything about Mr. Dimon's having paid Kountze & Bros., on account of Patrick, for Ladd & Bush, $1,039 on the 15th of December?
A. No, sir; I know nothing about it.
The CHAIRMAN, (to Mr. KERNAN.) I have that account which I spoke about yesterday. I want to show it to you.
Mr. KERNAN. You did not ask Dimon anything about it.
The CHAIRMAN. I did not know that entry was there then.
Mr. KERNAN. I did not see it. I supposed he was going to be examined before he went back. I see there is the charge in the account of Ladd & Bush, Salem, Oregon.

By the CHAIRMAN:

Q. What arrangement was made to repay Mr. Scott for this expenditure?
A. No arrangement.
Q. Was Mr. Scott going to advance this money out of his own pocket?
A. Mr. Scott was in the habit of collecting, as I said before, and disbursing money for purposes of the campaign, as a member of the executive and finance committees, and, if this had ever been paid, it would have been one of these items; but it was never paid, and, of course, no one had anything to pay, as the credit never was availed of.
Q. Do you know whether Ladd & Bush or Ladd & Tilton in Oregon paid Mr. Cronin $3,000?
A. I do not know anything about it.
Q. Do you know how Mr. Dimon came to pay $2,000 to Mr. Cronin in New York?
A. No, sir; I know nothing at all, about it.
Q. You do not know how Mr. Dimon came to pay Mr. Patrick $1,039?
A. I do not.
Q. You say that this credit was not availed of in Oregon?
A. I say that because I was informed by Mr. Jordan.
Q. How else were those expenses paid?
A. That I do not know.
Q. You know of no other money that was sent to Oregon, directly or indirectly, than this $8,000?
A. No, sir; I do not know of any.
Q Have you heard of any since that money had been placed there from New York?
A. I do not know of any being sent.
Q. When you spoke to Mr. Jordan that morning, did you tell Mr. Jordan you wanted the matter kept secret or make any suggestion of that kind to him?
A. I do not remember the language I used. I presume that he did understand from what I said to him that it was not a matter to be talked about generally. That is usual in such matters.
Q. Had you got Mr. Jordan to do any business of that kind before—send money for you?
A. No, sir.
Q. To any other portion of the country?
A. I think he has made remittances of small amounts; I do not remember distinctly what now.
Q. Where did the national committee keep their account; in what bank or banking-house?
Mr. KERNAN. Do you mean an account kept in the name of the committee or in the name of some officer?
The CHAIRMAN. The account of the committee.
Mr. KERNAN. If they had one. You assume that there was one?
The CHAIRMAN. I suppose they must have had one.
Mr. KERNAN. I do not know myself.
The WITNESS. My recollection is now that in the name of the committee there was no account.

By the CHAIRMAN:

Q. In whose name was it kept?
A. I think, as I said before, there was no account kept in the name of the committee, no general account. Different members of the committee paid out money.
Q. In whose name was the account kept?
A. Mr. Scott paid out some money. I paid out some money.
Q. Where did you keep your account?
A. I kept my account at the Hanover Bank.
Q. Was the account of the money that you paid out kept there?
A. For these purposes you mean?
Q. Yes, sir.
A. Yes, sir; at the Hanover Bank.
Q. Was the most of the account kept in your name?
A. No, sir; I should say not. As I said, different persons paid money.
Q. In whose name was the account kept?
A. Mr. Edward Cooper paid out some.

By Mr. KERNAN:

Q. Is he a member of the committee?
A. Not a member of the committee.

By the CHAIRMAN:

Q. Is Mr. Cooper the treasurer of the committee?
A. Mr. BARNUM is the treasurer.

By Mr. KERNAN:

Q. Senator BARNUM, of Connecticut?
A. Yes, sir; he is the treasurer.

By the CHAIRMAN:

Q. Where did he keep his account?
A. That I do not know.
Q. Did not the money then have to pass through his hands? Was it not done in a business-like way? Did not the money pass through the hands of the treasurer in some way, or how many treasurers did you have?
A. The fact was that money was advanced, as in this case, by Mr. Scott, or at least guaranteed, and he would collect it when he could get it. You know how these things are done. The sums were not large enough to keep a bank account.
Q. When money was paid in and paid out, was not an account kept of it? Was it not done in a business-like way?
A. That would depend on who received it.
Q. I ask you that question, if, when money was paid in and paid out, there was not an account kept of it?
A. The check-books would show that.
Q. Whose check-books—those of the treasurer of the committee?
A. I should think so. I also said that Mr. Cooper paid out some money.
Q. The question I am asking is, whether, when Mr. Cooper paid out money, or you paid out money, or Mr. Scott paid out money, there was not an account kept of the amount that was paid out, if it did not go on the books of the committee in some way?
A. No more than it would be on the check books.
Q. On whose check-book?
A. Whichever check-book it was paid out on. I mentioned three names.
Q. Was there no account of the money paid in and the money paid out given to the treasurer of the committee?
A. Yes; information was given to him whenever he desired it.
Q. Suppose he did not know anything about it, he could not desire it. I am asking you now if the money that was paid into the committee and the money that was paid out was not done in form through the treasurer of the committee. Did you not communicate to him, when you paid out money, that you had done so?
A. Sometimes I did.
Q. Did you not always do it?
A. I cannot say that I did it in every case.
Q. Have you received money that you did not give him an account of?
A. Our accounts are not closed and settled up.
Q. Was the money sometimes paid to you instead of being paid to the treasurer?
A. Sometimes.
Q. How much money was paid to you?
A. I cannot tell you that; I do not know.
Q. Did you make arrangements to send money to any other State besides Oregon after the election on the 7th of November?
Mr. KERNAN. Do you think it worth while to go into that, because it leads to endless inquiry perhaps? There is only one case under consideration.
The CHAIRMAN. I am not going before the 7th of November; I am not proposing to invade your campaign secrets.
Mr. KERNAN. I suppose not; but as to other States, why go into them?
The CHAIRMAN. I was going to ask in regard to South Carolina.
The WITNESS. What is the question?

By the CHAIRMAN:

Q. What do you know about money being sent after the 7th of November last to other States than Oregon?
A. Do you specify States?
Q. I will name South Carolina?
A. I do not know of any money being sent there.
Q. Directly or indirectly?
A. No, sir; I want to make one exception to that; that is, in regard to a few hundred dollars, perhaps, that have been paid on a little draft of one gentleman there, a draft of one hundred or two hundred or three hundred dollars.

By Mr. KERNAN:

Q. For what purpose was it drawn; do you know?
A. I do not know, except for his traveling expenses, &c., about the State.

By the CHAIRMAN:

Q. What was that man's name?
A. Kennedy.
Q. Do you know Colonel Haskell, of South Carolina?
A. I do.
Q. Did you have any correspondence with him since the 7th of November?
A. I should say there had been correspondence with him. I do not remember any special letter or telegram, but we are in communication with him. He is chairman of the South Carolina State committee.
Q Do you know of any money having been sent, directly or indirectly, to Louisiana since the 7th of November?
A. No, sir; I do not know of any being sent there, except, perhaps, a draft or two of a man who has been there, a clerk or somebody who happened to be down there; some small amount, I mean; a hundred-dollar draft, or two hundred dollars, for traveling expenses.
Q. Is that all your knowledge on the subject, one way or the other?
A. I do not remember anything else.
Q. You have heard of nothing else?
A. No, I do not know of anything being sent to Louisiana.
Q. How about Florida?
A. I do not know of any money being sent there at all, except what was for some expenses of the gentlemen who were down there visiting; the visiting committee, as they were called; and a small amount drawn for by those parties there for the traveling of their men in going about the State to examine the returns and that sort of business.
Q. That was after the election?
A. Yes, sir; you spoke of after the election.
Q. Certainly, I am inquiring as to after the election.
A. I want to say a word in regard to all those four States, including Oregon, that to my knowledge there has not been a dollar sent into either one of them for any purpose except for strictly legitimate purposes. I want to say that is my belief.
Q. Were there men down there traveling that you had sent down, agents of the committee, sent there since the election?
A. O, yes.
Q. Under the auspices of the committee, did gentlemen go to Louisiana?
A. Of course. There were a dozen or fifteen invited.
Q. Did the committee pay their expenses?
A. The committee did pay some of their expenses. I do not know whether they paid them all or not; but my impression is they paid only a part.
Q. Did they pay their expenses down there for witnesses' and attorneys' fees, and all that?
A. I think they did pay some of those.
Q. Do you know how much money they required in Louisiana?
A. I do not.
Q. Could you come within $10,000 of it?
A. I should think I could come within $10,000, because that is more money than we have had.
Q. I am asking you to come as near as you can to the amount.
A. I do not know how much the expenses were.
Q. There were fifteen or twenty gentlemen sent to Louisiana, were there not?
A. I do not remember how many there were. There were, I should think, about a dozen that went. There may have been fifteen; I do not remember. The number is a thing that has passed out of my mind.
Q. I am simply trying to get the aggregate of your expenses down there; I am not saying that they are not legitimate.
Mr. KERNAN, (to the Chairman.) Are you now speaking of the men called the visiting committee of the democrats and some additional ones too?
The CHAIRMAN. I suppose he refers to those gentlemen who went down there under the auspices or at the request of the committee after the election.
The WITNESS. I presume there were fifteen of them altogether.
Q. (By the Chairman.) In regard to Florida, how many were sent there?
A. I should think about seven or eight.
Q. Was the same arrangement made to pay their expenses and the expenses they incurred down there?
A. That is hardly fair to those gentlemen, because there was not any arrange-

ment made to pay their expenses at all when they went away. I mean there was no arrangement.

Q. Did you not expect to do it? You did not expect them to go there at their own expense?

A. I do not think there was much expectation about it, they were got off so quick.

Q. Did you not pay the expenses?

A. Some were paid. All the expenses were not paid. I know there were certain gentlemen who paid their own. There were certain other gentlemen whose expenses were paid.

Q. Did you pay their expenses for subpœnaing witnesses and traveling about the State in Florida and Louisiana?

A. I do not know. I do not remember anything about that, because I never saw any account from them.

Q. How many were sent to South Carolina?

A. I should suppose half a dozen. Mr. Randolph was one, you remember.

By Mr. MITCHELL:

Q. I understood you to say that Mr. Jordan told you that this $8,000 had been paid back?

A. Yes, sir. Perhaps that was not exactly the language, but that was the idea. It had not been used; the credit had not been availed of.

Q. You refer in that to the $8,000 that was transferred to Oregon, through Mr. Dimon, on the 6th?

A. Yes, sir.

Q. Do you not know that there were $8,000 sent to Oregon that were used, as a matter of fact?

A. No, sir; I do not.

Q. Do you not know that there were $8,000, aside from this $8,000 that you have referred to, transferred to a party in San Francisco for use in Oregon?

A. No; I know nothing about that.

Q. Have you not heard that there was from your committee?

A. No.

Q. Do you know a man by the name of W. C. Griswold?

A. No, sir.

Q. Have you not had dispatches from a man named Griswold?

A. I do not remember any such name Of course I might have had dispatches from such a man in the multitude of dispatches which have been received, but I do not remember the name.

Q. In your political arrangements and management of the campaign in Oregon—I speak more particularly about the matter before the governor since the election, in regard to the Watts-Cronin affair—did you not have correspondence by telegraph with a man by the name of Griswold?

A. Not that I know of. I do not remember such a name.

Q. Did you not receive dispatches, one or more, from Salem, Oregon, without any signature, urging that $8,000 must be provided there?

A. I do not remember anything about that. I stated awhile ago that there had been a request from there for some money.

Q. By telegraph?

A. Yes, sir; I stated that.

Q. You said your impression was that that request came from Mr. Bellinger, chairman of the committee?

A. I do not know definitely whom it did come from.

Q. Do you not know that you received a dispatch from Oregon urging or suggesting that $8,000 be telegraphed to Oregon, or placed to the credit of certain parties in Oregon, and that that dispatch had no signature?

A. I have stated that such a dispatch was received from Oregon.

Q. Was such a dispatch, without any signature, received?

A. That I do not remember. I do not remember whether there was a signature or not.

Q. Will you say that you did not receive a dispatch from Oregon, without any signature to it, suggesting that $8,000 be provided there at once?

A. No; I will not say that I did not, because in the multitude of dispatches we were getting from different persons it would be rather difficult to remember.

Q. Do you not know that $8,000 in money was transferred, in some way, from the political managers of your party in New York in the beginning of the month of December, about that time, to certain parties in San Francisco for use in Oregon?

A. No, sir; I do not know anything about it.

Q. Do you not know that that amount of money was placed in the London and San Francisco Bank, (limited,) in San Francisco, to the credit of Ladd & Bush, Oregon?

A. No, sir.

Q. You do not know that?

A. I do not.

Q. Were you not advised by some person or persons that that amount of money was placed in that bank, or in some bank in San Francisco, for the benefit of Ladd & Bush in Oregon?

A. No, sir.

Q. You do not know anything about that?

A. No, sir.

Q. You spoke about a Dr. Miller a little while ago?

A. Yes, sir.

Q. Where does he live?

A. Omaha, Nebraska. George L. Miller. He is one of the executive committee. He is a member of the national committee from Nebraska.

Q. Was not George L. Miller, of Omaha, Nebraska, instructed to telegraph to Oregon to postpone the counting of the vote until Mr. Patrick could get there?

A. No, sir; not to my knowledge.

Q. Did you have any communication with George L. Miller?

A. I have communication with him very frequently. I never told him anything of that kind.

Q. Did you have any communication with him by telegraph about the matter of the Oregon vote?

A. I asked him questions about the condition of the vote, and all that.

Q. What did you ask him?

A. When the condition of the vote immediately after the election was in doubt, as it was in the East——

Q. Did you request him to get a man to go to Oregon?

A. No, sir.

Q. Did you suggest that he get some person to go to Oregon?

A. No, sir.

Q. How did you find out about Mr. Patrick?

A. I did not find out that. I have given it exactly as it occurred. Do you wish it repeated?

Q. I do not wish you to repeat anything, but you have not answered this question: How did you first obtain knowledge of this man Patrick and when?

A. I stated that in this way: that Dr. Miller was requested to go himself, and knowing this gentleman was going part way there he asked him to go on, and it was arranged together that he should go on.

Q. Had Patrick left Omaha at that time, do you know?

A. No, sir; he had not left.

By Mr KERNAN:

Q. He was going to Salt Lake, and Miller got him to go on to Oregon?

A. Yes, sir.

By Mr. MITCHELL:

Q. Your understanding is that Mr. Patrick had no business west of Salt Lake?

A. I don't know that.

Q. You said that he had business part way, which was at Salt Lake?

A. I was so advised, and he might have had business in Oregon, for all I know.

Q. He was procured, then, to go on. What was he paid as expenses for going on?

A. I have no knowledge that he was ever paid anything; I do not think he was ever paid anything.

Q. Do you not know that the books of the managers, or some of them in New York, show that $8,000 were sent to Oregon and used for some purpose in connection with this controversy before the governor?

A. No, sir; I do not know any such thing. I have no knowledge that they show anything of the sort. If they do, they are wrong, in my judgment. I do not know that they show anything of the kind, and I never saw any such thing on them at all.

Mr. KERNAN. You know nothing about this transaction through Dimon?

The WITNESS. No, sir.

Mr. MITCHELL. I am not speaking of that transaction now. (To the witness.) Did Mr. Miller himself go west?

A. Not that I know of.

By Mr. MITCHELL:

Q. Do you know whether he went to San Francisco?

A. I know he did not, as well as I know anything that I do not see. I have no reason to suppose he did go.

Q. Had you any communication, by telegraph or otherwise, with parties in San Francisco in relation to this Oregon matter?

A. Yes, sir.

Q. With whom?

A. We had correspondence with Ex-Senator Casserly. Senator Casserly was asked to go to Oregon.

Q. For what purpose?

A. In regard to the legal aspects of the case. He is a lawyer, and he was asked to go there and present the case. For some reason he was unable to go; but I think he sent a brief up there.

Q. Who else was telegraphed to in San Francisco?

A. I do not remember. I rather think Governor Irwin was, but I am not sure about that. I have a recollection of that kind, although a dim one. I do not know that he was.

Q. Do you know of any money being paid by any of the managers of your party in New York to W. C. Griswold since the 7th of November?

A. No, sir.

Q. You do not know anything about that?

A. I never heard the name, to my recollection.

WASHINGTON, *January* 17, 1877.

WILLIAM T. PELTON'S examination continued.

By the CHAIRMAN:

Question. Do you know Mr. Smith Weed?

Answer. Yes, sir.

Q. Where does he live?

A. At Plattsburgh. He has an office in New York also, and does business as a lawyer in New York. He is a resident of Plattsburgh.

Q. Was he engaged in the active management of your campaign? Did he take an active part in it?

A. He was active in the campaign.

Q. Did he go to South Carolina after the election?

A. Yes, sir; he did.

Q. At what time?

A. I do not remember exactly the time; it was after the election.

Q. Did he go there at your suggestion or by your advice?

A. I do not remember who asked him to go, particularly.

Q. Did he go there at the instance of the committee?

A. I do not remember who asked him to go.

Q. But did he go there at the instance of the committee?

A. I do not remember who asked him. He was an active man in the campaign.

Q. I still ask you the question whether he went there at the instance of the committee or at the wish of the committee, without asking you who it was.

A. I do not think there was any action taken by the committee on it.

Q. Did you know he was going?

A. Yes, sir.

Q. Did you request him to go?

A. I do not remember whether I requested him to go or not. The matter was discussed, and he went.

Q. Do you know what his business was?

A. His business was the same there as that of other gentlemen who went down on both sides to witness the count.

Q. I ask if you know what his business was.

A. No more than that.

Q. What was "that?"

A. The same business that other gentlemen had who went there to see what the condition of the vote was there, and to see that there was a fair count and a fair return.

Q. Do you know what name he went under when he was in South Carolina.

A. No, sir. I do not think he went under any name but his own.

Q. You think he went under his own name?

A. I do.

Q. Was he registered under his own name at Columbia?

A. I have no reason to think he was not. I do not know.

Q. Did you get a dispatch from South Carolina along about the 4th or 5th of December?

A. I do not remember about that especially.

Q. Do you remember getting a dispatch from the president or manager of the Charlotte, Columbia and Augusta Railroad?

A. No, sir.

Q. Was a dispatch shown to you by anybody sent by the president of the Charlotte, Columbia and Augusta Railroad?

A. I think not. I do not remember any such.

Q. Was there a dispatch shown to you, or have you any knowledge of a dispatch, in which the question was asked by a man in South Carolina whether he was at liberty to pay $30,000 for an electoral vote?

A. I do not remember any such thing.

Q. Was there anything of that kind presented to you?

A. I do not remember any such thing.

Q. Do you think there was not?

A. I do not remember any such thing.

Q. If there was, would you remember it?

A. There were suggestions of that kind made in different ways.

Q. Whom were they made by?

A. I do not remember any particular person making them.

Q. Do you not remember whom those suggestions came from?

A. No, sir; I do not remember any particular one.

Q. You do not?

A. I do not.

Q. But you remember that there were suggestions of that kind?
A. Yes, sir.
Q. You cannot tell where they came from?
A. No, sir; I do not remember.
Q. Did they come from some one who lived there or some one who had been sent down there from New York?
A. I do not remember.
Q. When was that suggestion made?
A. I do not remember when.
Q. How long was it before the electoral votes were cast?
A. That I do not remember.
Q. Was it a week before, do you think?
A. I do not know. I do not remember.
Q. Do you think it was two weeks before?
A. I do not remember. I do not know the time.
Q. Have you not some idea of the time?
A. No, sir; I have no definite idea of the time.
Q. Was that suggestion made to you more than once?
A. I remember on one occasion a letter being received from some man, I do not remember who, suggesting that in a certain State an elector could be had for money. I do not remember where, and I do not remember the man's name; but I recollect the letter coming.
Q. Was that from South Carolina?
A. No, sir; another State.
Q. What State was that?
A. I do not remember. It was one of the Western States. I only speak of that as showing that there were propositions of that kind made.
Q. Was that from Oregon?
A. No, sir.
Q. From what Western State?
A. I cannot tell you now what State it was. It was one of the Western States. That is my impression.

By Mr. KERNAN:

Q. This side of the Rocky Mountains?
A. Yes, sir; one of the Northwestern States, I mean.

By the CHAIRMAN:

Q. I am asking you in regard to South Carolina; if there was not a suggestion of that kind from South Carolina?
A. I do not remember that there was any distinct proposition about South Carolina.
Q. "Any distinct proposition." What was the proposition?
A. I do not remember that there was a proposition.
Q. Do you say there was not?
A. I do not remember that there was.
Q. Have you got your letters that you received from Mr. Smith Weed while he was down there?
A. I do not know whether I have or not; I do not remember having any. Most of the correspondence of the committee on those things was destroyed from time to time. There was no necessity of keeping it.
Q. Did you get a letter from Mr. Smith Weed, while he was down there, in reference to procuring a vote in South Carolina from a colored elector?
A. I do not remember getting any such letter.
Q. Nor dispatch?
A. I do not remember it.
Q. Nor from any other person down there?
A. I do not remember it.
Q. Do you say there was none?
A. I do not remember any such thing.
Q. If there had been, would you remember it?
A. I should think I would.
Q. Are you, then, able to say that there was none such?
A. I say that I do not remember any such.

WASHINGTON, *January* 19, 1877.

WILLIAM T. PELTON'S examination continued.

The CHAIRMAN. I am not prepared to continue the examination of Mr. Pelton further at this time, except to ask a question or two this morning. [To the witness.] Did you send a dispatch to Oregon, Mr. Pelton, on the 8th of November—the day after the election?
A. I do not remember; I have no recollection of any dispatch to Oregon then.
Q. I will be specific. Did you send a dispatch to Senator KELLY on the 8th of November?
A. I have no recollection as to whether I did or did not.
Q. Did you send any dispatch to him about that time, or within a day or two after the election?
A. I do not remember.
Q. I am instructed to ask you this question; I give you the words of the dispatch which I ask you about—a dispatch from you to Senator KELLY, either on the 8th or 9th of November, in these words: "We rely upon you to give us Oregon; I will furnish all funds needed?"
A. No, sir; I have no recollection of ever sending such a dispatch at all.
Q. You have no recollection of sending any such dispatch?
A. No, sir.
Q. Do you say you did not send it?
A. I say that I do not remember sending any such one in any way.
Q. Either on the 8th or 9th of November, or any subsequent time?
A. Any of those days.
Q. Do you know of any one sending a dispatch to Senator KELLY on that day or the following day, or within three or four days?
A. I do not.
Q. You have no knowledge on the subject?
A. I do not know anything about any such dispatch.

WASHINGTON, *January* 31, 1877.

WILLIAM T. PELTON recalled.

By Mr. MITCHELL:

Question. I believe you stated, but I do not remember whether you did or not, when on the stand before, that you were acquainted with a Mr. J. N. H. Patrick?
Answer. I do not remember. I think I did. I am acquainted with him. I do not remember whether I stated it or not.
Q. Where does he make his home?
A. I think at Omaha. I am not sure about that.
Q. I want you to look at the following dispatch. It reads:

"N. Y., 29th *Nov.*, 1876.

"To J. N. PATRICK, *Portland, Oreg.:*

"Moral hasty sideral vizier gobble cramp by hemistic welcome licentiate muskeeter compassion neglectful recoverable hothouse live innovator brackish association dime afar idolator session hemistic mitre."

[No sig.]

Tell me if you know in whose handwriting it is:
A. (Examining.) No, sir; I do not.
Q. It is not your handwriting?
A. No, sir.
Q. You are certain about it?
A. It does not seem to be my handwriting.
Q. It is not your handwriting?
A. No, sir.
Q. Do you know who sent that dispatch?
A. No, sir.
Q. Do you remember some communication with Mr. Patrick in the month of November and the beginning of December through the telegraph?
A. Some communication through the headquarters; yes, sir.
Q. Did you receive dispatches from him personally?
A. I think there were some dispatches addressed to me.
Q. Did you receive them?
A. I cannot tell who did receive them. They were received by whoever happened to be at the headquarters at the time.
Q. I will ask you if you received the following dispatch:

"SALEM, *December* 5, 1876—4 p. m.

"To W. T. PELTON, 15 *Gramercy Park, New York:*

"Brazen welcome cuttle survivor doctrinal Charles Dimon squab taster niveous Ladd and Bush, Salem.

"Brazen fracture medicine grout minutegun graduation innovator venom summons lowringly Salem beer vizard moreless erratic."

[No signature.]

A. I do not know. I have no means of identifying it at all. I received great quantities of dispatches, and I have no means of identifying them.
Q. What is your best recollection?
A. I do not know.
Q. Have you any recollection on the subject?
A. I have not.
Q. Did you, in your correspondence by telegraph with J. N. H. Patrick, while Mr. Patrick was at Portland and Salem, Oregon, and at San Francisco, California, the latter part of November and the 1st of December, 1876, use a cipher dispatch?
A. There were cipher dispatches used from the headquarters.
Q. What do you mean by headquarters?
A. I mean our committee.
Q. What committee?
A. The democratic committee, the national committee. I do not know that I did.
Q. Were these dispatches from Mr. Patrick directed to you as a general thing?
A. I think some of them were. I do not remember about that, whether it was or not. I have no means of knowing.
Q. Had you in your possession a cipher used in sending dispatches?
A. There was one in possession of the headquarters.
Q. Was the cipher that was used by Mr. Patrick this same cipher?
A. I do not know whether it was the same or not.
Q. If he corresponded with you and your democratic headquarters in cipher, and you with him, it must have been the same cipher?
A. I presume he had the same cipher to use that we used; I do not know what cipher he used with other people.
Q. Did he not use the same cipher in correspondence with you?
A. Yes, sir.
Q. He used the cipher used by the democratic headquarters?
A. Yes, sir.
Q. You understood that cipher?
A. It was understood at the office.
Q. That is not the question. Did you understand it?
A. It was understood there.
Q. But did you understand it?
A. Well, I could read it.
Q. Now please translate that dispatch addressed to you, 15 Gramercy Park, dated December 5, Salem, Oregon. Take it and look at it and give the translation.
A. (Examining.) I have no means of giving the translation.
Q. This cipher was the same cipher, was it not, that was used by the committee generally in the campaign, whatever use was made of it?
A. No, sir; we had several different ciphers.
Q. When was the cipher that was used in your correspondence in reference to this Oregon matter obtained?
A. I think that that cipher, perhaps, was used some time in November.
Q. Was that a cipher gotten up after the election?
A. That cipher was not used before the election.
Q. The cipher, then, that was used in reference to the Oregon electoral matter was not a cipher that was used in the general campaign before the election?
A. No, sir; we had different ciphers.
Q. The one used in the Oregon matter was not used in the campaign until after the election?
A. I said that. I said it was used after the election.
Q. Who prepared that cipher, if you know?
A. I think Mr. Patrick did.
Q. When?
A. I do not know when.
Q. Did he send you a copy?
A. Yes, sir.
Q. Where from?
A. I do not know where it was sent from. He was in Omaha at the time, I think.
Q. That was in November some time?
A. Yes, sir.
Q. Was that an extensive cipher?
A. I do not know what you mean by an extensive cipher.
Q. I mean was it limited?
A. No, sir; it was capable of being used for any purpose.
Q. Was it a cipher embracing all the words in the dictionary?
A. Yes, sir; any number of words.
Q. Did you have that printed?
A. No, sir.
Q. Do you know whether Mr. Patrick had his cipher-book printed?
A. What do you mean by the question, whether it was printed or whether I had it printed?
Q. Whether it was printed?
A. Yes, sir; it was.
Q. It was a printed book?
A. Yes, sir.

By Mr. KERNAN:

Q. But you did not get it printed?
A. No, sir.

By Mr. MITCHELL:

Q. You say it was printed by somebody?
A. Yes, sir.
Q. In book form?
A. Yes, sir.
Q. Was that book printed?

A. I can answer your questions without your going through a regular list of questions as well one way as another. It was a dictionary; that is what it was.
Q. It was gotten up for this occasion?
A. No, sir; it was a dictionary.
Q. Did you have a dictionary? Just explain.
A. A very ordinary method of using a cipher is to use a dictionary and take one set of words for another.
Q. Explain in a few words how this dictionary cipher was made. You took a printed dictionary?
A. We had a printed dictionary, and used a certain number of words.
Q. Would you write down the words that represented a certain number of words?
A. We would write down the cipher word. I presume you are familiar with the use of that.
Q. I am familiar with it, but probably some of the rest are not. Did Mr. Patrick take a printed dictionary and write in the dictionary?
A. No, sir.
Q. How did he do it?
A. By using a dictionary. Suppose we two take any dictionary and agree that we will use a certain number of pages ahead, that is, a corresponding word ten, fifteen, or twenty pages ahead. If you want to send the word "doubt," you take the word which corresponds to that on the page the number you agree upon that is ahead. Do you understand that?
Q. I do not, I must confess. Here is Webster's Dictionary unabridged.
A. That is rather larger than what we used.
Q. Please take this dictionary and explain how this cipher was formed.
A. You agree upon taking the corresponding word ten pages ahead. Suppose you want to send the word "manicon." That is the last word on the second column of the eight hundred and eighth page. Taking ten pages ahead you turn over to the eight hundred and eighteenth page, and you take the corresponding word there, which is "mate."
Q. If you wanted to send "manicon," instead of sending that you would send the word "mate?"
A. Yes, sir.

By Mr. KERNAN:

Q. You would send ten pages ahead in the same place in the column?
A. Yes, sir.

By Mr. MITCHELL:

Q. It is a simple transition, then?
A. That is all; simply using one word for another. When you get the message you find the word "mate," and going back ten pages you find the word you want.
Q. Let me ask you, if in this cipher prepared by Mr. Patrick, which you say was used in this Oregon matter, there were words used in the cipher dispatches that are not English words?
A. I do not understand you.
Q. I mean words not found in the dictionary?
A. I should say not. I do not see any reason why there should be.

By Mr. KERNAN:

Q. Proper names, I suppose?
A. Proper names, of course.

By Mr. MITCHELL:

Q. Now explain to me what would be written out, if anything, so that you would understand this cipher?
A. There would not be anything written out; you and I would have that understood.
Q. Did you have this key written out?
A. No, sir; it was not written out at all.

By Mr. KERNAN:

Q. How would you remember?
A. You would have to have a memorandum given you.

By Mr. MITCHELL:

Q. Then there is either something written down in the dictionary, or else there is a written memorandum outside?
A. As to the key?
Q. Yes.
A. Certainly.
Q. Did Mr. Patrick, in the month of November, send to you or the democratic committee, or anybody connected with it in New York, a dictionary so arranged that you could use it as a cipher?
A. Yes, sir.

By Mr. KERNAN:

Q. He sent it with a memorandum how to use it?
A. He sent it with a memorandum how to use it.

By Mr. MITCHELL:

Q. He was directed to get up a cipher at that time?
A. I suppose Dr. Miller did that.
Q. Was Dr. Miller directed by you to get up a cipher?
A. No.
Q. Are you certain of that?
A. I do not remember whether he did it of his own volition or whether I directed him.
Q. You would not say that he was directed?
A. I have no recollection about it, whether I directed him to get it out or not.
Q. You used that cipher pretty extensively, did you not, in the months of November and December; you sent a great many dispatches, and received a great many?
A. There were a great many received and a great many sent in the office.

By Mr. KERNAN:

Q. Mr. MITCHELL means sent by this particular Patrick key?
A. O, a good many.

By Mr. MITCHELL:

Q. I am going to take up this dispatch dated Salem, December 5, 1876, sent to William T. Pelton, 15 Gramercy Park, to ask you what these different words mean. The first is word "brazen;" what did that mean?
A. I do not know.
Q. The next word is "welkin;" what did that mean?
A. I do not know.
Q. The next is "cuttle;" what did that mean?
A. I do not know.
Q. The next is "survivor;" what did that mean?
A. I do not know.
Q. The next is "doctrinal;" what did that mean?
A. I do not know.
Q. The next is "Charles Dimon;" what did that mean?
A. I do not know what that meant, except that there is a man of that name I know.
Q. Where does he live?
A. He lives in New York.
Q. The next word is "squab;" what does that mean?
A. I do not know.
Q. The next word is "taster;" what does that mean?
A. I do not know.
Q. The next word is "niveous;" what does that mean?
A. I do not know.
Q. Is there such a word as "niveous" in the English language?
A. I do not know; I think there is. Of course it is utterly impossible for anybody to remember the translation of those words.
Q. I see "niveous" is here. It means snowy, resembling snow, partaking of the quality of snow. The next four words are "Ladd and Bush, Salem;" what did that mean?
A. I do not know what it meant.
Q. The next word is "brazen;" what did that mean?
A. I do not know.
Q. The next word is "fracture;" what did that mean?
A. I do not know.
Q. The next word is "medicine;" what did that mean?
A. I do not know what any of them mean.
Q. Do you know what that word "medicine" in all these dispatches means?
A. I do not know.
Q. It is a word in almost all these dispatches?
A. I do not know what it means.
Q. Will you testify under oath that you do not know what "medicine" represents?
A. I will; I do not know.
Q. The next word is "grout;" what did that mean?
A. I do not know.
Q. The next word is "minute-gun;" what does that mean?
A. I do not know.
Q. The next word is "graduation;" what does that mean?
A. I do not know.
Q. The next word is "innovator;" what does that mean?
A. I do not know.
Q. The next word is "venom;" what does that mean?
A. I do not know.
Q. The next word is "summons;" what does that mean?
A. I do not know.
Q. The next word is "loweringly;" what does that mean?
A. I do not know.
Q. The next word is "Salem;" what did that mean?
A. I presume that means Salem; I do not know.
Q. In what State?
A. I should judge it meant Salem, Oregon, from the fact that the dispatch came from there.
Q. The next word is "beer;" what did that mean?
A. I do not know.
Q. The next word is "vizard;" what did that mean?
A. I do not know.
Q. The next word is "noiseless;" what does that mean?
A. I do not know.
Q. The next word is "erratic;" what does that mean?
A. I do not know.
Q. Then you do not know what any of these words mean in these dispatches directed to you?
A. I do not know.

By Mr. KERNAN:

Q. That is, you do not know what they signify in cipher?
A. No, I do not; of course, with the exception of the proper name there. I make that exception.

By Mr. MITCHELL:

Q. I have in my hand a dispatch dated November 28, 1876, Portland, Oregon, to W. T. Pelton, No. 15 Gramercy Park, New York:

By vizier association innocuous to negligence cunning minutely previously readmit doltish to purchase afar act with cunning afar sacristy unweighed afar pointer tigress cuttle superannuated syllabus dilatoriness misapprehension contraband Kountze bisulcous top spiniferous answer.

J. N. H. PATRICK.

I fully indorse this.

JAMES K. KELLY.

Did you receive that dispatch about the 28th or 29th November, 1876?
A. I cannot tell definitely whether I did. It seems to be addressed to me. I reckon it came about that time.
Q. Do you remember receiving a dispatch about that time indorsed by Senator KELLY?
A. There were some dispatches received about that time. I cannot remember the particular one.
Q. Do you remember the dispatch referring to Kountze Brothers, 12 Wall street?
A. Not specially.
Q. Do you know Kountze Brothers?
A. I do not know them at all; I know there is such a concern.
Q. Do you know a man named Erwin Davis?
A. I have seen him.
Q. When did you see him?
A. I have not seen him for a long time.
Q. Did you see him in the latter part of November?
A. I should think it was sometime in November that I saw him.
Q. Did you not have a conversation with Erwin Davis about depositing money with Kountze Brothers?
A. No, sir; I never had.

By Mr. KERNAN:

Q. Do you say you know him?
A. I cannot say that I have known him; I have seen him.

By Mr. MITCHELL:

Q. Under what circumstances did you see Erwin Davis, and when?
A. I do not remember when it was. I met him one day, and had just a few minutes' conversation with him. Somebody introduced me to him, and I had a little talk with him.
Q. Where was it?
A. I think it was at the Everett House; I am not sure.
Q. When was that?
A. I do not know when it was.
Q. Was it in November or December?
A. I think it was in November.

Q. In the latter part of November?
A. I should think it was after the election.
Q. It was after the election, in the latter part of the month?
A. I do not remember when it was.
Q. Who introduced you to him?
A. That I do not remember.
Q. Did you go to the Everett House to see him?
A. We were there. That was our headquarters.
Q. The headquarters of the committee?
A. Yes, sir.
Q. He came there?
A. Yes, sir; he came there.
Q. Did he bring a dispatch from somebody?
A. I do not remember that he did.
Q. What was his business there?
A. He came in there and was introduced to me, and we had some little talk about the election.
Q. Who introduced him?
A. That I do not remember.
Q. Did you talk about this Oregon matter?
A. I think not. I do not remember that we did.
Q. Do you know Mr. Patrick's handwriting?
A. No, sir; I do not. I do not think I ever saw it.
Q. I hold in my hand a dispatch which reads as follows:

"NEW YORK, *November* 29, 1876.

"To J. N. H. PATRICK, *Portland, Oreg.:*

"Moral hasty sidereal vizier gobble cramp by hemistic welcome licentiate musketeer compassion neglectful recoverable hothouse live innovator brackish association dime afar idolator session hemistic mitre."

[No signature]

I will ask you whose handwriting that is in, if you know?
A. (Examining.) No; I cannot tell.
Q. Did you ever see that?
A. It is not mine.
Q Do you not know whose it is?
A. No, sir; I do not.
Q Have you any of your handwriting about you now?
A. I do not know whether I have or not. Mr. KERNAN knows my handwriting.
Mr. KERNAN, (examining.) It is not like his at all. I know it well.
The WITNESS. Mr. KERNAN knows probably that is easier writing than mine.
Mr. KERNAN. I could swear that was not. I do not know whose it is; but it is not yours, unless you write entirely different from all the correspondence I have ever seen.
Q. Have you a copy of this cipher used with Mr. Patrick?
A. No, sir.
Q. Who has it?
A. I do not know who has it now.
Q. When did you see it last?
A. I have not seen it for a month and more. I cannot say exactly a month, but I have not seen it for a long time.
Q. Who had it when you saw it last?
A It was about our headquarters the last time I saw it.
Q. Have you seen Mr. W. C. Griswold?
A. No, sir; I do not know him. I have never seen him, to my knowledge.
Q. Had you anything to do with the deposit of $7,200 in the London and San Francisco Bank, San Francisco, on the 6th of December?
A. No, sir.
Q. And you did not know about that?
A. No; I think I said that to you the other day.
Q. Who is employed at the democratic headquarters, New York, to send cipher dispatches?
A. No one especially is employed to send cipher dispatches.
Q Did you have more than one copy in New York of this cipher with Patrick?
A. No, sir; only one book.
Q. Who kept that book?
A. That was kept at the headquarters.
Q. Who used it?
A. Different gentlemen who happened to be there connected with the committee.

By Mr. KERNAN:

Q. Any one who had a key, I suppose, could read dispatches and answer them?
A. Yes, sir.

By Mr. MITCHELL:

Q. I have in my hand a dispatch which reads as follows:

PORTLAND, *December* 3, 1876—6.20 p. m.

To W. T. PELTON, 15 *Gramercy Park, New York:*

P. vizard association at Grand Hotel San Francisco medicament association Salt Lake City sympathy countless swallow.

Graduation taster bedaub medicine neglectful misapprehension immixable recollection inextinguishable welcome brackish ratan innovator. K.

Did you receive that dispatch?
A. I do not remember.
Q. Did you write any of the dispatches that were sent to Oregon—either to C. B. Bellinger, James K. Kelly, or J. N. H. Patrick—in reference to this Oregon matter?
A. I do not remember whether I did or not. I think very likely I did write some of them. I do not remember, though, distinctly.

By Mr. KERNAN:

Q. There were dispatches sent from New York to Kelly and Bellinger in Oregon and received from them?
A. Yes, sir.
Q. In reference to the matter of that case there?
A. As to the eligibility of Watts: yes, sir.
Q. And also was there not in reference to the expenses of litigation, which they expected to pay?
A. Yes, sir.
Q. Those dispatches were in cipher?
A. Yes, sir.
Q. You cannot, from the nature of this cipher, give us the meaning of any of these telegrams unless you had the key to the dictionary?
A No, sir. It is impossible for anybody to do it. It is impossible for anybody to remember it.
Q To make it more clear, you take any dictionary and then make a memorandum?
A. You add ten pages ahead, for instance.
Q. For instance, you would first make a memorandum, and if you wanted to use the bottom word on page 888 you would go forward and take the bottom word on page 898.

By Mr. MITCHELL:

Q. You use the corresponding word up the whole column on the other page?
A. No; not that.

By Mr. KERNAN:

Q. Now, taking the last word on the first column of page 888, the corresponding word at the bottom of the same column on pages 898, is "nutriment," being ten pages ahead?
A. Yes, sir; that would be right if you had agreed on ten pages; assuming that.
Q. If you wanted to use the word "nutriment" in your communication in cipher, which is the last word on the first column of page 898, you would use the word "nobbler," which is the last word on the first column of page 888?
A. No, sir; you have that a little mixed.
Q. That is what I want to see.
A. Take the word "no," which is a common word. If you want to send the word "no," you turn over ten pages, and you take the corresponding word on the tenth page.
Q. That would be "nutrication?"
A. Yes; you send that in your telegram. When the man receives the telegram he deducts ten pages, goes back, and finds "no."
Q. So that in that case, if you wanted to say "no," you would say "nutrication," and then he would turn back ten pages, and it would be "no?"
A. Yes, sir.

By Mr. MITCHELL:

Q. So that in using this Patrick cipher there was no economy in words?
A. O, no.
Q. It took precisely the same number of words to send the dispatch as if you had employed the real words you wanted to use?
A. Exactly. There was no economy of words. It is a mere arbitrary thing; and therefore, no man in the world could remember what the words mean.
Q. Would any man remember any of it without having the key?
A. No, sir.
Q. The object is not economy but secrecy?
A. Secrecy, of course.

WASHINGTON, *February* 28, 1877.

W. T. PELTON recalled.

By Mr. KERNAN:

Question. State what knowledge you have as to whether Governor Tilden did or did not know anything about or see the telegrams from Oregon in reference to money.

Answer. He did not know anything about them in any way whatever. He never saw one of them nor knew anything about them at all.

Q. If you have a statement to make in regard to the matter, you can now make it.
A. I have prepared the following statement:

It has been stated that money has been used to purchase an elector in Oregon. It is due to myself, as well as to the democratic party, to state the facts in regard to that matter.

Telegrams addressed to me have been put in evidence; other telegrams, dated in New York, without any signature and without any proof that they came either from me or any person connected with the national committee, have also been put in evidence. These telegrams, without regard to dates, have been published, following each other in the order best suited to the purposes of those who had the examination of them.

Telegrams came every day following the election in large numbers from all parts of the country, addressed sometimes to myself and sometimes to members of the committee. Wherever they were addressed, they were delivered during the day at 59 Liberty street and during the night at the Everett House, in accordance with directions given at the telegraph offices. These telegrams were opened by such officer or member of the committee as was present at the time. Therefore these telegrams were not received at 15 Gramercy Park even when directed there; nor were the answers sent from there. None of the Oregon cipher telegrams were delivered at 15 Gramercy Park, nor were the answers to them sent from there. Governor Tilden never saw or knew of any of the cipher telegrams received from or sent to Oregon. The famous "Gobble" dispatch was not received at 15 Gramercy Park, and was never seen by Governor Tilden or its contents known to him.

Telegrams and letters addressed to me were often opened, read, and answered by others without my seeing them or knowing of them. Many of the telegrams put in evidence, purporting to come from Oregon and addressed to me, I do not recognize as having come to my knowledge, and they were never received by me. As my time was fully occupied, cipher telegrams were not usually translated by me, as it was very slow and tedious work. They were often defectively translated, and their meaning often imperfectly ascertained, and sometimes they could not be read at all. The telegram put in evidence dated Portland, Oregon, November 28, and purporting to be signed by Mr. Patrick and Senator KELLY, was never translated or read by me as translated before the Senate committee, and never understood by me to contain a proposition to purchase a republican elector or any other elector. I never sanctioned or encouraged the furnishing of money to purchase an elector in Oregon, or countenanced any such use of money, nor did any one else with my knowledge. My purpose was to supply to the democratic committee of Oregon, who claimed they were poor, sufficient funds to meet the just and legitimate expenses of sustaining their rights.

Whatever contingent arrangement there was suggested in the telegram from New York dated November 29, which seems to me to be very imperfectly translated, referred to payment of lawyers' fees. These fees seemed to be very large. Senator KELLY and Mr. Bellinger both testify that the answer to their requisition for money, dated November 28, was a distinct and definite refusal. That is my own recollection.

The three republicans who were candidates for electors were all fully examined before the Senate committee, and it is not pretended to be shown that there was a suggestion even made to either of them by any one to influence their action or the action of either one of them.

Mr. MITCHELL. Allow me to state in this connection that I have no objection to Mr. Pelton testifying, but I object to an argument on his part.

The WITNESS. I do not intend to make an argument, Mr. MITCHELL, but merely to state facts. I will go on with my statement.

And Mr. Bellinger, the chairman of the democratic State committee, and Senator KELLY have both testified that no money was applied for, proposed to be furnished, or intended to be used, or used for any such purpose.

Mr. Patrick was totally unknown to me at the time he went to Oregon. Dr. G. L. Miller, of Omaha, a member of the national democratic committee, had been telegraphed to to go to Oregon. He not being able to go, found that Mr. Patrick was going to Salt Lake on his own business, and requested him to go on to Oregon, and he went. I have no recollection of the long telegram put in evidence, purporting to come from Portland, dated November 30. Certainly it was never read by me as it is pretended to be now translated before the Senate committee. It does not appear, by the telegrams given in evidence, to have ever been replied to or any notice taken of its contents. It certainly never was assented to by me or by any one else, to my knowledge.

The telegram from New York dated December 1, the next day, and put in evidence as if it were an answer to the telegram of the former day, treats all suggestions about money as if discarded, and inquires about convening the Legislature to provide for the vacancy in the office of elector.

I have never heard it intimated by any one that Governor Grover or any one else in office in Oregon was to be paid anything, or was to receive anything; and I never heard that Mr. Cronin was to be paid anything for expenses, loss of time, or for any other purpose, until long afterward, and never heard that any money was desired for such a purpose until I saw the evidence before the Senate committee.

If it be true that any improper use of money did in fact enter the mind of one man, it was utterly without authority, was never adopted or sanctioned by any one else, and was never acted upon by himself, and no suggestion of it was ever made to either of the parties to be influenced.

As I have before testified, so far as I am concerned, no money was ever furnished for any purpose whatever. The only transaction of which I am cognizant was for perfectly legitimate purposes, and even that credit was never used, and, as a matter of fact, the funds never left the city of New York.

By Mr. KERNAN:

Q. Now I want to ask you just a few questions. Had Governor Tilden in any way notice or knowledge, or had any suggestion been made to him, that they wanted money to buy up an elector or anybody else?

A. No, sir; he never knew anything in regard to any matter connected with these telegrams until he saw them in the newspapers.

Q. Was he ever consulted in any way about furnishing money for legitimate expenses?

A. No, sir.

Q. There was no consultation with him; he had no knowledge at all of that fact, so far as you know?

A. No, sir; none whatever.

Q. For any legitimate purpose, or for any other purpose whatever?

A. Not for any purpose.

Q. Where were the telegrams addressed to Gramercy Park delivered?

A. They were delivered at the Liberty-street office and at the Everett House. You, sir, know, of course, that we had two offices. We had the Liberty-street office, where we were during the day, and the Everett House, where we were at night. They were delivered at the Liberty-street office, perhaps between ten o'clock in the morning and five or six in the afternoon, and during the night at the Everett House.

Q. Was that done in pursuance of instructions left at the telegraph office?

A. In pursuance of instructions left at the telegraph office that was done—the telegraph office, the office that delivered the message to us, because that was where the business was all done.

Q. Did the committee keep any account there?

A. At the telegraph office? Yes, sir.

Q. And they were charged?

A. They were charged to the committee at the office.

Q. As to Governor Tilden himself, had he any knowledge that those telegrams came to him by means of a key or dictionary, so that he could decipher those cipher telegrams?

A. Not the least.

Q. He had no key?

A. He had no key; had no knowledge of it whatever.

By Mr. MITCHELL:

Q. This long answer that you have given, Colonel Pelton, was prepared by you was written out, before you came here to-day?

A. Before I came into the room; yes, sir.

Q. Written out and prepared carefully. In preparing that statement did you examine the testimony heretofore taken in this case?

A. I have read the testimony; yes, sir.

Q. You had a book before you, I suppose, and compared it?

A. No, I do not know that I did.

Q. You examined it carefully, did you not?

A. I read the testimony; yes, sir.

Q. On the 6th of December, I believe it was, you went to the Third National Bank to see Mr. Jordan, did you not?

A. Well, I do not remember the day, sir. That is all in the other evidence.

Q. At about that time you went to the Third National Bank, New York, in order to get $8,000 transferred to Oregon, did you not?

A. That is all in the evidence.

Q. Well, I am asking about it now?

A. I do not remember on what day it was.

Q. Did you, on or about the 6th of December—I am not particular about the date—go to the Third National Bank for the purpose of having $8,000 transferred by telegraph to Oregon, to be used in some way in connection with the Oregon matter?

A. You have that all in the testimony; and I do not know whether you wish to go through all that testimony that you went into before or not.

Q. I am going to cross-examine you upon your statement. You have made a statement here in regard to money; that there was only a certain amount transferred; that Governor Tilden knew nothing about it at all, &c. Now I want to cross-examine you upon that. I consider this a very important question, in the first place, whether you did not go to the Third National Bank of New York, on or about the 6th day of December, for the purpose of having $8,000 transferred to Oregon for use in some way in connection with the Oregon election controversy?

A. That is all in my testimony that was given before.

Mr. KERNAN, (to the witness.) Mr. MITCHELL desires you to answer again.

The WITNESS. Well, that depends on the way in which the question is put. He asked me if I went to the Third National Bank. I testified, when on the stand before, just exactly how that thing was done. Mr. MITCHELL knows exactly as much about that as I do; and when you ask me if I went to the Third National Bank, of course the purpose of that is something beyond what is apparent.

Q. (By Mr. MITCHELL.) The question is preliminary to something else that I am going to ask you, I admit; but I certainly mean no disrespect and think it a proper question.

A. I do not say that I went to the Third National Bank. I say I saw Mr. Jordan, as I said before. Mr. Jordan and the Third National Bank are two different things; but if you will turn to my evidence, as I said before, you will see just what I did say.

Q. I will ask you this question: Did you not, on the 6th day of December, go to the Third National Bank and there see one of the tellers of the bank; and did you not there produce a check drawn by Samuel J. Tilden for $8,000?

A. No, sir.

Q. You are positive about it, are you?

A. Yes, sir.

Q. Do you know the tellers of the Third National Bank?

A. I do know them very well.

Q. What are their names?

A. I cannot tell you their names; I know them by sight.

Q. Do you know Mr. P. A. Vincent, a teller in that bank?

A. No; I do not remember the names of either one of them; I said that distinctly. We often know men in a bank by sight, but not their names. I know them by sight.

Q. Do you not know Mr. Vincent?

A. I may or may not.

Q. Do you not know that there is a Mr. Vincent?

A. I am not sure of that. I know there is a receiving teller and a paying teller; I know their faces very well. If I would see them in this room I could point them out in a moment.

Q. Did you not exhibit to Mr. Vincent, on or about the 6th day of December, a check drawn by Samuel J. Tilden for $8,000?

A. No, sir.

Q. You are positive about that?

A. Yes, sir.

Q. Did you say anything to Mr. Vincent or to any teller of the bank about a check drawn by Mr. Tilden for $8,000?

A. I do not remember ever having a check drawn by him for $8,000; I have no recollection about it at all.

Q. Well, where was it that you first saw Mr. Jordan? I disremember now the testimony of that day.

A. I do not remember at this time. The evidence is all in there and it is perfectly true. It is now six weeks and more past, and I do not remember where I saw him, whether it was in the bank or outside.

Q. You do not remember where it was that you first spoke to him?

A. Wherever it was, I stated in my evidence at that time. Then it was fresh, and I remembered perfectly well what the circumstance was. But I would say this, Mr. MITCHELL, if the object of your question is to find whether I had a check from Mr. Tilden to provide for this $8,000 for Oregon, there is nothing in it, there is not a word of truth in it. I had no check from him in regard to it at all, either presented to Mr. Vincent or anybody else. If that is the object of your question, I will state that, as it is a matter of fact; and when I have stated that, it is hardly worth your time or mine to pursue that line, because there is nothing you can find in regard to it; because there was no such check. Mr. Tilden gave no such check, furnished no money, knew nothing about it.

Q. Well, you became responsible to Mr. Jordan for the amount, I believe, as you stated before?

A. The facts are all stated in the evidence about that, what Mr. Scott did.

Q. Well, Mr. Scott did not speak to him?

A. It is shown in the evidence that Mr. Scott did see him the night before.

Mr. KERNAN, (to Mr. MITCHELL.) You have in the evidence just what Mr. Scott did. They walked from the Everett House, and so forth.

Q. (By Mr. MITCHELL.) Well, the only assurance you had then that justified you in becoming responsible to Jordan for the $8,000 was from Mr. Scott, or had you any assurance from Mr. Scott at all?

A. O, the matter was discussed; but that is all in the other evidence.

Q. I know what is in the other evidence, but you have come on the stand again, and I want to know about it now further, for some other reasons, because the matter was not then gone into fully.

A. It was all gone into fully then.

Q. Well, I put the question to you directly, What assurance had you to cause you to feel justified in becoming responsible to Jordan for the $8,000?

A. Well, I had Mr. Scott's assurance. Mr. Scott and I had discussed that.

Q. And became responsible?

A. Mr. Scott and I had discussed that whole matter; Mr. Scott, Mr. Jordan, and I had.

Q. Mr. Scott was one of the members of the national committee?

A. Yes; and of the executive committee. And, as I stated to you before here, he was one of the men who had been active in the campaign, had raised money, paid out money, and one of the few men who did that.

Q. Do you know how it came that all these dispatches were directed to No. 15 Gramercy Park?

A. Well, I suppose that came from Dr. Miller giving to this man when he left him that address. I suppose that was the way that came. Dr. Miller knew that I lived at 15 Gramercy Park.

Q. Before or about that time that Mr. Patrick left Omaha a dispatch dictionary was prepared and a copy sent to you. Did you say anything about that in your testimony?

A. No; I said nothing about that in my testimony. That was all shown before.

Q. Did you receive that dictionary?

A. That came to headquarters.

Q. Well, you received it?

A. That came to headquarters. I do not know whether I received it or not.

Q. You had it.

A. The people had it at headquarters. There never has been a denial that it was there.

Q. You translated these dispatches, or some of them at least, by that dictionary?

A. They were translated there; yes, sir.

Q. What was the title of that dictionary?

A. I do not know.

Q. Can you tell?

A. I do not know what the title was.

Q. You would recognize a copy of it if you were to see one?

A. I do not know whether I should or not.

Q. Look at the book I now show you, and state whether that is a copy?

A. I have no means of identifying it. I do not know whether it is or not. There are a great many kinds of dictionaries. I have no means of identifying that one.

Q. The dictionary I now show you is entitled—

The Household English Dictionary

* * * * *

With two hundred and thirty illustrations,
London:
T. Nelson and Sons, Paternoster Row;
Edinburgh; and New York.
1872.

Now, do you not know that that is the dictionary?

A. No, sir; I do not know it. I have no means of identifying it.

Q. What is your best judgment?

A. I do not know whether it is or not.

Q. Have you any information about it?

A. No; I have not. There are a great many kinds of those books, and I have nothing in my mind that would make me identify it.

Q. What is your best judgment?

A. I have no judgment about it; I do not know.

Q. Would you say it was not the dictionary?

A. I would not say either way. I have no means of knowing anything about it.

Q. Did you receive a letter from any person at the time the dictionary was sent to you?

A. I did not; I do not remember whether any letter came with it or not. There were a number of letters received, and it is very difficult to remember them.

Q. In translating these Oregon dispatches, what was the key that was applied to the dictionary?

A. I do not remember now. I stated to you all I knew about that when I was examined before. I explained to you the method of using the dictionary; but I do not remember the particular key.

Q. Well, you took the word, and then moved back or forward to get the translation?

A. What particular key they used there I do not know.
Q. You do not know whether you went forward one page or eight?
A. No, I do not remember. I do not know the particular key; I have no means of telling. I have no memorandum of it.
Q. Did you see this "Gobble" dispatch when it was received in New York?
A. I think I did see it. I have not a very clear recollection about it, but I have a notion that I saw it about headquarters.
Q. Did you translate it?
A. I do not remember that I did. I do not remember anything about it.
Q. Well, you saw the translation?
A. I do not remember that. I remember seeing such a dispatch around there with that signature, but whether it was translated or what it meant I do not know. I cannot tell now anything about it. The reason for my saying that is, as I have stated in the statement I have made, that these dispatches were received by different persons, they were translated by different persons.
Q. Were they answered by different persons?
A. Yes, sir.
Q. Can you name any person that answered an Oregon dispatch except this one?
A. As the dispatches came in they were answered by different persons in the office.
Q. By whom?—name any particular person who answered one.
A. Well, I do not know of any one person in particular. I speak of that as to the general business of the office. When you ask me who answered a particular dispatch, that I cannot tell you, for I do not know.
Q. These Oregon dispatches appear to have been directed to you?
A. They were directed to me; they show that; but that does not prove that the answers were sent by me at all, and, in fact, many of them were not.
Q. Did you receive this dispatch of November 28, signed by J. N. H. Patrick and indorsed by JAMES K. KELLY, directed to you at No. 15 Gramercy Park, New York?
A. I have explained to you in my previous testimony in regard to that.
Q. I do not remember what you stated about that particular dispatch. Did you not receive that dispatch?
A. I do not remember whether I did or not. As I said there, I do not remember about that particular one, because I do not recognize it.
Q. Well, now, colonel, do you say that you do not remember whether you received that dispatch or not?
A. I do not say either way, whether I received it or not, because I do not know what particular dispatch you refer to.
Q. You say you do not know to what particular dispatch I refer. I will state the question distinctly. The dispatch was:

"PORTLAND, *November* 28, 1876.

"W. T. PELTON, 15 *Gramercy Park:*

"By viser association innocuous to negligence cunning mutely previously readmit doltish to purchase afar act with cunning afar sacristy unweighed afar pointed tigress cuttle superannuated syllabus dilatoriness misapprehension contraband Kountze bisulcous top usher spiniferous answer."

The WITNESS. Excuse me a moment. I certainly do not remember it by those words.
Q. The dispatch is signed, "J. N. H. Patrick," and then follows this: "I fully indorse this. JAMES K. KELLY." And the translation of the dispatch is as follows:

PORTLAND, OREGON, *November* 28.

W. T. PELTON, 15 *Gramercy Park:*

Certificate will be issued to one democrat. Must purchase a republican elector to recognize and act with democrats and secure the vote to prevent trouble. Deposit $10,000 to my credit with Kountze Brothers, Wall street. Answer.

J. N. H. PATRICK.

I fully indorse this.

JAMES K. KELLY.

Did you receive that dispatch?
A. I do not know whether I did or not.
Q. Did you hear anything about a dispatch of that kind having been received?
A. I do not remember about that. There were dispatches of that character received. I do not remember ever seeing a dispatch translated in that way.
Q. Did you receive a dispatch from Mr. J. N. H. Patrick asking for $10,000?
A. My recollection is that there was a dispatch of some sort asking for $10,000. I think I stated that in my former testimony.
Q. You do not appear to know very much about this matter.
A. Well, I know something about it—not quite as much as you think I do, however.
Q. I do not know about that. Do you know Kountze Brothers?
A. No; I do not know them. I know there is such a concern.
Q. Do you know Erwin Davis?
A. I stated to you before, sir, that I had met him and had seen him. I cannot say that I know him. I know there is such a man. I have met him.
Q. Do you know where he is now?
A. No; I do not.
Q. Do you know where J. N. H. Patrick is now?
A. No; I do not. I saw him in New York, as I stated to you before, a while after election, I suppose in the early part of January. I have not seen him since.
Q. Did you not send a cipher dispatch, on the 20th day of November, to J. N. H. Patrick, at Portland, Oregon, the translation of which is as follows:

"NEW YORK, *November* 29, 1876.

"To J. N. H. PATRICK, *Portland, Oregon:*

"No. How soon will governor decide certificate? If you make application contingent on the result in March it can be done incremable slightly if necessary."

A. I do not remember of sending any such dispatch.
Q. Do you know of a dispatch of that kind being sent?
A. Not like that; no, sir.
Q. What was sent?
A. Well, there were several. Of course, there were dispatches sent, but I do not remember a dispatch that reads in that way.
Q. Just tell me what was received and what was sent, according to your recollection?
A. Well, I cannot remember that, sir.
Q. Tell me any part.
A. I cannot remember; I have not any copies here.
Q. Tell me the substance of anything that was telegraphed to Portland in regard to this matter by anybody.
A. Well, there were telegrams sent from our headquarters insisting upon their preserving their legal rights, and giving them all the authorities we could give in regard to the disqualification of Watts, the elector.
Q. What else?
A. And insisting that a certificate should not be given to Watts.
Q. Anything about money?
A. That they could have money for legitimate expenses, counsel fees, &c.
Q. How much? How much did they want?
A. Well, that was stated before; $10,000.
Q. Ten thousand dollars they wanted. Now, then, I will ask you if that dispatch asking for $10,000 is not the dispatch indorsed by JAMES K. KELLY, and if that was not the only dispatch asking for $10,000?
A. I do not remember about that, sir.
Q. Was not the dispatch of November 29, the next day, the first word of which is "no," an answer to that dispatch?
A. Well, that I cannot tell, from this distance, whether it was or not.
Q. And then the dispatch goes on: "How soon will governor decide certificate? If you make obligation contingent on result in March."
A. I think there was one dispatch sent out there—my recollection is now there was one dispatch sent out there—to convene the Legislature, and offering to pay the necessary expense of doing that; they, of course, to elect an elector, as they did in Vermont.
Q. Did you not get a dispatch from Mr. Patrick, while he was at Portland, in which he stated, among other things, as a reason why they wanted money, that they had employed a firm of three lawyers, one member of which was the editor of a leading republican paper?
A. Well, I said that there was one dispatch received there asking for money for legal expenses and for employing lawyers. As to what particular lawyers they were I do not know.
Q. Did not the dispatch say that one of the firm employed was the editor of a leading republican paper?
A. Well, I do not remember about that. It may have said so.
Q. Did you get a dispatch from Mr. Patrick about the 30th of November, while he was in Portland, saying the governor was all right without reward?
A. I do not remember. I never had any idea that the governor was any other way.
Q. Did you not get a dispatch of that kind?
A. There was some dispatch of that kind received; I do not remember the details. I know perfectly well I never had any idea that the governor of Oregon could be purchased.
Q. Did you not get a dispatch from Patrick in which he said the governor was all right without reward, and that he would issue certificate?
A. I do not remember the details of those dispatches.
Q. You certainly can remember the substance, whether you received information from Mr. Patrick by dispatch informing you the governor would issue a certificate to Cronin?
A. I do not remember. I think there was a dispatch that the governor would issue certificate, but do not remember as to "the reward," because that was a question that never entered into anybody's head, of Governor Grover taking money for doing what was right.
Q. I am not asking you as to what entered into anybody's head.
A. I would just as soon think of any other honest man taking money for doing what was right as to think of Governor Grover taking it.
Mr. MITCHELL. The tribunal did not appear to think it was right.
The WITNESS. That was where we differed.
Mr. MITCHELL. Well, they voted unanimously that they did not approve of anything of the kind.
Mr. KERNAN. The tribunal did not know anything about it. The question before them was one of law.

By Mr. MITCHELL:

Q. Did you not get a dispatch from Patrick, in which it was stated that one republican elector must be purchased?
A. I do not remember about the language of his dispatches at all. I have not copies of them.
Q. Well, do you not remember that Patrick did send a dispatch like that?
A. I have no remembrance about it at all. His dispatches came there, and, as I said two or three times before, they were translated, and imperfectly translated. Sometimes you would find out what they meant and sometimes you could not. Very often you could not find out anything about it. But, as I have said six times before, there was not any attempt to purchase a republican elector. So far as we are concerned in New York, there never was any such attempt; and even if Mr. Patrick did suggest that, it does not prove anything. The fact is, so far as concerned us in New York, that nobody would sanction any such thing.
Q. What did you mean in your dispatch to Patrick by making fee contingent?
A. Why, the lawyer's expenses out there. The proposed fees were large, and it was proper they should be contingent.
Q. Did you not send a dispatch of this kind to Mr. Patrick on the 29th of November, a cipher dispatch, the translation of which was as follows?

"NEW YORK, *November* 29, 1876.

"To J. N. H. PATRICK, *Portland, Oreg.:*

"No. How soon will governor decide certificate? If you make obligation contingent on result in March, it can be done and incremable if necessary."

[No signature.]

A. I do not remember about that dispatch. I remember there was something said to them about making their fees contingent. Whether that was the one or not I do not remember. I do not think, Mr. MITCHELL, if you had received as many telegrams as we did through November and December, you would remember the details of all of them as you do these Oregon matters.
Q. Probably not. Did you receive a dispatch in cipher on the 1st of December from Mr. Patrick, dated Portland, Oregon, the translation of which was as follows?

To W. T. PELTON,
15 *Gramercy Park, New York:*

No time to convene Legislature. Can manage with $4,000 at present. This will secure democrat vote. All are at work here. Can't fail. Answer.

KELLY.

A. Well, I do not know whether there was or not. There was some dispatch received at the office, I believe, in regard to the Legislature.
Q. Stating that there was not time to convene the Legislature?
A. I do not remember what it said.
Q. That was the substance of it, was it not?
A. I do not remember the words of the dispatch.
Q. I will not ask you about the words. You admit that it was telegraphed out whether the Legislature could be convened. Now, what was the answer; that the Legislature could be convened or could not?
A. I said, I think, a telegraph came that it could not.
Q. Now, I ask you whether, in that same dispatch, the following language does not appear: "Can manage with $4,000 at present. This will secure democrat vote. All are at work." Did not that all appear in the same dispatch that informed you that the Legislature could not be convened?
A. I do not remember now about that. I do not remember what those dispatches were.
Mr. KERNAN. The witness says he simply learned at headquarters that they could not convene the Legislature, and does not remember receiving the dispatch.

By Mr. MITCHELL:

Q. I will ask you if you did not, on the 6th of December, telegraph to Hon. JAMES K. KELLY, Portland, Oregon, a cipher dispatch, the translation of which is as follows?

"NEW YORK, *December* 6.

"Hon. JAS. K. KELLY:

"Is your matter certain? There must be no mistake. All depends on you. Place no reliance on any favorable report from the three southward. Answer quick."

A. I do not remember sending any such dispatch as that.
Q. You might have sent it, might you not?
A. Well, I do not know. I do not remember sending any such dispatch.
Q. You would not say you did not send it?
A. I would not say that I did not send it, because I do not remember. I would not say that I did not send a thing when I cannot state distinctly. I do not remember the dispatch, however.
Q. Are you familiar with Slater's Telegraph Code?
A. I have seen it; yes, sir.
Q. The book I now hand you is entitled, "Telegraphic Code to Insure Secrecy in the Transmission of Telegrams. By Robert Slater, secretary of the Société du câble transatlantique français—limited. (French Atlantic Telegraph Company.) London. Printed and published by W. R. Gray, 194 Change Alley, Cornhill, 1870." Look at that book, of which I have just read the title-page, and state whether that book was used by you in connection with political telegraphic messages.
A. Well, I have used such a book. I have such a book as that, from the looks of it.
Q. I will ask whether you have made any attemp to purchase up all those books recently?
A. No, sir; I purchased all I wanted; that was all.
Q. Have you purchased any recently?
A. I do not know how long since.
Q. Since the election?
A. Yes, sir; since the election.
Q. How many have you bought?
A. I do not remember. I have bought them or sent for them just as I needed them.
Q. Now, how many have you bought since the election?
A. I do not remember.
Q. Well, one or two or a dozen?
A. I do not remember exactly. I cannot tell that.
Q. What use did you want to make of them? For what purpose did you wish them?
A. Well, I wished to use them in telegraphing. It is sometimes convenient to have them in private business of any kind.
Mr. KERNAN. You refer to business correspondence?
A. Why, of course. It is done by every man in business who uses the telegraph and desires to have his business confidential. It is not an unusual thing for a man in business to use a cipher.

By Mr. MITCHELL:

Q. You have had some telegraphic correspondence with Mr. Patrick since you were on the stand here before, have you not?
A. No, sir; I have not. I do not know where he is and have not known. I do not know where he is to-day.
Q. Who prepared the statement you read to-day?
A. I did.
Q. When?
A. Most of it to-day, probably, and part of it before; most of it to-day.
Q. Explain this Slater's Telegraphic Code, so that the reporter may get it down.
A. Well, there are about a million ways, perhaps, in which to explain it. If you look in front of the book, you will see that there is a key which explains the whole thing. That can be used in a million ways. It is an arbitrary thing, and there is a key in the front part.
Q. This book, Slater's Telegraphic Code, appears to be a book with two columns of words on each page, and opposite each word certain figures.
A. The words are numbered right through the book. There is not any certain number; but whatever word it is, it is numbered. The explanation is right on the fourth or fifth page there, in the front of the book.
Q. The words are numbered, commencing with letter A on the first page, in this manner:

A	00001
Aback	00002
Abacus	00003
Abaft	00004
Abalienate	00005

And so on, to the last word in the book, which is "Zürich," No. 25,000. Is that the kind of book it is?
A. Well, you have read it there.

By Mr. KERNAN:

Q. That is the way in which the words are numbered?
A. That is the way they are numbered. I have not looked at the numbers in that book, though.

By Mr. MITCHELL:

Q. In telegraphing, then, you use the numbers to represent words?
A. You use it just as you choose. There are many different ways.
Q. You use figures instead of words?
A. Well, I should not, if I was going to use it.
Q. You should not? But you can use the figures instead of the words?
A. Well, the explanation is in the front of the book there
Q. I find that explanations are given in the front of the book as to the manner of using it For instance, example 1 is as follows:
"*The queen is the supreme power in the realm.*"
"Add any number below 25,000—say, for instance, 5,555—to the numbers opposite to those words it is desired to transmit. Where the result exceeds 25,000 deduct that number, or, in other words, commence the alphabet again."
Words to be transmitted will be placed then one word below the other, commencing with the first word of the dispatch:

The	22,313
queen	18,093
is	12,370
the	22,313
supreme	21,953
power	17,056
in	11,426
the	22,313
realm	18,419

I believe I have given that example or statement correctly, have I not?
A. You can read that just as well as I can. You do not want that I should read it.
Q. I read it directly from the book.
A. It is a mere matter of copy.
Q. Well, inasmuch as you have had very little to do with this Oregon transaction, I will not ask you more questions. You do not appear to remember.

By Mr. KERNAN:

Q. As to this written statement which you have read, did you ever read it to me before you read it here?
A. No, sir.
Q. I have not seen you for three or four days?
A. I have not seen you since Saturday. I simply sent you word that I had it, and I thought it was due to myself and my friends and my party that I should be put right.
Q. Now, one other question: Had Governor Tilden any sort of intimation in any way that there was money proposed to be used in Oregon for any purpose?
A. No, sir; nothing at all.

By Mr. MITCHELL:

Q. You mean to say by that, so far as you know?
A. So far as I know. I would not say as to what you know, but I say as to what I know myself.
Q. You say that quite a number of these dispatches came and were answered by other parties?
A. Yes, sir.

By Mr. KERNAN:

Q. Did Governor Tilden receive or answer any?
A. Not that I know of.
Q. When, so far as you know, did he first learn that there had ever been any such telegrams from Oregon?
A. When the thing appeared in the newspapers, as I told Mr. MITCHELL privately just now. That was the first thing about it—about the time that I came over here.
Q. The time when they appeared in the newspapers in cipher?
A. Yes, sir.
Q. And, so far as you know, he never had heard anything before that?
A. So far as I know, he never had. I know he expressed great surprise about it.

Mr. MORTON. The Senator from New York [Mr. KERNAN] has secured the insertion in the RECORD of a portion of this evidence while that which it is intended to rebut is not in the RECORD, evidence submitted to the committee after the report had been made by a witness who had been reluctant, to say the least, and whose memory on his cross-examination, as I personally know, was very defective indeed. Now in view of the fact that this evidence has gone into the RECORD, I think the resolution ought to be adopted and I shall vote for the adoption of the resolution reported by the Committee on Printing.

Mr. KERNAN. I do not think that is any reason we should print these volumes. You have in the RECORD these conclusions of the committee. They were in before the evidence was taken. I did not seek to get an opportunity to put this matter in the RECORD. I was entirely content to let it go with the evidence in the ordinary way. Now I say to the Senator that in my judgment when the people read the testimony they will say that the Senate did not set a good precedent in ordering to be published extra copies of this report.

Mr. MORTON. The answer is this: My friend from New York while opposing the publication of this evidence and of this report makes his position the occasion and the opportunity for procuring the insertion in the RECORD of a certain part of the evidence that he desires. That is certainly ingenious; I do not say it is not fair, but it is well done, exceedingly well done.

Mr. KERNAN. It is not ingenious. It is not doing injustice to any one. The report does say that men in New York, in California, and in Oregon conspired. The men in Oregon who acted about this subject were brought here. Gentlemen from Oregon were brought here on the other side. Mr. KELLY, Mr. Bellinger, and Mr. Bush were examined and each one of them testified before the report was made; each one testified that he never heard a suggestion of any improper influence. Mr. HEWITT was one of the men that seemed to be reflected upon, and Mr. HEWITT appeared before the committee and testified fully that he never saw a telegram suggesting improper influences, and never heard such a suggestion. This report being in, it was a simple act of justice to have this statement at least go in the RECORD that the people might see, as far as Colonel Pelton was concerned, what the case really is. It is not wise to set a precedent allowing you to attack anybody by suspicion. That is the precedent set by printing a document like this at public expense in large extra numbers. I leave it with the Senate to say whether they think it is a wise precedent or not. The whole point of it passed away when the electoral vote was counted; and this had no weight on that count one way or the other.

Mr. ANTHONY. This resolution requires an amendment. I did not understand that the evidence was to be printed with the report.

Mr. KERNAN. The evidence is the most important part. There are over five hundred pages of it.

Mr. ANTHONY. Then I move to strike out "five" and insert "one;" so as to make the number one thousand copies. That is as many as we can print on a Senate resolution.

Mr. MITCHELL. I have no objection to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

The resolution, as amended, was agreed to.

MESSAGE FROM THE HOUSE.

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

A bill (S. No. 35) equalizing pensions of certain officers in the Navy;

A bill (S. No. 407) to authorize the restoration of George A. Armes to the rank of captain;

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

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

A bill (S. No. 737) granting a pension to Harrison H. Dodds;
A bill (S. No. 767) granting a pension to Theodore Gardner;
A bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873;
A bill (S. No. 813) granting an increase of pension to Laurence P. N. Landrum;
A bill (S. No. 832) to increase the pension of Helen M. Stansbury;
A bill (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia;
A bill (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin;
A bill (S. No. 535) granting a pension to Armstead Goodlow;
A bill (S. No. 1118) granting a pension to Mrs. Amy King;
A bill (S. No. 210) granting a pension to Austin R. Mills;
A bill (S. No. 750) granting a pension to T. B. Murdock;
A bill (S. No. 792) granting a pension to Peter Harder;
A. bill (S. No. 816) granting a pension to Laura M. Knowlton;
A bill (S. No. 883) granting a pension to William H. Oliver, of Sweetwater, Tennessee;
A bill (S. No. 980) granting a pension to Irena Garrett;
A bill (S. No. 1152) granting a pension to Amasa J. Finch; and
A bill (S. No. 1123) granting a pension to Marsilvia F. Woodard, mother of George R. Woodard.

The message also announced that the House had passed a joint resolution (H. R. No. 192) for printing the report of the Commissioner of Education for 1876; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 4276) to authorize the appointment of a sergeant in Signal Corps as a second lieutenant in the Army;
A bill (H. R. No. 4475) removing the political disabilities of Joel S. Kennard, of Savannah, Georgia;
A bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin;
A bill (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Virginia;
A bill (H. R. No. 4261) to provide for the sale of desert lands in certain States and Territories;
A bill (H. R. No. 4188) making appropriations for fortifications and for other works of defense and for the armament thereof for the fiscal year ending June 30, 1878, and for other purposes;
A bill (H. R. No. 4418) to pay William L. Scruggs, late minister at Bogota, from October 10 to November 21, 1876;
A bill (S. No. 4616) making appropriations for the naval service for the year ending June 30, 1878, and for other purposes;
A bill (S. No. 4476) to provide for the appointment of official shorthand reporters for the courts of the United States;
A bill (H. R. No 4554) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes.
A bill (H. R. No. 3833) for the relief of John N. Hall; and
A bill (S. No. 1128) to extend for two years the act establishing the board of commissioners of claims and the acts relating thereto.

WILLIAM K. SEBASTIAN.

Mr. CAMERON, of Wisconsin, obtained the floor.

Mr. LOGAN. I desire to ask a favor of the Senate, as we have but very little more time. I should like to have an executive session for about fifteen minutes; there are five or six appointments to be acted upon.

Mr. CAMERON, of Wisconsin. There is time enough for that. I have something to present now.

Mr. LOGAN. Why not have it now?

Mr. CAMERON, of Wisconsin. Because we shall continue in session nearly twelve hours more and the galleries are full at this time.

Mr. LOGAN. The galleries must be cleared whenever we have the executive session; and we shall come back in a few minutes.

Mr. CAMERON, of Wisconsin. I presume most of them will go home in an hour or two.

Mr. LOGAN. I do not think they will. They are as much interested as we are.

Mr. CAMERON, of Wisconsin. I think they are, some of them. I move to take up the resolution reported by the Committee on Privileges and Elections, which proposes to annul so much of a resolution adopted by the Senate in 1861 as refers to the expulsion of the late William K. Sebastian, of Arkansas.

Mr. COCKRELL. I hope that will not be taken up. I do hope we shall not take up questions that will involve so much controversy and so much time. I do not think it will be possible to pass that resolution at this time, and I do not think Senators ought to urge those matters at this late hour of the session where there will evidently be controversy over them. That matter was called up once before and laid over.

Mr. BLAINE. Is the Senator from Missouri opposed to the resolution?

Mr. COCKRELL. I am opposed to it *in toto.*

The PRESIDENT *pro tempore.* The Senator from Wisconsin moves the present consideration of the resolution which he has stated.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BLAINE. Before this matter is proceeded with, as there is some reason to hope that there may be at least a possibility of agreement on the Army appropriation bill, I feel it my duty to move that another conference be asked of the House. I move that the Senate insist on its amendment and ask for another conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS were appointed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM submitted 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. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes, having met, after full and free conference, report that they are unable to agree thereon.

WM. WINDOM,
W. B. ALLISON,
H. G. DAVIS,
Managers on the part of the Senate.
W. S. HOLMAN,
HIESTER CLYMER,
CHAS. FOSTER,
Managers on the part of the House.

Mr. WINDOM. The same question which I have already explained to the Senate, the question of the reduction of the salary of the President, is that which prevents an agreement. I move that the Senate insist on its amendments and ask another conference.

Mr. STEVENSON. Why have another committee of conference? I should like to hear some reason for that. I do not suppose the Senate is going to recede, and I do not suppose the House is. It is the same committee and the same thing, and we are kept here all night on reports that they cannot agree. If they are earnest in their disagreement and the two Houses cannot agree, let the Senate recede or the House recede, and not continue to make futile efforts.

Mr. WINDOM. I think it is hardly time yet to adhere to our amendment. I am willing to make one more effort, although I should otherwise move to adhere.

Mr. STEVENSON. I hope after one more effort the Senator will move to adhere.

Mr. WINDOM. I do not think it is advisable to do so now. I insist on the motion.

Mr. STEVENSON. Of course I do not wish to interpose anything against the chairman; but I think it looks very much like child's play to be going on in this way. If the two Houses are in earnest, the sooner one House adheres the better.

Mr. WINDOM. It may look so to a casual observer on the outside; and yet we hope, I will say to the Senator from Kentucky, that we may yet reach some kind of agreement.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate insist on its amendments, and ask for another committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS were appointed.

REPORT OF THE COMMISSIONERS OF EDUCATION FOR 1876.

The joint resolution (H. R. No. 192) for printing the Report of the Commissioner of Education for 1876 was read twice by its title.

Mr. ANTHONY. I ask for the present consideration of the joint resolution.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It directs the printing of fifteen thousand copies of the Report of the Commissioner of Education for 1876, five thousand for the use of the Commissioner, twenty-five hundred for the use of the Senate, and seventy-five hundred for the use of the House of Representatives.

Mr. ANTHONY. I move to amend the joint resolution by striking out "fifteen" before "thousand" and inserting "nine," and striking out "2,500" and inserting "1,000," and striking out "7,500" and inserting "3,000;" so as to read:

That there shall be printed 9,000 copies of the Report of the Commissioner of Education for the year 1876, 5,000 for the use of the Commissioner, 1,000 for the use of the Senate, and 3,000 for the use of the House of Representatives.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

WILLIAM K. SEBASTIAN.

Mr. CAMERON, of Wisconsin. I ask that the Senate proceed with the resolution taken up on my motion.

The Senate proceeded to consider the following resolution:

Resolved by the Senate of the United States, That the preamble and resolution of this body of July 11, 1861, wherein and whereby the late William K. Sebastian, of

Arkansas, an honorable and loyal Senator and member at the time of this body, was expelled for supposed disloyalty to the Government of the United States, be, and the same is hereby, revoked and annulled, as of the day and date of its passage, in so far as the said Senator William K. Sebastian is concerned, and no further. And that, without detriment on account of duties or rights of the Senator, obstructed or prevented by said act of expulsion, the Secretary or other proper officer of the Senate be, and he is hereby, authorized and directed to settle the unpaid accounts of the said Senator at the rates provided by the laws existing at the time, (the same to be certified by the President of the Senate,) and to be paid to the heirs of said Senator, or to their legal representatives, out of the contingent fund of the Senate.

Mr. INGALLS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Wisconsin, from the Committee on Privileges and Elections, on the 2d of August, 1876:

The Committee on Privileges and Elections, to whom was referred the petition of Charles P. Sebastian, Edward L. Sebastian, Clara, (the widow of W. P. Walker,) and Lizzie, (the wife of West Harris,) the children and only surviving heirs of Hon. William K. Sebastian, deceased, late a Senator of the United States from the State of Arkansas, report that the petitioners respectfully represent that on the 11th day of July, 1861, ten Senators of the United States, of whom Senator Sebastian was one, were expelled from the Senate of the United States, by a solemn resolution, on charges of disloyalty and conspiracy against the Government of the United States; that so far as Senator Sebastian was concerned, the said charges were matters of inference and suspicion, wholly unfounded in fact, (except as to absence, which was unavoidable, and not of itself an expulsory offense;) that the resolution was offered, considered, and adopted hastily, within the first seven days of the session, during his absence, without notice, or effort to notify, and without hearing or explanation before the Senate, and without knowledge by Senator Sebastian of the pendency of any such proceeding, and that the conviction and expulsion, as to said Senator Sebastian, was illegal, unjust, and oppressive in the last degree, denying him the rightful countenance of Government, depriving him of his just rank, pay, and support, subjecting him to outlawry and persecution, and entailing upon him and his family want, misery, and distress difficult to express.

For relief in the premises, the heirs appeal now to the justice of the Senate; alleging that the Senate has exclusive jurisdiction of the subject-matters of complaint, together with full power to grant adequate relief.

Your committee recognize that by the Constitution (article 1, section 5) the "Senate shall be the judge of the elections, returns, and qualifications of its own members;" and "with the concurrence of two-thirds [may] expel a member;" and that it "shall keep a journal of its proceedings."

They also recognize that in the exercise of these exclusive powers, the Senate may, from inadvertence, want of accurate knowledge, passion, prejudice, excitement, or other causes equally influential, commit grave errors, or do great wrong to its own members.

They recognize also that expulsion is a severe penalty, and that its exercise under free institutions is the offspring of a judicial and not of an arbitrary and tyrannical power; and yet, if in any case of expulsion of a Senator, great injury should be done to his use, name, and fame, it is indisputable that there will have been no power or tribunal in the Government that could have arrested or prevented it.

When the Senate has the sole and exclusive power to work an injury, it assimilates with a court of the highest jurisdiction in the exercise of its discretion, and must always maintain its right of review.

If the Constitution has conferred this exclusive power to work such an injury, upon what tribunal has it conferred an equal or superior power to adequately rectify it?

There is no such tribunal. There is no power in Government that can reverse or annul the separate judicial action of the Senate herein, or that can add to, change, alter, or amend its record, save the Senate itself. There may be some power that makes amends for the wrong and injury; but there can be no power to rectify a recorded wrong inflicted by the Senate upon the name, fame, and official and personal rights of a Senator but the Senate itself.

It necessarily follows that there attends upon these exclusive powers that distinct right of the Senate to revoke and annul, *ab initio*, any illegal, defamatory, or unjustifiable expulsion of any honorable Senator, (if such shall have occurred,) and to re-instate him in his good name, and in his office if his term shall not have already expired, and in his rights to his pay and emoluments thus withheld, if he still be alive, and, if not alive, then to revoke and annul *ab initio* the oppressive act, and to make restitution of the pay and emoluments of which, for the time, he had been unjustly deprived, to his family, or the survivors of them.

Your committee find the following to be, in brief, the facts of the case, to wit:

The official records of the Senate show that Senator Sebastian was elected and qualified as Senator from Arkansas in 1848; was re-elected for a full term in 1852, and for a third term in 1858; and continued without reproach a long service as such Senator, respected and esteemed, until July 11, 1861, when he was expelled "for grave offenses."

The Congress of the United States assembled, by proclamation of the President, on the 4th day of July, 1861, and it appearing that many of the southern Senators were absent, among whom was Senator Sebastian, and it being personally known to Senators that many of the absentees were avowed advocates of the secession of the States they represented, and that those States had already seceded, and that a great war between them and the Union was actually progressing, the following resolution, introduced by Mr. Clarke, of New Hampshire, was reported by a committee and passed by the Senate on the seventh day of the session, to wit, on the 11th day of July, 1861, as follows, (see Senate proceedings, July 11, 1861—Congressional Globe, volume 56, pages 62 and 63:)

"Whereas a conspiracy has been formed against the peace, union, and liberties of the people and Government of the United States; and in furtherance of such conspiracy a portion of the people of the States of Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Texas have attempted to withdraw those States from the Union, and are now in arms against the Government;

"And whereas James M. Mason and Robert M. T. Hunter, Senators from Virginia; Thomas L. Clingman and Thomas Bragg, Senators from North Carolina; James Chestnut, jr., a Senator from South Carolina; A. O. P. Nicholson, a Senator from Tennessee; William K. Sebastian and Charles B. Mitchell, Senators from Arkansas; and John Hemphill and Lewis T. Wigfall, Senators from Texas, have failed to appear in their seats in the Senate, and to aid the Government in this important crisis, and it is apparent to the Senate that the said Senators are engaged in said conspiracy for the destruction of the Union and Government, or, with full knowledge of such conspiracy, have failed to advise the Government of its progress or aid in its suppression: Therefore,

"*Resolved*, That the said Mason, Hunter, Clingman, Bragg, Chestnut, Nicholson, Sebastian, Mitchell, Hemphill, and Wigfall be, and they hereby are, each and all of them, expelled from the Senate of the United States."

By the public record it appears that Senator Sebastian was absent from the 4th to the 11th day of July, 1861, and that neither before nor during the consideration of this act of expulsion did he have notice, hearing, or trial upon the same. The records show that no evidence was taken; his guilt was assumed to be self-evident, and he was expelled.

The petition of his heirs states fully his case, and controverts this assumption; and as to the allegations in the resolution of expulsion, severally and collectively, to wit:

First. "That a conspiracy had been formed against the peace, union, and liberties of the people and Government of the United States, and that, in furtherance of said conspiracy, a portion of the people of Arkansas (and other States) had attempted to withdraw those States from the Union, and that they were then in arms against the Government," it is denied absolutely that the Senator had lot, part, or sympathy in or with any such conspiracy, or that he ever was one of any portion of the people of Arkansas, or of any other people, that attempted to withdraw the State of Arkansas or any other State from the Union, or that he was then, or ever was, either before or afterward, in arms against the Government of the United States; but, on the contrary, it is as positively averred, and the proof offered, that he had always been before, and ever continued after said act of expulsion, to be opposed to disunion; denying the existence, under the Constitution, of any right of secession by any State of the Union; and further, that he did, at home in the State of Arkansas, *actively* oppose the act of secession, and that, even after it passed, he refused to recognize or serve under it, or any other secession government, in any capacity whatsoever, civil or military; and

Second. That whereas "William K. Sebastian, Senator from the State of Arkansas, and many other Senators from Southern States, had failed to appear in their seats in the Senate, and to aid the Government in that important crisis:" it is denied that an absence of seven days, or any other length of time, unaccompanied with any warning or special notice to appear, or some other indisputable evidence of offense, is or ever was held to be just, competent, or legal cause or ground for expulsion under parliamentary law; and it further appears, by public history, that war was raging before July, 1861, and the Union lines extended no farther south at the time than Kentucky and Missouri, and *it is proven* that the Senator was then at home, in Helena, Arkansas, three hundred miles within confederate lines, and could only escape from them at the risk of life to himself and family and the total loss and destruction of his property—all of which they aver to be ample justification for his temporary absence from the Senate; and

Third. That whereas "it is apparent to the Senate that said Senators are engaged in said conspiracy for the destruction of the Union and the Government," it is denied that any such alleged fact was true as to Senator Sebastian, however apparent its truth as to others, and it is re-asserted that he was, in principle and fact, always faithful to the Union; and

Fourth. "Or with full knowledge of said conspiracy, have failed to advise the Government of its progress or aid in its suppression." It is submitted that in his situation, up to the date of his expulsion, as appears by the proofs, it is difficult to see how the Senator could have advised the Government of the progress of the conspiracy, or could have communicated with it all; and as to aiding in its suppression, it is proven satisfactorily that he did openly and actively resist the secession, taking upon himself the full responsibility of an active opponent of the policy of secession, and of a leading advocate of the Union cause.

The facts recited as of public record, as well as those relating to the history of the times and to the geography of the country, (of which the Senate will take judicial notice wherever truth and justice may require,) are indisputable; and the averments of facts, the answers and explanations made by the heirs, and interwoven in this condensed narrative, are equally well and conclusively sustained by the witnesses in the testimony before us, and the witnesses themselves are of unexceptionable credibility. (See list of witnesses:)

Major-General C. C. Washburn, commanding at Helena throughout the war.

Hon. James M. Hanks, citizen, native of Helena, Union man, judge of circuit court, and member of the Forty-second Congress.

Hon. R. W. Johnson, ex-confederate, Ex-Senator, and colleague of Senator Sebastian before the war.

Dr. William F. Wallace, citizen of the District of Columbia, and clerk for years of Senator Sebastian's committee.

Hon. A. O. P. Nicholson, now deceased, Senator from Tennessee, expelled under same resolution.

Henry D. Hulbert, intimate friend of Senator Sebastian, then citizen of Helena.

T. M. Jacks, old citizen of Helena, attorney at law.

Colonel James H. O'Conor, officer in Union Army all the war, attorney at law, and citizen of Helena, Arkansas.

Hon. A. C. Dodge, of Iowa, Ex-Senator of the United States, and serving for years with Senator Sebastian.

Loyalty to the Government and to the Union of the States was the true and real issue presented before the Senate by the preamble and resolution of expulsion. Without elaboration, your committee report that the loyalty of Senator William K. Sebastian, both before and at the date of the said act of expulsion, is indisputably established; and that he continued ever after to be faithful to the Government and Constitution and the Union of the States, notwithstanding every suffering, loss, and adverse circumstance, to the day of his death, in May, 1865; and they find that the expulsion of Senator Sebastian was an error of the Senate, occasioned by want of information, and by the overruling excitements of a period of great public danger; and that it becomes the dignity of the Senate openly to declare the facts, and to render to the name of the Senator and to his survivors every amend and reparation within the powers of the Senate, and not inconsistent with law.

Wherefore, and in view of all the facts, affirmative and negative, as they appear from the public records, and as established by the unquestioned testimony of the witnesses now and hereby referred to, your committee recommend to the Senate the resolution herewith submitted:

Resolved by the Senate of the United States, That the preamble and resolution of this body of July 11, 1861, wherein and whereby the late William K. Sebastian, of Arkansas, an honorable and loyal Senator and member at the time of this body, was expelled for supposed disloyalty to the Government of the United States, be and the same is hereby, revoked and annulled, as of the day and date of its passage, in so far as the said Senator William K. Sebastian is concerned, and no further. And that, without detriment on account of duties or rights of the Senator, obstructed or prevented by said act of expulsion, the Secretary, or other proper officer of the Senate, be, and he is hereby, authorized and directed to settle the unpaid accounts of the said Senator at the rates provided by the laws existing at the time, (the same to be certified by the President of the Senate,) and to be paid to the heirs of said Senator, or to their legal representatives, out of the contingent fund of the Senate.

Mr. INGALLS. Mr. President, it is a somewhat noticeable fact that this aplication for relief does not come from Ex-Senator Sebastian himself, but from his surviving children. It appears from the report of the committee that he died in May, 1865, after the close of the war; and at the period of his death, if the dates given by the committee in their report are true, he was still, so far as the period of his service was concerned, a member of the Senate of the United States. I do not remember the precise period at which the United States forces took possession of the State of Arkansas, but I think it was some time in 1863.

Mr. COCKRELL. They ran me out of there in 1862.

Mr. INGALLS. The resolution of expulsion was adopted on the 11th day of July, 1861, and from that date until the date of his death, in May, 1865, it appears that he was a citizen and resident of the

State of Arkansas. The military possession of the State of Arkansas occurred some time not later than 1862 or 1863.

Mr. CLAYTON. July, 1862.

Mr. INGALLS. So that there was no obstacle whatever between July, 1862, and May, 1865, to the appearance of Senator Sebastian in Washington and to his preferring an application in due form for the removal of this sentence and for the arrangement of all his accounts and the reception of whatever might be due him from the Government for his services. But some twelve years after his death the application is made by his heirs upon the ground that his expulsion was "illegal, unjust, and oppressive;" that it subjected him to outlawry and persecution, and entailed upon him and his family "want, misery, and distress difficult to express."

There is another fact that is not wholly without significance in connection with this subject, and that is that in the early part of 1864 the State government of Arkansas was practically reconstructed under the governorship of Mr. Murphy and that two United States Senators appeared here claiming the seats, one of which at that time under the claim that is now set up for Sebastian must have belonged to him. In February, 1864, the State government of Arkansas was practically reconstructed and two Senators appeared here from that State, one of them claiming the very seat that Mr. Sebastian or his heirs now allege belonged to him rightfully. It certainly is very singular that after this protracted opportunity, extending over a period of three years, when there was no possible objection to his appearance here in Washington and presenting his claim, he preferred to die in silence and now leaves his surviving heirs to come here and claim that he was outraged, and wronged, and distressed by the sentence of the Senate. It seems to me, with all due respect to the memory of one who once held a seat on this floor, that he must have valued his reputation for loyalty at a very low rate when by his appearance here, the opportunity for which existed, he could have wiped out this stain and established his claim.

It may be that this resolution is right. It is possible that the committee had incontrovertible and satisfactory evidence that Mr. Sebastian was a loyal man, and that he was devoted to the welfare of the United States Government; but it looks to me very much, under all the circumstances, as if this was an effort on the part of the survivors to obtain a very considerable sum out of the Treasury of the United States, to which there is not, in my judgment, any very tangible claim.

Mr. CLAYTON. I think it is due in the interest of justice and fair-dealing that I should state to the Senate what I know about the late Senator Sebastian. In July, 1862, the Federal Army, under the command of General Curtis, occupied the city of Helena, the then home of Senator Sebastian. It was my fortune to serve in that command at that time and for some time afterward, and there for the first time I met Senator Sebastian. I served in Arkansas during the rest of the war, and frequently during my period of service I had occasion to meet him. I know that the commanding officers there, from the time they first occupied Helena until the war closed, or about the time he died, soon after the close of the war, regarded him as a loyal citizen, and they treated him as such. I know that General Curtis consulted him. I frequently myself heard Mr. Sebastian give utterance to the most patriotic sentiments. He was a quiet and unobtrusive man. He felt very much the injustice that had been done him by this resolution of expulsion.

Mr. INGALLS. Why did he not apply then to have it revoked?

Mr. CLAYTON. He did not apply because party spirit ran very high at that time. That was during the hot period of the war when men did not stop to reflect. This body never stopped to reflect when they expelled him; they did it without reflection. It was only necessary then for some one to cry "mad dog" and everybody else would cry "mad dog." Mr. Sebastian knew very well, and his friends knew, that at that time, during the period of the war, while everything was red hot, he could not come here and get justice. I do not believe he could, and I do not think the Senator from Kansas believes he could. He always felt the injustice of this action. I heard him speak of it over and over again. I heard him say that if he thought he could be reseated he would come and demand his seat. I believe that that man was as good a citizen as ever lived in this country and as good as any one in this Chamber. I knew him personally. I knew him during the war. I know him at a time when, if he had entertained the disloyal sentiments that we hear of, the fact would have been known. I know that the confederates in Arkansas regarded him as a Union man through all the struggle, and that he was put to great inconvenience by reason of that reputation.

So far as the argument which my friend from Kansas makes about what he calls the practical reconstruction of the State government in Arkansas in 1864 is concerned, I will state that there was no reconstruction in 1864. What was called the Murphy government then sprang from military authority and from no other authority. It was the creature of the military. It had not the dignity of a reconstructed civil government. It was so treated here. It is true that they did elect Senators who came here and asked for seats, but they were at once told that they had no civil government there, that they had no State government in operation, and were not entitled to seats. Senator Sebastian knew that. He knew very well in that condition of affairs in the State, without any government, that it was not in his place to protest against the gentlemen who were seeking seats here under the Murphy government of Arkansas. There was no reconstruction about that matter at all. It was merely a government having the forms of civil government, put in operation by the military, and it had no other authority whatever. It never was recognized as a State government from the time of its inception until it was displaced by the reconstruction measures of Congress.

I believe that this act of justice ought to be done by the Senate even at this late day. It can do Mr. Sebastian personally no good, for he is dead and has been in his grave for many years. He died poverty-stricken, as I understand. But it may do his children some good, and I think it is due to them that the resolution should pass.

Mr. WADLEIGH. I move to amend the resolution by adding to it the following:

Resolved, That Joseph Segar, late claimant for a seat in the Senate, be allowed an amount equal to the compensation and mileage of a Senator from the date of the death of Hon. Lemuel J. Bowden up to the expiration of the term for which said Segar was elected.

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

Mr. CAMERON, of Wisconsin. I hope the Senator from New Hampshire will not insist on this amendment. Let each case stand upon its own merits or fall upon its demerits. I am perfectly willing to vote upon the resolution which he has just introduced as an independent proposition, but I can see no good reason why the resolution from the Committee on Privileges and Elections should be encumbered with this matter which he now introduces.

Mr. WADLEIGH. I supposed that the resolutions would be voted upon separately, and this is the only way of getting the subject before the Senate at this time. I have examined the matter.

Mr. INGALLS. I know nothing about the merits of either of these cases personally, and particularly I am ignorant in regard to the facts touching the gentleman whose name is mentioned in the amendment offered by the Senator from New Hampshire; but it seems to me that the objection made is pertinent and just, that these cases should stand or fall separately and not together.

I only desire to add in regard to the original resolution that of course I know nothing whatever against the character or reputation of Senator Sebastian, of Arkansas. From all that ever I have heard, he was a man of high integrity and in every way qualified for the seat he occupied here; but I felt it to be my duty to say that there were circumstances which, in my judgment, rendered it very doubtful whether this precedent should be established.

Mr. WADLEIGH. I suppose, of course, that the resolutions will be acted upon separately, and I propose to make a short statement of the facts upon which the claim of Mr. Segar depends.

In February, 1863, Lemuel J. Bowden was elected United States Senator for Virginia, by what was known as the Wheeling Legislature, for six years and died on the 2d of January, 1864. His term would have expired March 4, 1869. On the 19th day of June, 1863, West Virginia was made an independent State, chose her own Legislature, and elected Mr. Van Winkle and Mr. Willey United States Senators.

About the time that West Virginia became a State the counties outside of that State which had been represented in the Wheeling Legislature, being loyal to the Government, held elections on the day and at the places prescribed by the code of Virginia, and elected a governor and Legislature which were known as the Alexandria government.

Mr. Bowden, who lived in one of the counties not included in the State of West Virginia, held his seat and was paid as Senator for Virginia after the admission of the State of West Virginia.

After the decease of Mr. Bowden, Mr. Segar, the claimant, was elected by the Alexandria Legislature to take his place, and duly presented his credentials, but was not admitted to a seat in the Senate.

The evidence presented by the claimant shows clearly his election by the Alexandria Legislature. The right of that Legislature to elect a Senator of the United States seems to be the only question in the case.

The counties which were represented in the Alexandria Legislature comprised the cities of Norfolk and Alexandria, and had an aggregate population of 137,661. They were loyal districts, and had mostly been declared to be such by presidential proclamation.

At the first session of that Legislature a law was passed providing for a constitutional convention, which convened at Alexandria on the 13th day of February, 1864, and framed a new constitution for the State of Virginia. This government existed from May, 1863, till it was supplanted by military government in 1867 under the reconstruction acts, with the proper executive, legislative, and judicial departments. Its Legislature adopted the thirteenth amendment to the Federal Constitution, by which slavery was prohibited throughout the United States, and that act was regarded and has always been regarded as the act of the State of Virginia. (See Proclamation of President Johnson, 13 United States Statutes, 774.)

President Lincoln also by his amnesty proclamation of December 8, 1863, recognized the Alexandria government as lawful by enumerating Virginia among the States wherein "a loyal State government had been all the while maintained."

The conclusion seems irresistible that if the Alexandria government had power to adopt the thirteenth amendment to the Constitu-

tion it had power to elect a Senator of the United States, and that the claimant was entitled to his seat as such, as his loyalty was unquestionable and conspicuous.

The claim of this claimant, Mr. Segar, rests upon the lawfulness of the Alexandria government, so called, and that government was the government of the State of Virginia, which for the State of Virginia and in its behalf adopted the thirteenth amendment to the Constitution. If that adoption was not lawful and constitutional, then that amendment was never constitutionally adopted, because it required twenty-seven States to adopt it, and this State made the twenty-seven. Therefore the right of Mr. Segar to this payment as United States Senator is precisely the same right that the thirteenth amendment has to be considered an amendment to the Constitution.

Mr. PADDOCK. I should like to inquire of the Senator from New Hampshire if this matter has been considered and determined upon by the proper committee or if it is new matter interjected here into another subject which has been properly and duly considered by a committee and reported favorably?

Mr. WADLEIGH. The Senator from Nebraska will probably recollect that this matter came before the Senate and was discussed at the last session of Congress.

Mr. SARGENT. And defeated.

Mr. WADLEIGH. At this session the matter was submitted to the Committee on Privileges and Elections, and that committee referred it to me as a subcommittee. On account of my absence in Louisiana, and on account of my engagements on my return and the absence of the papers, which I left at home upon my coming here, expecting to return during the holidays, I have not been able up to this time to make a report upon the case. I have consulted the chairman of the Committee on Privileges and Elections, and it is with his consent that I offer this resolution. I think the resolution should be adopted, that it is only just to Mr. Segar, and that it is not becoming in the Congress of the United States to say that Mr. Segar is not entitled to his seat as Senator and to payment as such on account of the unlawfulness of that State government upon whose lawfulness depends the validity of the thirteenth constitutional amendment.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I think this measure ought to be considered and disposed of.

Mr. CAMERON, of Wisconsin. I hope the Senator from California will permit a vote on the resolution.

Mr. SARGENT. An executive session will only be temporary, and we can resume legislation afterward. There are some matters that ought to be acted upon in executive session.

Several SENATORS. O, no; withdraw the motion.

Mr. SARGENT. I will withdraw it for the present.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire, [Mr. WADLEIGH.]

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution reported from the Committee on Privileges and Elections by the Senator from Wisconsin, [Mr. CAMERON.]

Mr. COCKRELL. This, as was stated when the case was before the Senate a few days ago, although ostensibly a resolution to expunge from the record of the Senate, made on the 11th day of July, 1861, the taint of a certain resolution, is nevertheless a bill to pay the heirs of William K. Sebastian the salary of a Senator, from the 4th day of March, 1861, to the 4th day of March, 1865. That is the beginning and the end of the proposition. His term of service began on the 4th day of March, 1859, and expired on the 4th of March, 1865. Now, this bill is for the sole purpose, not of wiping out any stain which may have been cast upon his name, but of wiping out a record to enable his heirs to come in and claim the salary which would have been due him. A salary for what? For services he never performed; a gratuity out of the pockets of the tax-payers of this country to the heirs of William K. Sebastian, and for what? For nothing. Not that he served his country. When the gloom of rebellion spread all over this land his voice was not heard here in the Senate Chamber. He was at home down in Arkansas; and what evidence have we here in reference to his loyalty?

I assert that it has been the uniform rule of the Senate to require proof of active, actual loyalty before paying the claim of any claimant. When a claim comes before the Committee on Claims, the Committee on Military Affairs, the Committee on Finance, or any other committee the party is required to prove, not Union sentiments, but loyalty to the Government, and not loyalty only, but active loyalty to the Government. Every republican Senator knows that they have established the rule that the claimant must prove active loyalty. The distinguished chairman of the Committee on Claims knows that a number of reports made by him to his committee have contained the express words, "active loyalty."

Now, let us see if William K. Sebastian can come up to the standard of "active loyalty." He was a member of the United States Senate. He lived in the State of Arkansas. The Congress of the United States was convened on the 4th day of July, 1861. This resolution of expulsion was passed on the 11th day of July, 1861. It has been intimated here that the reason why it was passed was because he had not gotten here, but that he had made some effort to get here. I assert that there is not one word, not one particle of evidence before the committee that reported this claim, or before the Senate, that William K. Sebastian ever did one solitary act in an effort to get to Washington City. He was expelled on the 11th of July, 1861. He died in May, 1865. The distinguished Senator from Arkansas, [Mr. CLAYTON,] then a soldier in the Federal Army, occupied the town and county where he lived in 1862, less than a year from the time he was expelled. Did the cause of the Union, the integrity of the States, call for the services of Union men in 1862? If so, where was William K. Sebastian when you were bearing your musket upon your shoulder in defense of what you believed to be right, in the preservation of the Union and the integrity of the States? Was William K. Sebastian with you? Did he come up to the United States Senate and take his stand and take the consequences? Did he stand up and take the risks of his devotion to the Union?

Mr. CLAYTON. Does the Senator ask me a question?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. COCKRELL. Certainly.

Mr. CLAYTON. Does the Senator believe that at the time Senator Sebastian was absent from this city he could have come here if it had been known that he was coming from Arkansas to take his seat in the Senate of the United States as a loyal Senator? Does the Senator believe, from the knowledge which he has of the condition of that country at that time, that he could have come here then from Helena, Arkansas, and taken his seat?

Mr. COCKRELL. Yes, Mr. President, I have known thousands of confederate soldiers who left the northern part of Missouri and made their way to the confederate lines in Arkansas and Texas and Louisiana, through tenfold the dangers that Mr. Sebastian would have had to undergo in order to reach the capital of this country; and they did that to fight for "the stars and bars."

Mr. CLAYTON. I should like to make a suggestion, if the Senator will permit me.

Mr. COCKRELL. Certainly.

Mr. CLAYTON. An obscure confederate soldier might work his way through the lines, but you must remember that William K. Sebastian was a Senator of the United States; he was not an obscure man, and every move that he would make was watched. I ask the Senator from Missouri, who was serving at that time in the cause which he thought was right, and serving gallantly, whether he would not have stopped William K. Sebastian if he had known that he was at that time on his way from Arkansas to take his seat in the Senate here in Washington?

Mr. COCKRELL. Trusten Polk, a Senator from the State of Missouri in the United States Senate, was here on the 11th day of July, 1861; I afterward saw him inside the confederate lines serving in the confederate army; and I should think that Mr. Sebastian could have gotten away from Arkansas and come to Washington City just as easily as Mr. Trusten Polk went from Washington City inside the confederate lines.

Mr. CLAYTON. The Senator did not answer my question.

Mr. COCKRELL. The question is, could Mr. Sebastian, on the 4th day of July, 1861, have been here? I say he could. I should have done it under the circumstances had I been in his place.

Mr. CLAYTON. Would not the Senator have stopped him if he had known he was on his way here?

Mr. COCKRELL. Yes, if he had come through my portion of the State, and if I had known that he was on his way to Washington, I would have stopped him, or else I would have had him signify that he would fight me in a regular way in the Union Army, and then I would have given him leave to go into the Union lines, as I have done in many instances.

Mr. President, it is a question of loyalty, and I say there have been hundreds and thousands of claims rejected by the commissioners of claims, and rejected by Congress, since 1862, where the claimants were infinitely more loyal than William K. Sebastian. I am not in favor of making fish of one and flesh or fowl of another. If Mr. Sebastian was a Union man, an active Union man, I am willing to tax myself to pay him whatever he was entitled to.

The Senator from Arkansas makes the point that he could not have left Arkansas on the 4th of July, 1861, to come to Washington. I ask the Senator why Mr. Sebastian could not have left Arkansas in 1862, in 1863, in 1864, in 1865, and come here and taken his seat?

Mr. PADDOCK. Probably he had not money enough to come here.

Mr. CLAYTON. He could have left Arkansas, but Mr. Sebastian was a very honorable man, and a man very sensitive of wrong. Having been expelled from this body without any opportunity to be heard, being, as it were, kicked out, I expect, as an honorable, high-toned man, he did not feel that he was called upon to come sneaking around here and begging his way back. I expect that the Senator from Missouri under the same circumstances would have said, "I will wait until these troubles are over, until men have time to reflect, until they become cool," as we are now, I hope, although I am afraid my friend from Missouri has not yet quite become cool, judging from the way in which he speaks. Under such circumstances the Senator from Missouri would have waited until these things cooled down, when justice could be had and he could be heard; and that Mr. Sebastian had not an opportunity to do because he died before the opportunity occurred.

Mr. COCKRELL. In other words, Mr. Sebastian did not have

confidence enough in his Union brethren to come and risk his cause with them. I never would have been afraid at any time to go to Richmond, into the confederate cabinet, or to any place inside the confederate lines, believing that I could satisfy them that I was true to the cause. Do you not know, Mr. Senator, that if Mr. William K. Sebastian had known and felt that he was loyal to his country, he would not have been afraid to come among loyal men? "Birds of a feather flock together."

Mr. CLAYTON. I should have had no fear.

Mr. COCKRELL. Why did he not come here? There is the fact staring this body in the face that from 1862 to 1865 Mr. Sebastian could have come here, and if he did not come, why not? It was because he did not have confidence in the Senators occupying these seats, Union men, men who were doing everything that they could to preserve the integrity of the States. Why did he not have confidence in them? It was not because he was afraid to leave Arkansas after the Senator from Arkansas [Mr. CLAYTON] got there, for he could have sent an escort with him. Mr. Sebastian could have come to Washington City and the Senator from Arkansas could have given testimony as to his loyalty. Other officers of the Army could have sent him. Do you think that your own party, holding the entire ascendency here, was in such a condition that it would not have done justice to a Union man? Will the Senator from Arkansas confess that the great Union party then was not willing to do justice to Union men, and that from 1861 to 1865 they cast a stain upon a Union man's character and did not have the honor and the manhood to wipe it out? I have a higher opinion of the republican party myself than that.

Mr. CLAYTON. Does the Senator want an answer?

Mr. COCKRELL. Certainly.

Mr. CLAYTON. I will give it.

Mr. PADDOCK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Arkansas holds the floor. Does he yield to the Senator from Nebraska?

Mr. CLAYTON. Yes, sir.

Mr. PADDOCK. I should like simply to inquire of the Senator from Missouri if he can state the exact evidence upon which Senator Sebastian, of Arkansas, was expelled from the Senate?

Mr. COCKRELL. Yes. As we have only about eleven hours yet left I intend to have the record read before I get through.

Mr. PADDOCK. It would take the Senator but a few moments to state it, if he knows what it is.

Mr. COCKRELL. I have the record here containing a great many documents that I expect to have read.

Mr. PADDOCK. Had he committed any overt act of treason at that time?

Mr. COCKRELL. I will read for the edification of the Senator——

Mr. PADDOCK. If he had been expelled in 1861 was it not a sufficient excuse why in 1863 he did not come here?

Mr. COCKRELL. Then why should his heirs come here in 1876 and ask that we shall pass this resolution?

Mr. PADDOCK. Why should he have come here in 1862 if he had been expelled in 1861? Having been expelled would it not have been necessary for him to come with some warrant of authority?

Mr. COCKRELL. Why did he not come with the warrant of authority of the Senator from Arkansas, who was there in the Federal Army, or other officers who occupied that country, who knew his character and standing then as well as they do now? That is the question.

Mr. PADDOCK. For what purpose should he come if he was not a Senator, having been expelled?

Mr. COCKRELL. Then why do his heirs come now? Could he not have come then and asked that this record should be expunged?

Mr. PADDOCK. His heirs come to get justice because he was improperly, unlawfully, and unjustly expelled from the United States Senate, as I understand.

Mr. COCKRELL. Why did he not come for justice then? Why has there been this delay? I assert positively, and every republican Senator here will bear me witness, (and I desire now to talk to the republicans a little on this question,) that you never yet have passed a claim on such doubtful evidence of loyalty. You cannot find one upon your record. You have required stronger proof of loyalty in every case than has been made here. Here is a man who, in 1861, was expelled from the Senate, and he lived till 1865. From 1862 up to his death he was inside of the Federal lines. He never came near Washington City to have this great wrong undone; and yet he was in full sympathy and co-operation with those who had done the wrong! He did not have the manhood, the courage, to ask his own friends and brethren to undo the wrong; but when he has passed away his children wait a number of years and then come here, and what for? To wipe away the stain, apparently, but really, to draw the salary. There is the point. It is not to wipe out any stain that may be cast upon Mr. Sebastian that this resolution is introduced here; it is to draw the pay from 1861 to 1875, four years' pay.

Now, for the edification and gratification of my republican friends I want to exhibit a little document which I hold in my hand, entitled: "The New Conspiracy; What is Meant by the Restoration of the Confederate Democracy to Power. The Vital Issues of 1876 Considered."

This is a very precious document, which furnished the Sunday literature of the entire republican party during the late canvass. On every stump from one end of this land to the other we heard the cry that the democratic party was trying to pay the rebels for the property that had been taken during the war, that it was going to pay the confederates pensions, that it was going to pay for the colored people who had been slaves. In Missouri it was charged that the democracy would pay the price of a cord of wood for every rail that the Federal soldiers burned during the war in the South. In the sixth congressional district in Missouri it was published, and all over that State it was charged, that C. H. MORGAN had been trying to get a rebel claim paid; and what was that rebel claim? It was a claim of Mr. Henderson, of Iowa, a constituent of the Senators from that State, [Messrs. ALLISON and WRIGHT,] a man who had served in the Federal Army from the beginning to the close of the war, and who moved down into Missouri within the last year or two. The Government was indebted to him, and Mr. MORGAN introduced a bill for his relief, and it was sent broadcast all over his congressional district that MORGAN—he, too, an officer in the Federal Army—was trying to get rebels paid for their claims. When I got into the district, that was the first charge I heard made. I inquired something about Mr. Henderson. He was in the convention that nominated the candidate who tried to defeat Mr. MORGAN. My friend the Senator from Iowa [Mr. ALLISON] will recollect Mr. Henderson, a bill for whose relief I worked so hard to get through, and for that I was denounced, and my friend Mr. MORGAN, a member of the other House, was denounced, as trying to get rebels paid for their property. I have no doubt but what the Senator who made this report, in his canvass in his own State, talked about these rebel claims and about the danger to the country from "the new conspiracy." I have in my hand a list of the claims referred to in it, and they were published all over this country, and sent out broadcast. They were published in the Republic here, a monthly magazine; and they were published in this form and sent all over the land. It was stated that the democracy were trying to pay these claims; and even a claim that my distinguished friend from Illinois had gotten through this Congress was published in Missouri as a rebel claim.

Mr. PADDOCK. Which Senator from Illinois?

Mr. COCKRELL. The distinguished soldier-Senator from Illinois. They were both soldiers, but I refer to the chairman of the Committee on Military Affairs, [Mr. LOGAN.]

Mr. PADDOCK. The most distinguished.

Mr. COCKRELL. The most distinguished, as the Senator from Nebraska says. A bill that he had gotten through for some person was sent broadcast over the land as a rebel claim. I have not the Republic here, which is a monthly magazine published in this city; but if my recollection is right, this is one of the claims which was charged in the issue of August, 1876, as a rebel claim which the rebel democracy were trying to get through and make Union people pay for. Here is a list of this new conspiracy and what is meant. [Exhibiting a pamphlet.] You see it is tolerably long.

Mr. ROBERTSON. Read it.

Mr. COCKRELL. It would be very edifying, but I shall only read a few sentences.

The surrender at Appomattox closed the war and yielded the dominion of the confederacy to the undisputed authority of the National Government; but in the transfer of the conflict from the field to the forum the nation was confronted with consequences of the struggle as grave and momentous as the war itself. Eleven States were found in social and political chaos and all form of civil government therein destroyed. The highest considerations of statesmanship and sound policy dictated that they should be speedily reconstructed and restored to their constitutional relations in the Union; but how was this to be accomplished? Four millions of emancipated slaves and five millions of disloyal citizens may be said to have comprised the entire population—

"Five millions of disloyal citizens!" I do not see any room, then, for Union citizens and loyal men—

Out of which the proposed governments were to be formed. In the nature of things the conduct of the late confederate in this new and wholly changed relation of citizenship became a subject of anxious inquiry. He had surrendered the sword of rebellion at home and the arts of diplomacy abroad, and sworn to renew his allegiance; but could he be trusted to found free and loyal governments on the basis of a complete and veritable freedom for all, and to aid in securing within those States the result of the nation's victory?

FALSE TEACHINGS.

Unfortunately there was little in his antecedents to inspire confidence. The education that made secession and rebellion easy had imbued his mind with the most pernicious heresies. The disciple of Calhoun, or the devotee of Davis, Slidell, and Yancey, he was indoctrinated with a measure of political poison which the fire of battle intensified and consecrated rather than destroyed.

* * * * * * *

THE VITAL ISSUE.

But there were national considerations quite as vital as those peculiarly local to the South. In 1861 the Representatives in Congress from the slave States numbered seventy-four against one hundred and fifty-nine from the States then free, while under the present apportionment they have one hundred and six to one hundred and eighty-five from the North. Thus, a solid southern vote—

Of which we we heard so much during the last year—

which the democracy have determined to secure in the election next November at all hazards, with only forty representatives from the North, will give the South undisputed control of that body, while it will require only 10 votes from the North to also give it control of the Senate. According to this basis it will be seen furthermore that with the addition of only 47 electoral votes to the 138 belonging to the South that section will be enabled to elect a President and Vice-President.

* * * * * * *

SLAVERY VS. FREEDOM.

It is well known that two distinct sets of ideas have long divided the North and the South. The North has ever been jealous of her institutions of freedom, and protected all her citizens alike in their enjoyment.

* * * * * * *

BOURBONISM ALIVE AND DEFIANT. * * * A WAR OF INVASION AND VANDALISM.

Kindred to this feeling, and to add to its intensity, is a deep sense of the imagined injuries inflicted by the North.

* * * * * * *

HOW THE SITUATION IS ACCEPTED.

If the modifying influences of time have perceptibly improved this well-known temper, it is difficult to discover the character or extent of the change.

Then the document goes on to speak of the different amendments, and then come—

A FEW IMPORTANT FACTS.

Some idea of the magnitude of the proposed raid on the Treasury may be formed by examining a few of the proposed "measures of relief."

A joint resolution "for the relief of William K. Sebastian." That is one of the measures of relief here referred to and criticised. Then the paper goes on to speak of the various causes of complaint on the part of the South for remunerations, and then gives a long list: "The cotton-tax job. * * * How it would work? * * * Southern claims."

Now listen. I have no doubt this is very familiar to most of my republican friends who took part in the canvass:

SOUTHERN CLAIMS.

That was the alpha and omega; it was the introduction and the close of every political speech that I read or heard of during the canvas:

But there is another class of demands compared with which the forgegoing might be regarded as real luxuries. These comprise the rebel losses during the war.

Under an act of Congress approved March 3, 1871, the southern claims commission was created and empowered to receive, examine, and consider the justice and validity of such claims as should be brought to them of those citizens who remained loyal adherents to the cause and the Government of the United States—

Loyal adherents to the cause and the Government of the United States—

in States proclaimed as in insurrection against the United States during the rebellion.

It will be observed that this law confines claims exclusively to "loyal adherents," &c., signifying that the Government holds itself responsible to no others for losses sustained by the war.

Then it gives the question here:

But what becomes of the tens of thousands of other rebel claimants who have not dared to venture before an "iron-clad commission."

That is, the claims commission.

Mr. President, it is well known that the republican party made this an issue, and now the republican party come in and claim quasi-loyalty as a ground for allowing a claim. Quasi-loyalty! Loyalty of such a character that if the confederacy had succeeded the claimant could have proved his loyalty to that government, but as the Union succeeded he can prove his loyalty to that tolerably well. My distinguished friend from Arkansas knows, and I dare him to bear personal testimony to the fact, that there were in the State which he represents, and in many other places, men who when the confederate army was there were all right for the confederate government, they opened their doors and fed and clothed us; and when you got there with your army they were the most loyal men that had ever been known. Where a man was actually and really loyal, I am willing to pay him; but I am not willing to pay those men who come in here and merely swear to their loyalty, as the distinguished Senator from California [Mr. SARGENT] knows, and who sometimes prove it when their records show the reverse. I think this is one of those claims, precisely. There is no active act of loyalty. It is said that Mr. Sebastian was at home. Any man could have staid at home. That was no test of loyalty. Had he loved the Union and the old flag, would he not have been willing to have risked something for it? Is it any excuse to say that he staid at home to take care of his property? Is that an excuse? Is he to be paid because he thought more of his property than he did either of the old Government or of that young government that was struggling for existence as a separate nationality? If he did think more of his property than he did of either of the governments, I do not think either government ought to pay him anything for it.

I say to my republican friends that if they pass this bill with this want of evidence of loyalty, I hope I shall not hear in any coming canvass hereafter any talk about a "new conspiracy" and what the rebel democracy will do about paying southern claims. The confederates acknowledge that they are not entitled to pay for the property they lost, and they are not here whining and asking to be paid for it at all. We are willing to do justice to the Union men, to those who were active for the Union, but not willing to do justice to those who were just as big rebels as we were, but who did not happen to have the moral courage to risk their lives in defense of their principles or to make any sacrifice, but who were loyal to whoever occupied the post for the time being.

I have made these remarks in all kindness. I want the republican party to understand that if they pass this bill they are forever hereafter barred, estopped, and precluded from bringing any charge against the democratic party for wanting to pay southern claims. If I believed that Mr. Sebastian had been truly and actively a loyal man I would be willing to wipe away this stain, as it would be a stain in the eyes of a Union man, if he were actually a Union man; but that would still involve another question, whether he should be paid for services not done and performed. That is the foundation of this resolution, and if we pass it we pass a bill to pay the heirs of William K. Sebastian the salary of a Senator from the 4th of March, 1861, to the 4th of March, 1865; for that is the bill, the whole meaning, intent, and object of the bill.

Mr. STEVENSON. Mr. President, I knew Mr. Sebastian well. I served with with him in Congress; I in the House and he in the Senate. I believe him to have been a loyal man. I do not think he sympathized with secession when it took place.

I have listened to my friend from Missouri whom we know to be a generous man, but who has allowed his prejudice against claims to run away with the innate desire which he always has, as a brave man, to do justice. He cannot produce evidence of disloyalty against Mr. Sebastian, and his own sense of justice would be shocked if he fully understood the course which was pursued by the Senate toward Mr. Sebastian. He was a Senator here. He did not go out. He was known when secession took place to be opposed to it. Congress met on the 4th of July, and on the 11th he was expelled. Expelled for disloyalty? By no means. When a motion was made to refer to a committee to inquire as to the fact whether he was disloyal, was that done? No, it was not. I ask my friend from Missouri would he be willing to see any Senator in this Chamber, who had openly expressed Union sentiments, expelled without the benefit of an inquiry? Mr. McDougall proposed to refer the resolution. The able Senator from Delaware, the elder Mr. Bayard, rose and protested against the resolution as an act of injustice. He said no Senator should be condemned without a hearing by a committee. And yet it was done, and done on the motion of a Senator from New Hampshire, upon the ground that the only evidence of his disloyalty was his absence. That is the record. He was condemned without a hearing and condemned upon the mere fact that he was absent. That I say is the record. My friend will not dispute it. What did he do? Could he have come here? Did he not see Jesse D. Bright expelled for writing a letter? Do you suppose he did not see that? Was there ever a more honorable and loyal man than Garret Davis, and because he expressed his opinion was there not a resolution to expel him? Was there not a resolution introduced to expel Powell? What man, if he could have gotten here, would have come when he felt himself expelled without a trial, and in the open face of the fact that he had been a Union man?

I say that is the record of this man, and would any man want to allow such a record to stand? If he was the direst enemy I ever had I would be willing to expunge a record so made up. It is not a matter of dollars and cents, it is to wipe out a record that is unjust in itself, that is false upon its face, that in a moment of high excitement the Senate passed without a trial and without letting it go to a committee to find out whether the man ever did a single act which would justify it. I say that, when the resolution for his expulsion was offered, McDougall, Bayard, and other Senators asked that it should go to a committee, but they were told, "No, he is away." Mr. Clark offered a resolution, and he coupled the name of Mr. Sebastian with various names of Senators who had seceded with their States, and the only reason he said why he did it was that Mr. Sebastian was not here. It was done within seven days after Congress met. Suppose every man were expelled in high party times who happened to be away ten or twelve days after the commencement of the session. The Senator from Missouri said himself, being on an opposite side during the war in a high trust—and all who know the Senator from Missouri at all know his magnanimity and fidelity—that he would have arrested Mr. Sebastian if he had attempted to go through Missouri on his way to Washington if he believed he were a Union man. Of course I cannot see into Mr. Sebastian's heart. I honor him that he did not come here. I believe it was in 1862 that Mr. Bright was expelled, and I say if that record was to be gone over again Mr. Bright would not be expelled. I believe it was in 1862 or 1863 that a resolution was offered to expel Mr. Garret Davis and another to expel L. W. Powell, and if such a resolution had been adopted there is no man who voted for it who would not have regretted it afterward.

Mr. Sebastian felt that he had never sympathized with secession; that he had not gone out with secession; and yet with his known Union sentiments he was expelled without a trial. He went to his grave with a sentence inflicted upon him without a trial; inflicted upon him without an indictment; inflicted upon him without his having had his day in court; but he was simply expelled because he was not here. Is it not natural that his infant children and his wife should desire to see that injustice remedied? Can there be a Senator here, I do not care whether they claim $10,000 or $20,000, who would not say, if he was expelled unjustly, his heirs are entitled to this money?

The Senator from Missouri says that Sebastian rendered no service. Sir, he was prevented not only from rendering service, but from giving his moral influence from a southern State that had gone out, he standing alone. The honorable Senator from Arkansas says that in 1862 he found him there on the Union side, and that the Union generals conferred and consulted with him and asked his advice. What more proof of loyalty does the Senator from Missouri want? This resolution comes from a committee which has investigated it. It seems to me that it was an act of injustice for the American Senate to condemn a man without letting his case go to a committee to be satisfied that they did him no injustice; and now to wipe it out you have stronger evidence. I was here when secession took place. I did not

go out. I saw many States go out, and I saw them go out with regret, and tried to prevent their going out. I believe that William K. Sebastian used his moral influence to keep his colleague from going out, and I believe that he would have returned here if he could have gotten here. The highest proof that I know of his loyalty is that a gallant Union officer tells us that he found him when he went there in 1862 battling for the Union, with no spot of disloyalty upon his escutcheon. I ask, can the Senate hesitate to wipe out this stain?

Mr. BLAINE I rather inferred from a remark, which I heard as I came into the Chamber, made by the honorable Senator from Kentucky, that some great injustice at some time had been done, or attempted to be done, to Hon. Garret Davis by a resolution of expulsion. I think the honorable Senaor from Kentucky—and I only wish to correct the record in connection with his speech—will recall the fact that the expulsion of Jesse D. Bright was moved by Garret Davis himself.

Mr. STEVENSON. Certainly.

Mr. BLAINE. And that all the force that ever was brought to bear to expel Lazarus W. Powell came also from Mr. Davis.

Mr. STEVENSON. I understand that he drew the resolution.

Mr. BLAINE. And got Mr. Wilkinson, of Minnesota, to offer it.

Mr. STEVENSON. I remember it.

Mr. BLAINE. And he sustained it, I might say, apparently.

Mr. STEVENSON. And he afterward said that he felt that if that act had been consummated he would have done the rankest injustice that could have been done to a fellow-man.

Mr. BLAINE. That I do not doubt; but whatever responsibility there might have been at that time for excesses I think should go to the right quarter, and not inferentially even go to the wrong quarter.

In regard to the case now in hand I think it can be said of Mr. Sebastian, to put the worst phase on it, that he is entitled, as the living are, to the benefit of a doubt. He is dead. He cannot speak for himself. I had the pleasure of his acquaintance. I knew him well pending the outbreak of the war. He struck me always as being a southern Union man at that day, and not a pretender; and out of honorable regard for the dead, as he cannot speak for himself, and out of tender regard for those who are interested in his memory and in his fame, I should hope that this resolution might pass the Senate unanimously. I shall cordially vote for it.

Mr. MAXEY. Mr. President, I had the honor of knowing William K. Sebastian for more than twenty-five years. I know something of those who were secessionists in the State of Arkansas in 1861 and 1862; and I know the fact that William K. Sebastian was not regarded as a secessionist, but as a Union man, and I undertake to say that you cannot find a secessionist in the limits of the State of Arkansas who would come here and swear that William K. Sebastian was with them; not one. I will challenge the Senator from Missouri or anybody else who knows anything about Arkansas politics, to find one man who did not regard William K. Sebastian as a Union man. He was the soul of honor; he was a pure man; he was a poor man at the time of his death, and a man of large family. It does seem to me that when a man is dead and gone, when even if he had been tried for treason and convicted and a forfeiture of his property had been made part of the sentence, it could only have lasted during his lifetime, this pursuing of a man upon a doubtful claim of disloyalty into the very grave and robbing his children after him is not fair, is not just, is not such conduct as should be expected from an American Senator. Sir, the Apostle Paul when he was once tried said that he was a Roman citizen and demanded to be heard. I say William K. Sebastian was an American citizen and he had a right to be heard, and no sentence can be sustained upon principles of justice or fair dealing that condemns a man without a hearing.

During the four years of the war many things were done here, many things were done everywhere, that we all regret, and I undertake to say that now in the Senate of the United States, in time of profound peace, no one would lift his voice and say that a man should be condemned without a hearing. We have the decision of the highest judicial tribunal of this land declaring in words of living light that the Constitution of the United States is the panoply and the shield protecting the citizen in war as well as in peace. Knowing no difference between war and peace, and the Constitution of our common country demanded that, Mr. Sebastian should have had a fair and impartial trial. The Senator from Kentucky testifies to the fact that such was not granted. I do not now blame those—it is not for me to do that—who, in times of high excitement and when a spirit was aroused in one portion of the country against another, thought it was right to do what now in cooler moments they would think was wrong. Mr. Sebastian was expelled doubtless by those who at the time thought they were justified in doing it; but when "the sober second thought" comes, when we have got to review this record, I ask can we say that it was right to condemn a man without a hearing, and not only condemn him without a hearing but when his children stand here with that stain upon the character of their father, is it right that the record should stand, erroneous though it be?

Mr. WEST. I desire to offer an amendment to this resolution by way of addition:

Resolved, That John Ray, claimant for the seat in the Senate vacated by the resignation of William P. Kellogg, late Senator of Louisiana, be paid the sum of $1,329.14 out of the contingent fund of the Senate.

Mr. CLAYTON and others. Don't put that on.

Mr. WEST. I hear "Don't put that on." It is very well known to the Senate that at the last session an allowance was made to Mr. Pinchback for the succession of Mr. Kellogg. This is the claim of his predecessor, who came here with his credentials, and the only reason that the case was not acted upon at the time was that by an error the case was referred to the Committee on Contingent Expenses, who reported in favor of its payment, and the Senate refused to act on the report of the Committee on Contingent Expenses, and referred the case, last session, to the Committee on Privileges and Elections. I have the authority of the chairman of that committee for saying that had he had the opportunity, had the committee not been so embarrassed with other and much more important matters, he would have pressed it upon the consideration of his committee, and no doubt it would have been acted upon favorably. I regret that he is not here to-night.

I will admit that it is not exactly germane, but it is always germane to pay your honest debts; and the Senate having established the fact of recognition of a claimant to this seat in the person of Mr. Pinchback by paying him some $17,000, you might certainly do the gentleman who preceded him as a claimant here the justice of paying him for the short time embraced by this amendment. In order that the Senate may understand what it means, I will say that it is paying Mr. Ray from the 14th day of January, 1873, the day Mr. Kellogg vacated his seat in this body, until the 4th day of March, the concluding term of the Forty-third Congress, with mileage one way only.

Mr. CLAYTON. I should like to ask the Senator from Louisiana whether this case has been considered by any committee of this body?

Mr. WEST. It has been considered by the Committee on Contingent Expenses.

Mr. CLAYTON. This session?

Mr. WEST. No, sir; in the Forty-third Congress and reported back, and it ought to be paid. The Senator from Indiana, the chairman of the Committee on Privileges and Elections, [Mr. MORTON,] told me to-night that the only reason it has not been reported from that committee was that the committee had overlooked it; that it is an eminently just and proper claim, but they have been so overwhelmed with business concerning the Southern States that they had forgotten to take this up.

Mr. CLAYTON. Why not bring it up as a separate measure and let it stand on its own merits?

Mr. WEST. I shall be perfectly willing to do that, and hope I shall be recognized by the Chair to do that. I do not wish to embarrass this case, because I admit there is no analogy between the two; but I cannot consent to sit here, as I did last session, and see men paid, when a Senator from my own State has claims which are equally just and which are entitled to the same consideration. It being understood that I shall have the opportunity to offer it separate from this case, I withdraw it for the moment.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. COCKRELL. I am a party to no such agreement.

Mr. ALCORN. I rise, Mr. President, for the purpose of bearing my humble testimony to the character, standing, and integrity of the person whose name is involved in this resolution. I was a near neighbor to Senator Sebastian for a great many years; I might say that I was upon intimate terms with him, and I never heard him express a disunion sentiment in my life. I knew him before the war began; I happened to be a prisoner in the town in which he lived while the war was going on, and I had frequent interviews with him and I never heard him express what I conceived to be a disloyal sentiment. This is just about as much as I propose to say about him.

But there are some reflections suggested to me by what has been said here that I desire to utter. When the war closed there was a sacrifice of $2,000,000,000 of slave property to which the southern people considered themselves as much entitled as you consider yourselves entitled to your property, however good your title may be. The southern people thought that a grave hardship. It was nevertheless one of those things that come as results of rebellion, and they were compelled to bear it, notwithstanding the fact that the ukase, or the amendment to the Constitution, went to the home of the widow whose property was taken, to the orphan who sat by weeping in desolation, who on account of its tender years could not exercise a judgment upon the question of loyalty or disloyalty, union or disunion. No odds how much the parties owning this character of property in the South may have been devoted to the Government, no odds how loyal they may have been, notwithstanding the father may have had his sons, as was often the case, fighting the battles of the country in the Federal Army, yet when the war was ended his property was destroyed and no compensation was made to him; but on the other hand, an amendment to the Constitution was enacted whereby he was forbidden ever to look for any compensation for the property that has been thus taken from him. No people have paid more dearly for the consequences of rebellion than the southern people, and certainly they who paid the most dearly of all were they who stood loyal to the Government of the United States notwithstanding the action of their State governments.

Senator Sebastian was opposed to secession. He never gave an utterance in disloyalty to the Government of the United States, at least up to the time that secession was a consummated fact. He strove as well as he could strive; he plead as well as he could plead; he voted

as well and as strongly as he could vote to ward off that danger to his country. He warned his countrymen of the danger that was impending, of the consequences that would result to them; but they went madly into secession. Sebastian suffered the consequences; his property was destroyed; he died with a full knowledge of the poverty that surrounded him, of the beggared condition of his family, and beggared from no fault of his own.

When, Mr. President, at the close of the war that was done to which I have referred, the southern people felt it a hardship; they felt it a grievance; they felt it a wrong; but it was a consequence of the rebellion. They had no power to resist, even if they had been disposed to resist, because they had been conquered and they sat weeping in desolation over the destruction of their hopes of government. After the war had ceased and the slaves had been freed, then there was another act of the Government of which the southern people complained and justly complained, as they thought. The slave had been made free; but he was freed with the fetters upon his body. He had no land upon which he could plant himself as his own; he had no house to cover his head. He was a beggar in the land, a pariah in the country of his birth and of his residence.

The Government of the United States imposed a cotton tax on the the southern people, and under the operation of that statute they were beggared even more than they supposed they ever could be. They were absolutely almost starved to death. Fortunes were destroyed. The colored people were in some districts of the country almost starved. The Government of the United States gathered to itself from those poor, down-trodden, poverty-stricken people $60,000,000 that now lies in the Treasury of the United States, and, as they believe, wrongfully taken from them. They appealed to the courts under the patronage of these claim agents, of whom we have heard so much, for the claim agents were the only men who had any money by means of which they could prosecute their claims, and by a divided court they lost their case.

After the war closed, too, some of them had cotton at home, their own property, and that cotton was taken from them by soldiers contrary to the law of the case and the proclamation of the President. It was sold and placed to the credit of those parties in the Treasury of the United States; and now there are $12,000,000 that the Government of the United States does not claim as its own, but holds according to the decisions of the courts in trust for the owners whose property was taken, as I say, in violation of law. They appealed to the courts. The military authorities, in defiance of the proclamation and of the law, set the courts at defiance and the property was taken and confiscated by the commissions that the confiscating parties could get to sit upon it, sold, and the proceeds returned to the Treasury, and now $12,000,000 of that money is in the Treasury not belonging to the Government of the United States, and the Government in truth not claiming it, but holding it in trust, as the courts have decided, for the owners. The southern people have appealed to Congress and asked relief. They have been denied it, and they have been denied it by the republican party, as they hold.

But now comes the unkindest cut of all. The southern people supposed they had some sympathizers among the democratic party. They did suppose that the men who fought the battles of the southern confederacy, that the men who had worn the gray, who had unsheathed the sword, and who had fought for them, would not at least turn upon them in their poverty and their desolation and strike them down, as they have been stricken down to-night. Samuel J. Tilden was the man who slapped the southern people in the face, and when the republican party had voted them down he it was who over his own hand published to the southern people an affront, an insult to their faces, that he stood ready to veto all bills that might be passed by Congress for the relief of the southern people. The southern people had to stand this. They had been impoverished; they had been destroyed; but here came an insult from a source that they did not expect; but they had to bear it. Upon this to-night comes the honorable Senator from Missouri, [Mr. COCKRELL,] the champion of the Tilden idea, and he gives notice to "all the world and the rest of mankind" that from and after this time, if there is anything voted to the southern people, right or wrong, he will hold up the republican party as responsible for robbery. What does he say? "You can vote to the northern people what you please;" that is all right, according to his theory; but "Vote a dollar, you republicans, to the southern people and I hold you responsible before the people of my State, Missouri, for having committed an outrage and thus having ravished the Treasury of the Government of the United States." My God, Mr. President, the sufferings of the southern people, the tribulations of the southern people, the wrongs of the southern people, the desolation of the southern people exceed anything of which we read in history. They cannot be equaled. But the Senator from Missouri has suffered by reason of the payment of these claims. They have haunted him in Missouri when he was going on his canvass, and it was held up to him "You will have robbed the Treasury, you men who have supported these southern claims," and he will never vote for another one! He has been blistered in Missouri on this subject, and he will never vote for another! I undertake to say there is another bill that he will never vote for, and that is you will never get him to vote for another electoral commission, [laughter,] though he may sit here until he is as old as Methuselah. These are two things that the Senator from Missouri will never do any more, [laughter;] I will go his security for that.

Mr. COCKRELL. Mr. President, I have been gratified at the oration of one of the leaders of the republican party and the reprimand which he has delivered to his own party; but when I stood on this floor to arraign him and the republican party for their false charges made against the democratic party it does not lie well in his mouth to say that I am taking a part against the southern people. You and your party have established the doctrine that nobody in the South but actively loyal men shall be paid. You have established it and now because I want to hold you to it, because I want to hold you to the rule you have established, you begin to protest——

Mr. ALCORN. Did you think it was right?

Mr. COCKRELL. That is not the question.

Mr. ALCORN. Ah! that is the question.

Mr. COCKRELL. I am carrying out a law which you here enforce against every other man; and I do not propose that your pets and favorites shall come in and draw money from the Treasury, while other men better than they shall be turned away from the Treasury Department empty because they were not distinguished citizens and have not distinguished friends who can say that they were loyal up to the act of secession. That is the time that my friend testifies about this gentleman. I was loyal up to that time, too, [laughter,] and there were thousands of us who were. The bravest men that ever I saw under the "stars and bars," were men who were Union men until after the battles of the war began. It is no test to say that a man cherished Union sentiments in those days prior to the beginning of hostilities. Why nearly every man through the length and breadth of the Union was loyal in that sense. It was not that they loved the Union less, but that they loved the confederacy more. It was not because we hated the old flag; we had no hate at all against it; but it was because we loved the young "stars and bars" of the confederacy better.

Now, Mr. President, it comes unkindly from the distinguished Senator from Mississippi to say that I am casting any reflection upon southern men. He knows that every man in Mississippi who was in the confederate army or who showed his devotion to the confederacy, is precluded by your own party from getting a dollar's compensation for anything. Now I am asked whether I justify your party in what they are doing. It is a little presumptuous question. I am a loyal man now, and I am not revolutionizing the laws of the country. You have made these laws. You have now the power to undo them; you have the power to change and modify them, and do justice to those persons whom you are entering complaints in favor of. You belong to the republican party. The republican party has passed the law which I say bars this claim. It is on the statute-book. I was simply bringing to bear the rule which you have enforced all the time. If the rule is wrong, help repeal it; if it is tight stick to it and do not avoid it, do not evade it, do not dodge it in exceptional cases because a certain distinguished gentleman may have been the friend of this man or may have been the friend of the other.

I just want to tell the Senator from Mississippi a little incident that occurred here last summer. There was a bill reported from the Committee on Naval Affairs by the distinguished Senator from California [Mr. SARGENT] allowing a certain distinguished citizen of the State of Missouri $50,000 for a steamer. It was reported favorably. I took the report and examined it very thoroughly and carefully, and there was the best proof of loyalty in the world, the case of a man loyal all the time. He had happened to be down in Mississippi, though he had gone to the Lauderdale Springs down there and some other springs over the river in Alabama for his health and remained there an invalid during the war. The case was called up here. The distinguished Senator from Vermont [Mr. EDMUNDS] objected to the bill, and it was laid over. The Adjutant-General when he examined the confederate archives—the rebel archives, as my friend would say—found there a receipt to this gentleman from the confederate government for the purchase of the vessel. He had sold it to the confederate government. I went home and inquired about his loyalty. I met with two gentlemen living in his town, one of whom had been a Confederate States senator during the war. I asked him if he was a loyal man. The rebel spoke up and said: "He was as big a rebel as I was; why ask the question?" I told him he had a claim of $50,000 against the Government. The other man, who was loyal, his neighbor, said: "Well, I should suppose he was loyal; he was supporting Hayes and Wheeler." There is a little too much of that to suit me. The fact that a man may be a republican now, or may be supporting republican politics now, does not wipe away any disloyalty which he may have cherished or felt or acted in 1861, 1864, or 1865.

I am astonished at my good friend from Texas [Mr. MAXEY] rising to vindicate the character of Mr. Sebastian. I do not suppose there is a man in the Senate who has ever thought aught against Mr. Sebastian. We are not dealing with his character; we are not assailing his character; we are casting no aspersion upon it. I hope my friend would not consider it an aspersion upon him, if he had been here in the Unied States Senate and had gone down South and fought as he did during the war, if the Senate had introduced and passed a resolution of expulsion. I am sure I would not. It was a voluntary expulsion, an expatriation on my part; and I do not think any resolution that the General Government might have passed could have added anything to it in any way that I would have cared a cent for. It is a question of fact. You have enacted a law; you say you will pay loyal citizens, those who were actively loyal; you say you will not pay anybody else. Now you come in to make exceptions, and the question is

when you bring up a case, was that man a loyal man? not whether he was a good man. Why just as good men as there were in the South were in the confederate army, and I am willing to vindicate them that far. I say that just as brave and honorable and true men as there were in Mississippi or any other place went into the confederate army, and it is no aspersion to them to say that they went into the confederate army. They do not feel so, and I do not feel so at all. We were honest, sincere, and conscientious in what we did; but as to whether we were wrong or not, the Great Jehovah alone will decide that question. That is not in controversy now at all.

Here you say Mr. Sebastian was loyal. What is your evidence of it? My distinguished friend from Kentucky says that he was a Union man in 1861; and so were, as I said before, nearly all the men in the confederate army. I can show you some of the most gallant officers in the confederate army who were Unionists up to July, 1861, and some even later than that.

I want to bring this down to the republican party. You have charged that it is the democrats who are trying to pay rebel claims. The very claims which you voted to pay as loyal claims you have charged us all over the broad land, from the Atlantic to the Pacific, in every Northern State where it would have any force and effect, with trying to pay as to rebels, not Union men, for their property destroyed. You have established the rule that we cannot get pay for it. We are not asking you to repeal that rule; nothing of the kind. You say you will pay Union men and you turn round and pay them and then charge it upon us and say we are paying rebels, and if there should be another such campaign again as the campaign of 1876, this very claim will be paraded all over the country and it will be told at every country school-house by the country orators throughout the length and breadth of the land, "See what these rebels are doing, taxing the country to pay rebels for property taken during the war." Every claim paid belonging to a man living in the Southern States is charged to be a rebel claim. I want the republican party to place themselves upon record and prove that that is the fact. I want you to place yourselves upon record in this case. It is nothing to me whether you pay Mr. Sebastian's heirs or not; it is a question of principle, and I want you to assert what that principle is to-night and to say there were Union men and loyal men in the Southern States; and when you offer to pay them and when you do pay them any of their claims, do not turn around and charge it upon the rebel democracy; take the responsibility upon yourselves and say to your people, "There were loyal men down there and we are paying them; we are not charging the rebels with doing it."

What committee does this come from? The Committee on Privileges and Elections. Who is chairman of that committee? The great Senator from Indiana, [Mr. MORTON,] the distinguished leader of the republican party. That is the point that I am making in this case, and I desire to make it to the republicans here, and I desire the issue made, so that if another canvass comes on, and these charges are brought up, I can read before the American people the record of the republican Senators here testifying to the loyalty of citizens of the Southern States, and that it is not the rebels paying other rebels for property taken, used, and destroyed by the Federal Army. That is the point I make exactly, and I have been saving this precious document, The New Conspiracy, just for an opportunity of having it here to show it to the country, and to show it in the face of the republican Senate, and to show the charges that were made from one end of this land to the other, and to ask the republican Senate whether they will indorse the charges which were made during the canvass or not. These charges were made, and I want to see whether they will repeat them here and stand by them, and say that every bill for the relief of any man from a Southern State is for the payment of rebel claims.

Mr. ALCORN. Mr. President, I will not weary the Senate by detaining them a great while. The Senator from Missouri states the fact that he had been voting heretofore as I understand him and that the party to which he belongs had been sympathizing and voting for the payment of just rebel claims. I thought it was commendable of him to do so. He complains, however, that the republican party made a point against him before the masses of the people, and that because they did make the point he was likely to lose some political strength on that account and hence he feels justified now in opposing them.

The southern people, as I said awhile ago, were left in a most deplorable condition. For a long time after the war they were denied representation here. This was one of the penalties of disunion; and it was imposed that all people who go into disunion or revolution might know the fact that the penalties are terrible; patriots if they succeed, traitors if they fail. But when the southern people were allowed to send representatives here, and chose those representatives from the body of the confederate army, they did have a right to expect and they did hold that all just and proper claims of the southern people against the Government of the United States would at least be fairly treated by their own representatives. But now here to-night the champion of the principle that I have complained of in the republican party rises up, and, with the letter of Samuel J. Tilden, he comes panoplied in all his power and eloquence to declare that from this time henceforward he will hold the republican party responsible for each and every vote they may give for the purpose of allowing to the southern people that which they may under the law of nations and war justly claim. He comes here and stands by the grave of Senator Sebastian, of Arkansas; he makes his speech over his dead body. After denouncing the pretensions of his heirs, he comes here and declares that he has said nothing whatever that reflects upon this man, and that in truth and fact he holds him to have been a most honorable man. I do pray God that I may be saved from the eulogy to be pronounced over my grave by the Senator from Missouri if he calls this speaking kindly of a dead Senator, whose heirs come here now and ask that the Congress of the United States shall wipe out a judgment that was recovered in this court without notice, without giving him a day, without summoning him to appear; a judgment that was recovered against him in his absence and to which he was not permitted to plead.

The Senator from Missouri talks about what the democratic party suffered on account of their having voted for the payment of these claims.

Mr. COCKRELL. I hope the Senator does not intend to willfully misrepresent me.

Mr. ALCORN. I certainly do not.

Mr. COCKRELL. I said no such thing. I did not say that the democratic party had voted for these claims, or had suffered because they had so voted. I said that you and your party charged us with trying to get these claims through.

Mr. ALCORN. When the gentleman said that I had charged it, he said that which is not so, for I have never charged it; and each and every Senator knows that since I have been upon this floor I have stood and voted with the democrats of this House upon this question, and my heart has gone out to the democrats upon this subject. I have stood before the southern people and have claimed that the republican party to which I belonged had turned up to this time a deaf ear to their pleadings for their rights, as they hold them to be, or their equities, under the law; but I have told them that the time would come when justice would be done them, and I have asked them to wait. But now, when the Senator from Wisconsin, in his report, so generously put forth, expresses a willingness to do justice to the dead Senator from a southern State, when the Senator from Wisconsin comes here with his words of sympathy for the Senator who has now gone to his long resting place, and speaks a kind word to the orphan who weeps over his grave, we find the Senator from Missouri tearing up the sod from over the resting place of Sebastian, and declaring that he was neither fish nor fowl, and was not entitled to any consideration on the part of the Senate of the United States. He said that he wanted him either fish or fowl; he was nobody, according to the construction of the language of the honorable Senator from Missouri. That Senator from Missouri, in my humble judgment, whose heart I know to be kind, has done himself injustice to-night, I trust he has not done the memory of the deceased Senator in the judgment of the Senate an injustice; but he has done himself and his own heart an injustice in his pleadings on this occasion.

He speaks about fraudulent claims that have been presented here. I know the fact that there have been fraudulent claims presented from the Southern States, and I know the fact that combinations have been formed, and that bills have passed through the Senate and Congress, and adjudications have been recognized that were unjust, and that the Government of the United States has been robbed of its money. I have voted against all such claims; I have done as well as I could to distinguish between just and equitable claims and those that were fraudulent; but because fraudulent claims have been passed by the Senate, is that a reason why a just claim should be voted down?

The Senator from Missouri says that it must be proved, before he can recover judgment in this case, that the claimant was actively loyal. The proof does not devolve on him or on his heirs. He was ejected from the Senate without a day in court, without notice. He was turned out in his absence. Congress had a called session, met on the 4th of July, and on the 11th he was expelled from the Senate without a hearing. Now, it is upon the Senate to prove that he was disloyal, and in the absence of proof of disloyalty he is entitled to a judgment at the hands of the Senate. There has not been an effort to show that he was disloyal. The proof shows all the way through that he was loyal. I testify in my humble way that I saw him when I was a prisoner; yes, sir, I was a prisoner, for I stood by the Senator from Missouri in that dark and trying hour. I have never pleaded that I was loyal to the Government of the United States then; I have never intimated that; I have asked for no compensation for any property that was taken from me; I stand by the side of the Senator from Missouri on that point; but Sebastian was a loyal man. If words made him loyal, if sentiments expressed to me when he visited me as a prisoner could be taken, he was a loyal man. In my judgment, he was a loyal man; and I shall vote to wipe out, not the stain—it was not a disgrace, according to our view of the case, to be a confederate; we hold it to be no disgrace, but it is an imputation that is false, and I would expunge the falsehood from the records, and I would do no more.

Mr. HOWE. Mr. President, I do not wish to displace this resolution, but I ask unanimous consent to interrupt the debate for a moment to report and put upon its passage a House resolution.

Mr. CLAYTON. We can pass this now.

Mr. DORSEY. I hope the Senator from Wisconsin will allow us to take a vote; I think we can get a vote now.

Several SENATORS. Let us have a vote.

Mr. DORSEY. I hope we shall now have a vote on the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. CAMERON, of Wisconsin. I desire to say one word before the vote is taken on this resolution. The memorial was referred to the Committee on Privileges and Elections, and it was assigned by that committee to me, together with the accompanying evidence, to examine and report upon the case. I examined the case fully and very carefully. The testimony of nine witnesses was submitted in support of the memorial. The memorial itself is verified. The testimony of eight of these witnesses was in the shape of affidavits, and the ninth was a letter. Each one of these witnesses testifies to the loyalty of Senator Sebastian. Instead of being a weak case, as the Senator from Missouri intimated, it is a very strong case. The loyalty of Sebastian is established beyond all controversy. In any court of law in the world if the issue was whether he was loyal or disloyal, it could not fail upon the testimony presented to the committee to be found in favor of his loyalty.

The Senator says that we have established a rule that a person who is required to make out his loyalty must show that he was actively loyal; this case comes fully up to that standard. The testimony of half a dozen of these witnesses shows that prior to the war, during the war, and after the war Mr. Sebastian was actively loyal. One of these witnesses testifies that after he left Washington in March, 1861, and returned to his home in Arkansas, he made a speech in Helena, where I believe he resided, opposing secession. That I believe was before the ordinance of secession was adopted by that State.

Quite a number of witnesses are gentlemen who are known to the country. A. O. P. Nicholson testifies to his loyalty prior to the breaking out of the war. Ex-Senator Dodge, of Iowa, also testifies to his loyalty prior to the breaking out of the war. His colleague in the Senate prior to that time, R. W. Johnson, testifies very fully to facts showing his loyalty, showing his devotion to the Union, showing that at all times he was opposed to the principle of secession.

Without desiring to detain the Senate I will ask the Clerk to read a short letter from Governor Washburn, of my own State, who commanded in Arkansas as early as 1862.

The Secretary read as follows:

WASHINGTON, D. C., *March* 12, 1875.

DEAR SIR: On arriving in Washington this morning I saw and read in the Chronicle a memorial from the sons of the late Hon. W. K. Sebastian, formerly Senator from Arkansas, the original of which, it was said, had been placed in your hands to be laid before the Senate, asking for the rescinding of a resolution adopted by the Senate in 1861 expelling him and other Senators from the Senate for being engaged in a "conspiracy to destroy the Union and Government."

Having some personal knowledge of the facts stated in the petition, it is due to truth, justice, and the memory of Mr. Sebastian that I should state them for the consideration of the Senate.

I knew Mr. Sebastian while he was a member of the Senate, and before the breaking out of the war. On the 12th day of July, 1862, I occupied Helena, Arkansas, with the advance of the Army of the Southwest. One of the first gentlemen to call upon me at my headquarters was Mr. Sebastian, and he called very often afterward, and so long as I remained at Helena I had many conversations with him. He always expressed himself as deeply solicitous for the restoration and preservation of the Union, and as having no sympathy with the efforts to destroy it. He claimed that Arkansas had been dragooned into the rebellion, and that a large majority of the people of the State were satisfied with the Union as it was. He always manifested a great deal of feeling in the matter. He often spoke of the Senate resolution expelling him, declaring that he had done nothing in thought, word, or act to justify it, and he had it in contemplation then to return to Washington and claim his seat in the Senate, which I frequently urged him to do, believing that it would have a great influence in Arkansas at that time, as the conscription in that State was then just commencing. We discussed the matter often, and I believe that he was only deterred from a feeling of doubt as to how he would be received by the Senate.

Subsequently he left Helena and went to Memphis to reside, and I found him there on assuming command of the district of West Tennessee, in April, 1864. And from that time he was a frequent visitor at my headquarters, until he was prostrated by the illness that resulted in his death. I called upon him often during his last illness, and saw him only a day or two before he died, and never heard him utter a word that was not of a loyal and friendly character toward the Government.

I state these facts for what they are worth, and request that you will place this before the committee to whom this memorial is referred.

I have the honor to be your obedient servant,

C. C. WASHBURN.

Hon. T. W. FERRY,
President of the Senate.

Mr. CLAYTON. I ask for the yeas and nays on the resolution.

Mr. WEST, and Mr. CAMERON of Wisconsin. There is no necessity for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. As the yeas and nays are to be called, I want to know one or two things about this matter that I do not know, and one is this: If a Senator from Massachusetts or Wisconsin—I believe the two most loyal States in the world—had been absent from the Senate, not by sickness of himself or his family, would he be entitled to pay as the law stood at the time of this absence?

Mr. CAMERON, of Wisconsin. I will say to my colleague that I do not think the question is pertinent at all.

Mr. HOWE. Why not?

Mr. CAMERON, of Wisconsin. I will tell you why not. My colleague will remember that early in July, 1861, Senator Sebastian was expelled. One reason for his absence afterward was the fact that he had been expelled. My colleague will remember that only the other day, two or three days ago, a bill was reported from the Committee on Naval Affairs the substance of which was to pay a man who had been improperly, and, as it turned out, illegally, dismissed from the naval service. He was out of the naval service eight or ten or twelve years, and it turned out upon final investigation that he was illegally dismissed, and we passed a bill paying him his salary during all those years that he was out, because he had been illegally dismissed. Senator Sebastian, we claim, was out because he had been illegally dismissed, and consequently was entitled to his pay; and if a Senator from Massachusetts or from Wisconsin had been illegally expelled from the Senate, and the Senate afterward became convinced that he had been so illegally expelled, I answer the question of my colleague by saying that he would be entitled to his pay.

Mr. HOWE. What was the illegality in the expulsion of Senator Sebastian?

Mr. CAMERON, of Wisconsin. He was expelled upon two grounds, first, that he was disloyal. The Committee on Privileges and Elections find as a fact that he was not disloyal. The Senate at that time took no evidence whatever upon the question. The other point was that he was not present in the Senate at that time. He was expelled at the called session of Congress in 1861. That called session convened on the 4th day of July, and he was expelled on the 11th day of July, only seven days after the commencement of the session. Now, although my colleague is generally here, I think it quite likely that he has sometimes not appeared in his seat within seven days from the commencement of a session of Congress. No one will claim that absence for seven days was a ground or reason for expulsion. So that the only reason for expulsion was that he was disloyal. Now, we find as a fact that he was not.

Mr. HOWE. Was Senator Sebastian in his seat during the executive session which commenced the 4th of March, 1861?

Mr. CAMERON, of Wisconsin. I am not able to tell whether he was or not.

Mr. HOWE. Was not that a fact found in the case, one way or the other?

Mr. CAMERON, of Wisconsin. It is not, one way or the other.

Mr. HOWE. It would be very easy to determine whether he was or not.

Mr. CAMERON, of Wisconsin. I do not know whether he was or was not.

Mr. HOWE. Would it not be an important fact in the case?

Mr. CAMERON, of Wisconsin. I do not think it would be of any importance whatever.

Mr. HOWE. But if he was absent during the five or six weeks, which I think was about the length of that session, and did not appear at the next session, then it would not be a mere absence of seven days.

Mr. CAMERON, of Wisconsin. It is recited in the resolution that he had not appeared in his seat during the extra session in July. There is no reference whatever to any prior session.

Mr. HOWE. And there was no defense made of Mr. Sebastian's loyalty at the time of the expulsion?

Mr. CAMERON, of Wisconsin. He had no notice whatever of the charge that was made against him.

Mr. HOWE. It was not convenient to serve notice upon him, I suppose.

Mr. CAMERON, of Wisconsin. I understand as a fact, although I do not know that that appears in the testimony, that he had no notice whatever that the session had been called. It was not convenient for him to get here at that time; he was over three hundred miles within the confederate lines; and the testimony shows that it was an actual impossibility for him to get out of the confederate lines at that time.

Mr. HOWE. When did he go into those lines?

Mr. CAMERON, of Wisconsin. He lived there. He went there before the secession of the State of Arkansas.

Mr. HOWE. How long before?

Mr. CLAYTON. He was there opposing secession. That was part of his business there.

Mr. HOWE. How long before the secession of Arkansas?

Mr. DORSEY. I hope we shall have a vote on this question.

Mr. HOWE. Will you vote now?

Mr. DORSEY. Now, if we can.

Mr. CAMERON, of Wisconsin. Let us have it now.

Mr. HOWE. I think I will accept the advice of my friends; and besides I suspect that I have got all the information I can get.

Mr. INGALLS. Can the resolution be amended?

The PRESIDENT *pro tempore*. It can be.

Mr. INGALLS. I move to strike out the last eight lines.

Mr. HOWE. I think I have got information enough to warrant me in voting "no."

Mr. INGALLS. The evidence being undoubted that Sebastian remained in Arkansas and saved all his property, so far as his personal presence could contribute to that result, and that he performed no service whatever for the Government, it seems to me that we shall do enough if we remove what some Senators have been pleased to advert to as the stain upon his reputation, leaving the question of the compensation that is to be paid for the services he did not render to some subsequent time. I hope that inasmuch as the sole argument upon which this has been based has been the wrong that has been done to his reputation, to his fair name, and to the memory of one

who has passed away from us, that the Senate will content itself to-night with simply removing that imputation and not burden the Treasury by compelling the payment of a large sum of money for services which he could not have rendered, and for which he certainly would not have received pay if he had died, and that would have been no worse than being expelled.

Mr. BLAINE. If I do not interrupt the Senator from Kansas.

Mr. INGALLS. Not at all, for I have got through.

Mr. BLAINE. I was going to call attention when the Senator from Wisconsin [Mr. HOWE] was on the floor to the fact that this very session, so far as I know without contradiction by any one here, Congress has voted $10,000 to JOHN YOUNG BROWN, of Kentucky, in full pay for the Fortieth Congress in which he was not allowed to serve, but in which in the judgment of the House now he ought to have been allowed to serve.

Mr. INGALLS. Did the Senate vote that?

Mr. BLAINE. The Senate did that. This session, I think, that bill went through.

Mr. INGALLS. I have no recollection of it.

Mr. BLAINE. If I am wrong some Senator here will know it.

Mr. INGALLS. He was personally seeking his seat all the time.

Mr. BLAINE. But the House refused to seat him because he was considered disloyal. The analogy is very striking.

Mr. INGALLS. He always demanded admission.

Mr. BLAINE. The House refused to seat JOHN YOUNG BROWN in the Fortieth Congress because of disloyalty. Now, the House ten years afterward says on a review of the case that he was not disloyal. It was the action of the House that prevented him serving. They have put in one of the bills—I am looking for the chairman of the Appropriation Committee to tell me on what bill——

Mr. STEVENSON. The legislative bill.

Mr. BLAINE. In the legislative bill they put in full pay for that Congress. I think the analogy is very striking. Mr. Sebastian was prevented serving. When he was expelled he could not serve afterward. Of course, after that he would not serve here, surely.

Mr. INGALLS. The extra session of Congress that assembled on the 4th of July, if I remember correctly, was called in April.

Mr. BLAINE. He could not have served after he was expelled, could he?

Mr. INGALLS. He could have served before.

Mr. BLAINE. That is not the point in dispute. JOHN BROWN YOUNG tried to serve before he was by the vote of the House deprived of the right to serve, and now, ten years afterward, we have voted him pay for that Congress.

Mr. INGALLS. I doubt the fact.

Mr. BLAINE. I think the fact will appear by reference to the legislative appropriation bill, and you voted for it.

Mr. INGALLS. I doubt it.

Mr. McCREERY. Twenty-five hundred dollars were deducted.

Mr. BLAINE. Twenty-five hundred dollars was deducted because it had been paid before, and he got $7,500; so that he got the full $10,000 that was adjudicated to be due him, and every member of this Senate voted for or at least was consenting thereunto. I am not making any criticism against it. I am only indorsing the justice of this claim of Mr. Sebastian by this analogy.

Mr. SAULSBURY. I had intended to say something about the merits of this proposition. I had occasion some year or two ago to examine this claim, and I became fully satisfied that it was an act of justice demanded at the hand of the Senate of the United States that had expelled this gentleman without a hearing, without notice, and had left in the minds of some at least of his countrymen a stain upon his reputation. After the remarks of the Senator from Maine [Mr. BLAINE] this evening I had hoped that this act of justice would have been done with that unanimity which I think would have been honorable to the Senate. I hope now that the amendment of the Senator from Kansas will not prevail. I shall be glad to see him withdraw it. It will be a slight tribute to the memory of the gentleman whose memory has been tarnished by the act of the Senate to pass this resolution as it has been reported by the Senator from Wisconsin. I hope that therefore, without further delay and without further debate, the amendment of the Senator from Kansas will be voted down and this resolution passed.

Mr. HOWE. Mr. President, I do not mean to detain the Senate a moment, but I must say to my distinguished friend from Maine that the analogies between the case now before the Senate and that to which he has called the attention of the Senate are not so very striking to my mind as they seem to be to his own.

The claim of JOHN YOUNG BROWN rested upon the fact that he was here trying to serve the United States and giving his time in the vain endeavor to be permitted to serve the United States as a Representative, and was refused the right which the law devolved upon him. But Mr. Sebastian was not here in any such character. He did not ask to serve. I shrewdly suspect, although my colleague does not seem to be informed upon that point, that he not only did not put in an appearance at the special session called in July, 1861, but that he was not here during the executive session which succeeded the 4th of March, 1861, and it appears that he never afterward put in an appearance here during his life-time for any purpose, either claiming the right or assenting to the duty of serving the United States as a Senator or complaining of that act which is pleaded here as the reason why he did not serve—the act of expulsion. It does not appear that he ever complained of that to the Senate. There is a distinction, in my mind, very broad between the case of Mr. Sebastian and the case of Mr. BROWN.

Mr. BLAINE. I think probably the Senator from Wisconsin does not know yet all the facts in the JOHN YOUNG BROWN case. JOHN YOUNG BROWN was elected to the Fortieth Congress and appeared to take his seat. He was refused, on the ground, that he was a disloyal man and had never had his disabilities removed, and the House refused to remove them in order to qualify him. Before he ran for Congress again, by application from him and by interposition of his friends, his alleged disabilities were removed, and after becoming thereby qualified he finally took his seat. Now, at this very session of Congress, in a bill which is now undergoing enrollment, the Senator from Wisconsin consented to go back and pay JOHN YOUNG BROWN $10,000 for that Congress, and I think there is a little more analogy there than he is disposed to admit. He was refused because he was disloyal. Mr. Sebastian was expelled because he was disloyal. The House said afterward that it was a mistake; that he was not disloyal, and ought not to have been deprived of his seat, and now vote him his money. The Senate is called upon, on the report of its committee, to say now that Mr. Sebastian was not disloyal, and therefore his money should be given to his heirs. It seems to me there is a good deal more analogy than my friend admits.

Mr. HOWE. I confess that on this second statement of the JOHN YOUNG BROWN case there is more analogy than I discovered upon the Senator's first statement of it. I think very likely, if my friend should state it the third time, I could see still more.

Mr. BLAINE. If you keep prodding I will get the facts of it all out.

Mr. HOWE. I propose to get the whole of them before I let my friend alone. I cannot venture at this moment to plead not guilty of having assented to the payment of Mr. BROWN upon the statement last made. I doubt if I should have assented consciously to the payment of such a claim as that, but still as the case is presented there is a Sabbath day's journey between the principle involved in that case and the principle involved in this. That difference is, I say again, that in BROWN'S case he wanted to serve and tried to serve, and was obstinately refused permission to serve. Mr. Sebastian discovered no such disposition; he neither tried to serve nor offered to serve. He had his time to himself. BROWN spent his time in trying to get permission to work for the United States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS,] which will be read.

The CHIEF CLERK. The amendment is to strike out—

And that, without detriment on account of duties or rights of the Senator obstructed or prevented by said act of expulsion, the Secretary, or other proper officer of the Senate, be, and he is hereby, authorized and directed to settle the unpaid accounts of the said Senator at the rates provided by the laws existing at the time, (the same to be certified by the President of the Senate,) and to be paid to the heirs of said Senator, or to their legal representatives, out of the contingent fund of the Senate.

Mr. DORSEY. I hope the amendment will be voted down.

Mr. HOWE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CONKLING. The Senator from Maine [Mr. HAMLIN] not feeling well was obliged to leave the Chamber early in the evening and asked me to announce that he and the Senator from Maryland [Mr. WHYTE] are paired upon political questions. Whether this be a political question or not, I do not know, but I announce his absence because of his indisposition.

The roll-call having been concluded, the result was announced—yeas 10, nays 34; as follows:

YEAS—Messrs. Booth, Conkling, Howe, Ingalls, Kernan, McMillan, Oglesby, Teller, Wadleigh, and Wright—10.

NAYS—Messrs. Alcorn, Anthony, Bailey, Barnum, Blaine, Bogy, Burnside, Cameron of Wisconsin, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Eaton, Ferry, Gordon, Hereford, Johnston, Jones of Florida, Jones of Nevada, Kelly, McCreery, Maxey, Norwood, Paddock, Patterson, Ransom, Robertson, Saulsbury, Spencer, Stevenson, West, and Windom—34.

ABSENT—Messrs. Allison, Bayard, Boutwell, Bruce, Cameron of Pennsylvania, Chaffee, Christiancy, Cockrell, Cragin, Dawes, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Harvey, Hitchcock, Logan, McDonald, Merrimon, Mitchell, Morrill, Morton, Randolph, Sargent, Sharon, Sherman, Thurman, Wallace, Whyte, and Withers—31.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 1243) to repeal the statute forbidding appointments and promotions in the staff of the Army;

An act (S. No. 286) for the relief of W. S. McComb, of the State of Georgia;

An act (S. No. 1019) to provide for a reprint of the resolves, ordinances, and acts passed by the Continental Congress and the Congress of the Confederation;

An act (S. No. 1238) making an appropriation for the expenses of the electoral commission;

An act (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home;

An act (S. No. 470) for the relief of John S. Wood, late a first lieutenant in the Seventh Pennsylvania Cavalry;

An act (S. No. 1001) to provide for the disposition of Fort Dalles military reservation;

An act (S. No. 36) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled;

An act (S. No. 1288) to remove the political disabilities of P. J. Quattlebaum, of Georgia;

An act (S. No. 1260) granting a pension to Edmund H. Cobb;

An act (S. No. 1259) granting a pension to Daniel Houlihan;

An act (S. No. 734) for the relief of William Jasper Cordill;

An act (S. No. 177) to authorize the Secretary of War to open and re-adjust the settlement made by the United States Government with the Western and Atlantic Railroad of Georgia;

An act (S. No. 1163) for the relief of settlers on the public lands under the pre-emption laws;

An act (S. No. 855) making appropriation to pay the claim of Benjamin Fenton and D. W. Fenton;

An act (S. No. 1255) for the relief of Henry Voelter;

An act (S. No. 1200) to grant a pension to Margaret Hunter Hardie, widow of James A. Hardie, inspector-general in the United States Army;

An act (S. No. 1197) for the relief of Eli Teegarden;

An act (S. No. 1183) granting a pension to Harriet Moss;

An act (S. No. 1122) to secure the rights of settlers upon certain railroad lands and to repeal the first five sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866;

An act (S. No. 1116) granting a pension to Sarah A. Chamberlain, guardian of the minor heirs of James Eagle, Company F, Second Regiment Kansas State Militia;

An act (S. No. 1083) to amend an act entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June 8, 1872;

An act (S. No. 1225) to amend section 2291 of the Revised Statutes of the United States in relation to proof required in homestead entries;

An act (S. No. 1034) for the relief of Louis Rose;

An act (S. No. 1063) for the relief of certain settlers on the public lands;

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

An act (S. No. 1071) for the relief of H. E. Woodhouse & Co., of Brownsville, Texas;

An act (S. No. 1128) to extend for two years the act establishing the board of commissioners of claims, and the acts relating thereto;

A joint resolution (S. R. No. 32) providing for the renunciation of the naturalization of Frederick Hinkel; and

A joint resolution (S. R. No. 30) to amend the joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

NATHANIEL P. HARBIN.

Mr. GORDON. I move that the Senate proceed to the consideration of the bill (S. No. 844) for the relief of Nathaniel P. Harbin, of Georgia.

Mr. LOGAN. I ask the Senator if he will not yield for an executive session that will not last over ten or fifteen minutes.

Mr. GORDON. We can pass the bill in a moment.

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

The motion was agreed to, and the bill (H. R. No. 844) for the relief of Nathaniel P. Harbin, of Georgia, was read the second time and considered as in Committee of the Whole. It appropriates $8,733 to Nathaniel P. Harbin, of Whitfield County, Georgia, in full for all claims which he has against the Government of the United States on account of the seizure and use of three hundred and forty-two boxes of chewing tobacco by the Army of the United States at Covington and Oxford, Georgia, in the month of July, 1864.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. HOWE. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. GORDON. The bill was reported by the Senator from New Hampshire, [Mr. WADLEIGH.] It is all right.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of Congress of March 3, 1871.

The message also announced that the House receded from its disagreement to the seventy-sixth and seventy-seventh amendments of the Senate to the bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia.

The message further announced that the House further insisted upon its disagreement to the amendment of the Senate to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. J. G. ABBOTT of Massachusetts, and Mr. CHARLES FOSTER of Ohio managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3321) to amend the act entitled "An act granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;"

A bill (H. R. No. 4340) granting a pension to Isabella Cassidy;

A bill (H. R. No. 4703) granting a pension to Harriet E. Edwards;

A bill (H. R. No. 4704) granting a pension to George McCoy;

A bill (H. R. No. 4705) granting an increase of pension to Mrs. Louisa Merrill;

A bill (H. R. No. 4706) to increase the pension of Mrs. Maria B. Craig.

The message further announced that the House had passed the following bills:

A bill (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making, or use, or vending of his patent explosive shell, fuses, and percussion exploders by the United States;

A bill (S. No. 920) to authorize Louis Petoskey, of Michigan, to enter a certain tract of land which embraces his home and improvements.

A bill (S. No. 949) for the relief of A. M. Garoutte, late captain and assistant quartermaster, United States Army;

A bill (S. No. 1127) for the relief of J. B. McCullough;

A bill (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina; and

A bill (S. No. 1292) to remove the political disabilities of John M. Haden of Galveston, Texas.

COURTS IN WEST VIRGINIA.

The PRESIDENT *pro tempore* appointed Mr. HEREFORD to fill the vacancy upon the committee of conference on the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia occasioned by the death of Allen T. Caperton.

EXECUTIVE BUSINESS.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

GEORGE R. HORTON'S SURETIES.

Mr. DORSEY. I ask the consideration, while the galleries are being cleared, of the bill (H. R. No. 545) for the relief of James A. Jackson, and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It releases James A. Jackson, John Hussy, Eli Rogers, Iverson L. Brooks, and William F. Slemons, securities of George R. Horton, late postmaster at Monticello, Arkansas, from all liability as such securities on account of post-office money, stamps, and money-order funds stolen from the office on the 6th of June, 1874, amounting to the sum of $1,078.48, without any fault of the securities or the postmaster.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

E. N. HORSFORD.

Mr. CONKLING. The Senator from Illinois is good enough to yield to me for a moment, that I may ask to take up the bill (S. No. 1289) for the relief of E. N. Horsford, a very brief bill, which will take but a moment, I think.

The bill was read. It authorizes the Commissioner of Patents to hear and grant the application of E. N. Horsford for the extension of his re-issued patent, No. 14722, for the term of seven years, if it shall appear to the satisfaction of the Commissioner that Horsford has not been adequately remunerated for the time, ingenuity, and expense bestowed by him in originating, perfecting, and introducing his invention to public use.

Mr. COCKRELL. Has that case been taken up? I thought the bill was read for information.

Mr. CONKLING. Consider it as so read, if there is any objection to it.

The PRESIDENT *pro tempore*. The bill has not been taken up. The question is on proceeding to its consideration.

Mr. CONKLING. This is a bill reported from the Committee on Patents; and my colleague who is here made the report. It is a bill to allow Professor Horsford to apply for an extension of his patent,

which covers a chemical production that I believe he thinks, if he can introduce it, will take the place of yeast and be an improvement on yeast. So far he has had little or nothing out of it, and he wants an opportunity, if he can, to see whether he can make anything out of his patent. That is all of it.

Mr. LOGAN. All right; if he can improve bread, very well.

The bill was considered as in Committee of the Whole, reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 3321) to amend the act entitled "An act granting pensions to the widows, children, dependent mothers and fathers or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;"

A bill (H. R. No. 4340) granting a pension to Isabella Cassidy;

A bill (H. R. No. 4703) granting a pension to Harriet E. Edwards;

A bill (H. R. No. 4704) granting a pension to George McCay;

A bill (H. R. No. 4705) granting an increase of pension to Mrs. Louisa Merrill; and

A bill (H. R. No. 4706) to increase the pension of Mrs. Maria B. Craig.

HISTORY OF SURVEYS AND SCIENTIFIC EXPEDITIONS.

Mr. HOWE. I move to take up House joint resolution No. 161.

The motion was agreed to; and the joint resolution (H. R. No. 161) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century was considered as in Committee of the Whole. It directs the Secretary of State to cause to be prepared and published a brief history of the several surveys and scientific expeditions ordered and prosecuted by the United States during the century just closed, including the various foreign and oceanic expeditions, the surveys of the coast and of the lakes, and the several topographical, scientific, and military surveys of the interior. It is to be reported to Congress as soon as practicable, and not to exceed eight hundred pages octavo. To enable the Secretary to carry into effect the resolution the sum of $7,500 is appropriated.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN RAY.

Mr. WEST. I call up the resolution I offered a few minutes ago, and ask to have it read.

The resolution was read, as follows:

Resolved, That John Ray, claimant for the seat in the Senate vacated by the resignation of William P. Kellogg, late Senator of Louisiana, be paid the sum of $1,329.14 out of the contingent fund of the Senate.

Mr. COCKRELL. I move that that go on the Calendar.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. COCKRELL. How is it before the Senate?

Mr. INGALLS. It must lie over one day.

Mr. COCKRELL. It is reported to-day.

Mr. WEST. It is not reported at all.

Mr. COCKRELL. Then it cannot be considered.

Mr. WEST. I suppose the Senator can make a parliamentary objection to it.

Mr. COCKRELL. That is what I do now.

Mr. WEST. I thank him for his courtesy at the close of my term. This is the only personal favor I have asked of the Senate in six years. I thank the Senator from Missouri for the courtesy he shows me.

Mr. COCKRELL. You are entitled to it, sir.

FRANCIS M. STRONG AND THOMAS ROSS.

Mr. WADLEIGH. I move that the Senate proceed to the consideration of the bill (H. R. No. 4397) for the relief of Francis M. Strong and Thomas Ross.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants leave to Francis M. Strong, of Vergennes, in the county of Addison and State of Vermont, and Thomas Ross, of Rutland, in the county of Rutland and State of Vermont, to make application to the Commissioner of Patents for an extension of the letters-patent granted to them for an improvement in weighing-scales, of date the 24th day of May, 1859, for the term of seven years; but no person shall be held liable for the infringement of the patent, if extended, for making use of said invention since the expiration of the original term of the patent, and prior to the date of its extension.

Mr. SARGENT. I do not know that it is, but it seems to me somewhat strange that many of these patent cases are coming up to-night. Extensions of patents are very suspicious, very questionable, except in extremely exceptional cases. The general tendency of my mind is against the renewal of patents.

Mr. WADLEIGH. This is an extremely exceptional case. I ask for the reading of the House report, which I indorsed after an examination of the facts in the case.

The Secretary read the following report submitted from the Committee on Patents of the House of Representatives:

The Committee on Patents, to whom was referred the petition of Francis M. Strong and Thomas Ross, for an extension of letters-patent for improvements in weighing-scales, submit the following report:

The evidence submitted in this case shows that Francis M. Strong, of Vergennes, and Thomas Ross, of Rutland, Vermont, are the joint inventors of certain improvements in weighing-scales, for which letters-patent were granted them May 24, 1859. Within ample time, as prescribed by law, these inventors placed in the hands of the Brandon Manufacturing Company a signed petition for the extension of said letters-patent, that it might be forwarded and filed with the Commissioner of Patents. Fearing, however, that some mistake might occur they forwarded to their attorney at Washington a duplicate petition, with instructions that he should file it in case it was not filed in time by other parties. This attorney made frequent inquiries at the Patent Office, and was at length assured that the petition had been filed. The event proved, however, that the clerk in charge was in error and that the petition was not filed as stated. The mistake occurred through the filing of another application by the same parties for the extension of another patent of the same date. But the error was not discovered until too late to rectify it under the statute, and for this reason the petitioners pray for the passage of an act to enable them to make application, as they certainly would have done if not misled by the information given their attorney at the Patent Office. In view of these facts the omission to act having arisen by no fault of the patentees, but by the inadvertence of a Government employé, this committee recommend the granting of the prayer and the passage of the accompanying bill.

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

ORDER OF BUSINESS.

Mr. PATTERSON. I move that the Senate proceed to the consideration of House bill No. 4699.

The PRESIDENT *pro tempore*. The Chair is informed that the Clerk has not a copy of the bill at his desk.

Mr. INGALLS. While the Clerk is hunting for that bill, I ask leave to call up several bills reported from the Committee on Pensions.

Mr. SPENCER. If the Senator from South Carolina asks to take up the general amnesty bill, I shall object to it.

PENSION BILLS.

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAVIS. Has that bill been considered by the Committee on Pensions?

Mr. INGALLS. It has been reported from the Pension Committee.

Mr. DAVIS. I suppose it will go over to-day.

Mr. INGALLS. It has been on the Calendar for some time.

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

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth D. Stone, widow of Brinton Stone, late an acting assistant surgeon in the United States Navy.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

Mr. SAULSBURY. I think it is very improper legislation for us to be voting upon what we really do not understand. We are placing persons upon the pension-list without any Senators except the members of the committee knowing anything about the case. I believe in voting for all proper pensions, but I am not willing to vote blindly to place pensioners on the rolls without knowing anything about the case.

Mr. INGALLS. If the Senator from Delaware will ask me any question, I shall be glad to enlighten him.

Mr. SAULSBURY. I do not know anything about the case.

The bill was passed.

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the Secretary of the Interior to place on the pension-rolls the name of John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, at the rate of $24 per month, in lieu of that now drawn by him.

Mr. SAULSBURY. I should like to have an explanation as to the merits of this bill.

Mr. INGALLS. This man Wunderlin had a leg shot off below the knee, and his pension is $18 a month. Had his leg been shot off above the knee, his pension would have been $24 a month. On account of the condition of the stump he is entirely unable to wear a wooden leg, and the committee, after examining all the evidence, believe that he ought to have the same pension as if his leg had been shot off above the knee; and if it had been shot off above the knee he would have been entitled to $24 a month.

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

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 3277) granting a pension to Kate Louise Roy.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Kate Louise Roy, widow of James P. Roy, late lieutenant-colonel Fifteenth Regiment United States Infantry, and to pay her a pension for the rank held at the date of his death, in lieu of the pension now received.

Mr. DAVIS. I should like to know the date of that pension, how far back it goes.

Mr. INGALLS. It dates from the passage of the act.

Mr. DAVIS. I thought I heard something about the date of the husband's death. I ask the Clerk to read the bill again.

The Chief Clerk read the bill.

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

ORDER OF BUSINESS.

Mr. PATTERSON. I ask the Senate to proceed to the consideration of the bill (H. R. No. 4699) to remove the disabilities imposed by the third section of the fourteenth article of amendment to the Constitution of the United States.

Mr. SPENCER. I object to that bill.

Mr. PATTERSON. Then I move that the Senate proceed to the consideration of the bill.

Mr. SPENCER. I object.

The PRESIDENT *pro tempore*. One objection carries the bill over.

Mr. PATTERSON. Allow me to state that this bill has been read the first and second times, and one objection cannot carry it over; it can be taken up by a vote of the Senate. I ask the Clerk to look at the record of the bill. One objection will not carry it over.

Mr. SPENCER. If one objection will not carry it over, I will send up the report on the Mississippi case and have it read.

Mr. PATTERSON. I appeal to the Senator to let the bill be considered.

The PRESIDENT *pro tempore*. One objection rules the bill out. It came over to-day, and was read the first and second time, and referred to the Committee on the Judiciary.

Mr. WEST. I suggest to the Senator from South Carolina to move that the committee be discharged.

Mr. PATTERSON. I move that the Committee on the Judiciary be discharged from the further consideration of the bill.

The PRESIDENT *pro tempore*. That makes no difference, because the rule says that a bill cannot be acted upon on the same day on which it is reported except by unanimous consent.

Mr. PATTERSON. There is no objection to the bill.

The PRESIDENT *pro tempore*. The Senator from South Carolina states that there is no objection to the bill.

Mr. SPENCER. I do object.

Mr. PATTERSON. The Senator from Alabama is only in fun; he is not in earnest.

The PRESIDENT *pro tempore*. The bill is before the Senate, if there is no objection. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. SPENCER. I object to the bill.

The PRESIDENT *pro tempore*. The Chair thinks the Senator's objection is too late.

Mr. PATTERSON. I know it is too late. The Senator from Alabame was only objecting in fun.

Mr. SARGENT. I rise to a point of order. This is not legislation. I understood the Senator from Alabama to object to the bill.

Mr. SPENCER. I do object to it.

Mr. MORRILL. And he has not withdrawn his objection.

Mr. SARGENT. I am in favor of the bill and I should like to have it passed; but I do not admire this kind of action. A Senator rises in his place and objects; and because another Senator says he is only in fun and insists that he is not in earnest, the bill is to be taken up.

Mr. PATTERSON. When I said the Senator from Alabama was in fun he said nothing and I thought he withdrew his objection.

Mr. SPENCER. I did not withdraw the objection.

The PRESIDENT *pro tempore*. Does the Senator from Alabama object?

Mr. SPENCER. I do object.

The PRESIDENT *pro tempore*. Then the bill is ruled out.

REPORT OF A COMMITTEE.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1110) for the relief of Captain Edwin R. Clarke, reported it with an amendment.

RECESS.

Mr. WINDOM. We had expected to have the conference report on the sundry civil bill ready, and have kept the Senate waiting for it. It is, we learn, impossible to get the report signed to-night, as several members of the committee of conference seem to have gone home, and if the Senate will meet promptly to-morrow morning at nine o'clock, I think the business can be completed.

Mr. OGLESBY. I ask the Senate to proceed to the consideration of House bill No. 1545, declaring lands heretofore granted to certain railroad companies subject to State taxation.

Mr. WINDOM. I move, if I have the floor, that the Senate take a recess until nine o'clock to-morrow morning.

Mr. HARVEY. I hope the motion will not prevail. Let us act on the bill referred to by the Senator from Illinois.

The motion was agreed to; and (at three o'clock and forty-seven minutes a. m., Sunday, March 4) the Senate took a recess until nine o'clock a. m.

MORNING SESSION, (SUNDAY.)

The recess having expired, the Senate resumed its session at nine o'clock a. m., (Sunday, March 4.)

PETITIONS AND MEMORIALS.

Mr. BARNUM presented the petition of Chester N. Case and the widow and heirs of John N. Bull, deceased, praying compensation for the destruction of their property at Orangeburgh, South Carolina; which was referred to the Committee on Claims.

Mr. HARVEY presented a resolution of the Legislature of Kansas, in favor of donating to the Kansas State Agricultural College a full set of the self-registering instruments for giving data for the meteorological reports required to be made by that institution; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas in favor of the passage of a law allowing arrears of pension; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas, in favor of an amendment to the Constitution of the United States, providing for the election of United States Senators by the people; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas, remonstrating against the removal of the Sioux Indians to the Indian Territory; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas, in favor of the passage of a law allowing settlers on the Osage trust lands to pay for their lands in four annual installments; which was ordered to lie on the table.

LOUISIANA ELECTION.

Mr. WADLEIGH. I present the memorial of Hugh J. Campbell and others, citizens of Louisiana, with reference to the late election in that State, which I ask may be printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The memorial is as follows:

WASHINGTON, D. C., *February* 27, 1877.

To the honorable the Senate of the United States:

Your memorialists with respect represent the following facts in regard to the late election in Louisiana:

After the arguments before the electoral commission on the Louisiana case had begun, the counsel for the democrats, without notice to the republicans, interpolated in the midst of the discussion a statement of alleged facts, which they asserted they were prepared to prove. This procedure, although rather closely resembling sharp practice in a jury case, was calculated to affect public opinion. To counteract this effect we have drawn up the following statement. There is this difference between it and the democratic statement. The democratic counsel have stated what they proposed to prove and alleged they could prove. We have stated what has already been proven, and refer to the testimony.

HISTORY OF FORMER ELECTIONS IN LOUISIANA.

For ten years violence, bloodshed, and murder have been habitually resorted to in Louisiana by the democrats as a means of influencing elections.

In that time there have been ten great butcheries or massacres for political reasons. We will enumerate them and give the proof:

First. In 1866, the massacre at Mechanics' Institute, in which over two hundred republicans were killed in the streets and in that building. (See the Shellabarger report to the House.)

Second. In 1868, the Saint Landry Parish massacre, during which from two to three hundred colored people were killed.

Third. The Bossier Parish massacre, during which over two hundred colored people were killed.

Fourth. The Caddo Parish massacre, in which over forty colored people were killed.

Fifth. The Saint Bernard Parish massacre, in which over one hundred colored people were killed.

Sixth. The Orleans Parish massacres, in which over sixty persons were killed

Seventh. The Saint Mary Parish massacre, in which the sheriff and parish judge, both republicans, were publicly assassinated. (See the Stevenson report to the House.)

Eighth. In 1873, the Grant Parish massacre, in which over one hundred colored persons were killed. (See the Hoar report to the House.)

Ninth. In 1874, the Coushatta massacre, in which four persons were killed. (See the Hoar report to the House.)

IN 1876.

Tenth. In 1876, the Mount Pleasant massacre, in which over twenty persons were killed and wounded. (See testimony before Senator HOWE's committee.)

Besides these massacres the following prominent and active republicans were assassinated during the same year and immediately prior to it:

In East Feliciana, John Gair, ex-member of the house of representatives, shot to death.

In Ouachita, Dr. B. H. Dinkgrave, Eaton Logwood, and Henry Pinkston, shot to death.

In Baton Rouge, William Y. Payne, dragged by horses and shot to death.

In West Feliciana, Gilbert Carter and Isaac Mitchell, shot to death.

In Red River, Senator Twitchell shot and mutilated, and his brother-in-law, Mr. King, shot to death.

These murders have invariably been perpetrated immediately or almost immediately before a political campaign, or in the midst of it. Their result has also invariably been, by the fear, insecurity, and terror occasioned thereby among republicans, to largely decrease the republican vote, and as largely increase the democratic vote. In 1868 the result was to drive from the polls about 50,000 republican voters.

This systematic resort to violence and murder for political ends by the democrats was the occasion of the enactment of the election law of 1870.

ELECTION LAW.

The object of that law was to create a tribunal which should have the authority, whenever an election in any precincts or parishes of the State had been rendered null by such violence and intimidation, to ascertain and declare that nullity, and to reject and refuse to count the so-called votes polled under the reign of such terror.

By this law five persons are made the returning officers for all elections in the State, a majority of whom constitute a quorum with power to act. There are no returns and can be none of any election in Louisiana but the returns which these officers make. The statements made by the commissioners of election who preside at the polls are not returns, nor are the statements of the parish supervisor, who consolidates the statements of the commissioner, returns. These statements are simply the official and sworn evidence of the officers conducting the elections, which are sent up to the returning officers. These returning officers receive them, count them, compile them, and canvass them, and make the final and only official count of the vote, and the final and only certificate of the result of that vote, which is called the return. In cases where violence and intimidation have rendered the election null, these returning officers are empowered by the law to inquire into and determine the results of such violence and intimidation, and if the same have nullified the election at any poll or precinct, to ascertain and declare that nullity; and when such nullity has been ascertained, the law commands them to reject and refuse to count the votes so made null and void.

THE CONSPIRACY.

It is true, and it is proven, that at the last election there was, in the seventeen parishes hereinafter named, a conspiracy to suppress by force and violence the republican vote; that the means used for that end were night-riding, patrolings, whippings, shootings, hangings, burnings, mutilations, assassinations, murder, and massacre.

That by this conspiracy from twelve to fifteen thousand republican voters, who were desirous of voting, and who made earnest efforts to vote the republican ticket, were put in fear of their lives and driven from the polls and prevented from voting; and that by the same means from three to five thousand Republican voters were forced, against their will and from fear, to vote the democratic ticket.

This conspiracy was carried out by armed bodies of men, known by the name given them by themselves, as bull-dozers.

The proofs of this conspiracy, as in evidence before the Senate committee, are:

First. The secret Patton letter.

Second. The result of the vote, as shown by the tables of registration and election.

Third. The fact that the persons composing the bull-dozers were all democrats and white men, and the parties bull-dozed were all black men and republicans.

Fourth. The sudden and simultaneous outbreaks of this violence and murder before and near the election.

Fifth. The conduct of the white communities where they occurred, in this:

These outrages were connived at and concealed by them.

They were secretly encouraged.

They made no attempt to discover and punish the criminals.

There has been no condemnation of these outrages by the press, by public meetings, or by the clergy, and the citizens who have ventured to denounce them have been menaced with proscription and persecution, and thus silenced.

The democratic managers have falsely pretended that these outrages were not perpetrated, or when they have been compelled to admit them they have falsely attributed them to the laxity of the local governments, although well knowing that the same terrorism which rendered these outrages possible rendered the local governments powerless.

Sixth. The fact that the effects of these outrages in intimidating the colored people were not confined to the parishes in which they were perpetrated, but spread to great distances in surrounding and neighboring parishes.

Seventh. The fact that in the parish of East Feliciana, John Gair, an ex-representative, and the ablest and most influential leader of the colored people, was kidnapped at night in the town of Baton Rouge, forty miles from his home, by a sheriff's posse, upon a false charge, wrung by torture from a poor and defenseless colored woman, of complicity in the poisoning of a man who was not poisoned, but is now alive and well, and who, while on his way in the custody of his captors, was forcibly taken from them by an armed company of bull-dozers, under the command of one Joe Norwood and Dr. Saunders, and tied to a tree by the road-side and shot to death. And that this horrible and dastardly crime was committed by the democrats from political animosities and to achieve political ends. And that all investigation into and inquiry after the perpetrators of this crime have been continuously and systematically discouraged and prevented by the white community of East Feliciana; and the only investigation made has been that made by the Senate committee, and the Hon. CHARLES H. JOYCE, Representative, upon the House committee. (See testimony before Senator HOWE'S committee, and minority report of House committee, and speech of Hon. CHARLES H. JOYCE.)

Eighth. The fact that in the parish of Ouachita, shortly before the election, Dr. D. H. Dinkgrave, a white gentleman of high standing, irreproachable character, and great ability and influence among republicans, who was the leader of the republicans in that parish and their main dependence, was deliberately shot and killed in open daylight in the town of Monroe by an assassin, who then rode deliberately away. The assassin has never been discovered, and it is in evidence before the Senate committee that this assassination was a political crime, committed for political reasons, and by democrats, and was connived at and investigation stifled by the democrats of that parish. And that the effect produced was to cause a thorough and wide-spread feeling of terror among all the republicans of that parish, and to completely break up all political organizations among them.

Ninth. The fact that in the parish of Red River the shooting of Senator Twitchell and the murder of his brother-in-law, Mr. King, were crimes committed with like objects, by the connivance of the democrats, and followed by like results among republicans as the assassination of Dr. Dinkgrave.

Tenth. The fact that in the parish of Ouachita the horrible murders of Eaton Logwood, James Jackson, Primus Johnson, Merrimon Rhodes, and Henry Pinkston were political assassinations of a like character with that of Dr. Dinkgrave, and followed by like political results, and were also accompanied by atrocities such as were calculated to and did spread a terrible fear and feeling of danger and insecurity among all republicans in that and neighboring parishes, which lasts to this day.

Eleventh. The fact that in the parish of East Baton Rouge the horrible murder of William Y. Payne, who had a rope placed around his neck and was dragged with horses until he was dead, and that of Jerry and Samuel Myers, were also political assassinations of leading colored people of a like character and with like effects to those above enumerated.

Twelfth. The fact that in the parish of West Feliciana the murder of Gilbert Carter, Isaac Mitchell, and Edward Armstrong were also political murders of the same character and with like political results.

Thirteenth. The fact that in the parish of East Baton Rouge, the massacre at Mount Pleasant, and the dispersal of a colored colony of industrious, sober, and honest farmers, who were working the Triplett place, who were accumulating property, and who formed a social and political center for the colored people of that part of the parish, was a hideous and dastardly crime, committed by white democrats for political purposes. One revolting and hideous feature of this massacre, which distinguishes it from all others, is the fact in evidence before the Howe committee, that the sanguinary perpetrators of the crime pursued their victims even after death, and concocted and published a malicious lie, charging the negroes with having organized for the purpose of killing whites. (For proof of all the above-enumerated facts see testimony before Senator Howe's committee.)

LIST OF POLITICAL MURDERS AND OUTRAGES BEFORE THE RECENT ELECTION.

The following is a partial list of the murders and outrages, and the names of the parties by whom committed, in four parishes only, as taken from the testimony before the Howe committee. Similar crimes were perpetrated in fourteen parishes. Want of time prevented the committee from taking testimony in more than six parishes, we believe. In these it was not possible to obtain proof of all the murders and outrages, and out of this testimony we have only had the time to collate the facts relating to four parishes.

NUMBER OF MURDERS.

West Feliciana.—Gilbert Carter, Isaac Mitchell.

East Feliciana.—Jerry Norman, Joseph Johnson, Samuel Smith, colored man name unknown, Full Nelson, colored man name unknown, John Gair, Catharine Matthews, P. Branch, three colored men names not given, Marshal Ryer, Webster Dyer, two colored girls, colored boy, dragged to death at horses' tail.

NUMBER OF SHOOTINGS, WHIPPINGS, AND OTHER OUTRAGES.

West Feliciana.—Five men discharged by William Ball; Primus Pickett and Jupiter Jones shot at; Brent Lawns and Marth Gray whipped; one colored man whipped, name unknown; William Butler, Andrew Jackson, Harrison Douglass, Alfred Morgan, James Williams, Daniel Perry, Kelly Martin, discharged for voting republican ticket; sixty negroes discharged for voting the republican ticket; Tom Rice and John Green, shot at; hung up, Riley Norfless; Isaac Bissell, shot at; John Harrison, assaulted with pistols; L. H. Lewis, shot at; Washington Spooner, threatened with death and driven from home; Woodford Root, Jupiter Hunt, Demas Williams, whipped; J. R. Watson, shot at and house burned; William Jones and Aaron Cummings, driven into swamp; James Smith, beaten over the head; Valentine Emery, prevented by pistols from distributing republican tickets; Andrew Young, driven from home; L. T. Cotton, house broken open and driven from home.

East Feliciana.—Two hundred colored men fled parish; Ezekiel Glover, whipped; colored woman, whipped nearly to death; Jared M. Harrill, planter, threatened with hanging if he exposed perpetrators; James Law, store set on fire; colored men driven to woods in large numbers; Henry Smith, sheriff, shot at and forced to resign; Bob Keeler, Ellis Green, Jim Langston, Aaron Carey; woman, whipped; Tucker hung up; Henry Lawson whipped, two hundred lashes; William Chancey, hung up till he promised not to vote republican ticket; Charles Wilson and Aaron McKenzie, whipped; Monroe Miles, taken out and threatened with death; Austin Sloan, Henry Lawson, Dangerfield Sloan, Charley Williams, Allen Myers, whipped; George Rielly, assaulted and beaten; Judge Dewing, court broken up and compelled to leave parish; Mrs. Perry, Joe Winham, James Lawson, Jack Dyer, William Glasper, whipped.

NAMES OF MEN PROVED TO HAVE COMMITTED OUTRAGES.

West Feliciana.—Court Smith, Charles Barrow, Joseph Stewart, Napoleon Riddle, Nelson Ball, Joseph Edwards, Robert Wilson, Thomas West, Robe t Phillips, George Towns, Calhoun Hamilton, Herman Barrow, Page Barrow, Matthew Gilmore, William Gilmore, Hugh Connello, —— McDunner, and W. J. Ford.

East Feliciana.—Joseph Norwood, Robert McClellan, J. W. Smith, Rufus Breton, William Mapes, Stanhope Cone, Augustus Cane, Frank Wood, Dr. Saunders, Lewis Moore, Alexander Skipwith, Henry D'Armont, George Anderson, William Nulon, James Jackson, Aleck Zuggs, and John Zuggs.

MURDERS.

East Baton Rouge.—Jerry Myers, rope put around his neck, dragged a mile by horse, then hung; Samuel Myers, Taylor Hawkins, George Washington, Johnson Stewart, Hugh Fugua, Magee Selves, Charley Robinson, Bristow Harrison, Henderson Pointer, John Jackson, William Y. Paine, Sanford Smith, Paul Johnson, Archie Stewart, Joe Johnson, L. Foster, Bill Kidd, Wilson Rhodes, Henry Martin, Monroe Beachman; Lizzie Richmond, hung; Andrew Isham, George Wortryton, Hudson Puritas, and Mrs. Spriggs.

WHIPPINGS AND OTHER OUTRAGES.

East Baton Rouge.—Alice Gilbert, rope put around neck, dragged on ground, house robbed, and driven from home. (Page 1591, Howe's report;) Benjamin Morgan, coroner, warned to hold no more inquests on pain of death; Julius Williams, driven from home; Jacob Shields, driven into swamps; Laten Williams, house broken open, rope put around neck, dragged, beaten, and shot at; Perry Jones, Abraham Straughter, Matthew Washington, shot at; George P. Davis, parish judge, driven from parish; Isadore Herron, whipped, rope around neck, and dragged; Lewis Brown, whipped; Alexander S. Gilbert, driven from home; Paul Johnson, dragged by rope; eight persons and others, unarmed, compelled by force to vote democratic ticket; Reuben Delcomb, whipped and shot; Ripley Williams, Matthew Dawson, George Simms, Alfred Abel, James Johnson, Wilby Bradford, and numerous others, driven from home; Charley Wilson, Lewis Chapin, whipped; Monroe Smith, whipped, one hundred lashes; three others driven from home; five named and others, forced to vote against wishes; Coleman Brown, shot; Felix Jones, crop destroyed; Harriet Bertain and —— Bertain, shot at and house fired; Lafayette McMurray and Richard McMurray, threatened and assaulted with pistols; Lewis Morgan, shot at; William Duplessis, driven to woods; Phœbe Ann Wade, house broken open; Peter Simms, driven to woods; Lewis Gibson, whipped; Gilbert Huston, John Lewis, driven from home; Miranda Smith, wife of Sanford Smith, house broken open and whipped.

PERSONS PROVED TO HAVE COMMITTED OUTRAGES.

East Baton Rouge.—Henry Kerr, —— Watts, A. L. Duncan, Manny Carmina, Henry Badley, Shook Badley, Joe Brown, W. Dougherty, S. Dougherty, Charley Booth, Charley Griffith, Randall White, John W. Smith, R. H. McClellan, Kerrys Catolic, Venter Jones, Hiram Carmina, Ed. Davis, George Kerr, Luke Carpenter, Henry Carpenter, Pat Hood, John Paine, Thomas Brown, Joe Monser, Oliver Hubbs, Phil. Brashears, Eugene Offord, William Peake, Joseph Edwards, Buck Morgan, George Jorr, Gilbert Thomas, Barney Williams, and Nathan Piper.

OUACHITA CASE.

Killed.

1. Dr. B. H. Dinkgrave, white, August 30, on public highway.
2. James Jackson, colored, September 15, on public highway.
3. Marriman Rhodes, colored, body found in Ouachita River.

4. Ferdinand Bynum, colored, body found in Ouachita River.
5. Henry Pinkston, colored, November 4, Island.
6. Infant child of Mr. and Mrs. Pinkston, colored, Island.
7. Primus Johnston, colored, October 10.
8. William Claret, colored, in Cottonport.

Wounded by shooting.

1. Eaton Logwood, colored, October 10, in his own yard. Since died from his wounds.
2. Andrew McCloud, colored, September 4, near Morehouse Parish line.
3. Henry W. Burrell, colored, public highway.
4. Spencer Dickerson, colored, public highway.
5. William Lewis, colored, public highway.
6. George Shelton, colored, public highway.
7. Eliza Pinkston, colored, November 4, at her home.
8. Benjamin James, colored, November 7, public highway.
9. Hawkins Jones, colored.
10. Solomon Mathews, colored.
11. Henry Forster, colored, (see hung.)

Hung.

1. Emanuel Richards, colored, Island.
2. Henry Forster, colored, Island.

Whipped.

1. Randall Driver, colored, November 4, his place.
2. James H. Coleman, colored, November 4, Island.
3. Willis Fraizier, colored, reported, Island.
4. Abraham Williams, colored, November 4, Island.
5. Bryant Simms, colored, Colony.
6. Cora Williams, colored, November 4, Island.

Driven from home.

1. Robert Long, colored, officer at Trenton.
2. Aaron Turner, colored, September 23, Island.
3. Ned Mitchell, colored, Island.
4. Andrew Harrison, colored, Island.
5. Frank May, colored, reported, Island.
6. Lee Poll, colored, Island.
7. Andrew McCloud, colored, Island.
8. George Robertson, colored, Trenton.
9. Mahala Robertson, colored, Trenton.
10. Manual Richards, colored, September 22, Island.
11. Giles Roberts, colored, Island.
12. Jack Davis, colored, September 22, Island.
13. Oliver Dickerson, colored, Island.

House shot into.

1. J. W. Hudson, colored, member of police jury, near Monroe.
2. Nat Blanchard, colored, I. P. Claibornerow.

House broken into.

1. Randall Driver, colored, November 4, Island.
2. Eldridge Lockspur, colored, November 4, Island.
3. Solomon Mathews, colored, November 4, Island.
4. Henry Pinkston, colored, November 4, Island.
5. William Logwood, colored, November 4, Island.
6. Sebrum Robinson, colored, November 4, Island.

House searched.

1. Eaton Logwood, colored, September 2 and 4, Island.
2. William Logwood, colored, November 4, Island.
3. Eldridge Lockspur, colored, November 4, Island.
4. Samuel Simms, colored, constable, Colony.
5. O. H. Brewster, white, November 6, Monroe.
6. Wally Moore, colored, November 4, Island.
7. Anthony Overton, colored, November 6, Monroe.

Threatened with violence.

1. John McWilliams, colored, October 21, 22, and 23, Island.
2. Charles Hudson, colored, October 21, 22, and 23, Island.
3. Mark Moore, colored, October 21, 22, and 23, Island.
4. Aaron Jackson, colored, October 21.
5. Hawkins Jones, colored.
6. Nat Blanchard, colored, I. P. Claibournerow.
7. John Hill, colored.
8. Jack Clay, colored.
9. Lem Jackson, colored, November 7, Monroe.
10. George H. Denton, colored.
11. John Toran, colored.
12. Frank Lushington, colored.
13. Eaton Logwood, colored.
14. B. H. Dinkgrave, white, corporate limit of Monroe.
15. Randall Driver, colored.

Compelled to take democratic affidavits.

1. Felix McCloe, colored, I. P, Munroe.
2. I. R. Hall, white, I. P. C. Colony.

Interfered with and molested on public highway.

1. Henry W. Burrell, colored, November 3, Cuba.
2. Elisha Moore, colored, November 3, Cuba.
3. R. J. Caldwell, white, November 6, near Chauran Bridge.
4. W. R. Hardy, white, November 6, near Chauran Bridge.
5. Simon Medlock, colored, November 6.
6. Steph. Wood, colored, November 7, officer, near Monroe.
7. Hermon Bell, colored, November 7, officer, near Monroe.
8. Dan. Hill, colored, November 7, officer, near Monroe.
9. Sam. Simms, colored, November 6, officer, Monroe.
10. Sam. Whitehead, colored, November 6, officer, Monroe.
11. Jessie Briggs, colored, November 6, officer, near Monroe.
12. Ben. James, November 7, near Monroe.

Raped.

1. Cora Williams, colored, November 4, Island.
2. Eliza Pinkston, colored, November 4, Island.

Persons shot at.

1. Henry Clay, colored, public highway.
2. Solomon Mathews, colored, Island.

Persons proved to have committed outrages or to have participated in organizations that committed them.

Ouachita Parish.—Samuel McEnery, William Theobalds, Dr. Cosby, James Logan, Robert Logan, Walter Logan, Dr. Young, Frank Durham, Thomas Lyons, (colored,) George C. Phillips, Thomas T. Aby, Buck Boker, Joseph T. Sevan, John Collins, Dave Tidwell, Bill Rhodes, Joe Mitchell, Bob Endom, John Mills, Jerry Mills, Alex. Hamilton, George Russell, Bill Collins, Robert Wilson, Joe Turner, Bill Barr, Mr. Steele, Dr. Kennedy, Wyatt Brandon, Joe Herron, Isaiah Garrett, P. Miller, Captain McLeod, Captain Cuffington, Mr. McLane, Bill Scriber, F. Dunn, D. T. Head, Captain Fred Cann, Harry Wilson, John Scarborough, Fennel McEnery, James Mitchell, Henry McEnery, Will Howard, H. M. Ball, Jim Tombs, Steve Grayson, Frank Bryham, Colonel Brown, Millard Parker, Dan Whitfield, —— Fitzgerald, Captain Renwick, John Falk, Pink Faust, John Harvey, Billy Pace, Captain Murphy.

These outrages were proved before the Sherman committee, and afterward fully corroborated before the congressional committees, with cross-examination. Democrats charged with these crimes failed to appear in any case before the Senate committee and deny them. Democratic Senators and Representatives in Congress have not pretended to deny these outrages nor their effect. The law of Louisiana allows proof, not only of violence on the day of election or during registration, but also of intimidation on those days resulting from previous violence.

Extent of the conspiracy.

It is true, and is proved by testimony taken before the Sherman committee and Howe committee, that the following are the bull-dozed parishes, in which all or most of the republican voters were by violence, outrage, murder, and massacre either driven from the polls and prevented from voting at all or forced to vote the democratic ticket: East Baton Rouge, East Feliciana, West Feliciana, Ouachita, Morehouse, Richland, Grant, Livingston, Franklin, Caldwell, La Fayette, Claiborne, De Soto, and Natchitoches.

It is true, and it is proved by the official records in evidence before the HOWE committee, that the foregoing parishes had the following registration and cast the following vote in 1876:

	Registration.		Vote.	
	Colored.	White.	Rep.	Dem.
East Baton Rouge	3,400	1,867	1,476	1,102
East Feliciana	2,127	1,004	.....	1,736
West Feliciana	2,213	399	778	1,248
Ouachita	2,392	992	793	1,869
Morehouse	1,830	938	782	1,379
Richland	852	812	277	963
Grant	608	603	395	518
Livingston	197	800	121	769
Franklin	439	587	129	789
Caldwell	489	589	285	631
La Fayette	928	1,351	658	721
Claiborne	1,314	1,602	432	1,577
De Soto	1,694	1,253	898	1,304
Natchitoches	2,955	1,782	2,099	1,761
	21,438	14,579	9,122	16,367

These same parishes in the election of 1872 gave the following vote:

	Rep.	Dem.
East Baton Rouge	2,459	917
East Feliciana	1,690	653
West Feliciana	1,309	273
Ouachita	1,441	606
Morehouse	1,262	625
Richland	218	646
Grant	779	165
Livingston	146	553
Franklin	268	535
Caldwell	369	486
La Fayette	482	884
Claiborne	942	1,357
De Soto	1,022	790
Natchitoches	1,256	828
	13,593	9,318

These same parishes in the election held in them in 1870 gave the following vote:

Paaishes.	Republican.	Democratic.
East Baton Rouge	2,440	958
East Feliciana	1,273	803
West Feliciana	1,174	303
Ouachita	1,299	501
Morehouse	516	493
Richland, thrown out for violence	556	296
Grant	55	452
Livingston	226	381
Franklin	340	370
Caldwell	145	754
La Fayette	523	1,407
Claiborne	1,032	713
De Soto	2,075	828
Natchitoches	11,654	8,259

In forty parishes where no crimes are alleged the registration of 1876 was as follows:

Colored	87,999
White	72,034
Colored majority	15,965

In the same parishes the vote of 1876 was:

Republican	65,747
Democratic	59,392
Republican majority	6,355

So that in the comparatively peaceful parishes a registered colored majority of 15,965 yielded a republican majority of 6,355.

Now, in fourteen bull-dozed parishes in the same year the registration was:

Colored	21,638
White	14,579
Colored majority	7,059

While the vote as cast and counted by the bull-dozers was:

Democratic	16,367
Republican	9,123
Democratic majority	7,244

That is, in the parishes where there were no murders or massacres, the republican majority was nearly one-half of the registered colored majority, but in the bull-dozed parishes, whose record of whippings, shootings, hangings, burnings, murders, and massacres we have given above, a colored registered majority of 7,059 is converted into a democratic voting majority of 7,244, making a total of over 14,000 votes converted by these means from the republicans to the democrats in these parishes.

NATIVITY OF STATE, PARISH, AND OTHER OFFICERS, AND MEMBERS OF THE LEGISLATURE SINCE 1868.

It is untrue that carpet-baggers have governed Louisiana

In the State government of 1868 there were three men of northern birth and three native southerners—two white and one colored. In the State government of 1872 there was one northern man and five southern men. In the present State government, of which Governor Packard is the head, there is one northern man and five southern men.

In all the Legislatures since reconstruction the proportion of northern men to southern men has never been more than *one to six*, and for the last four years has not been more than *one to twenty*. In the parochial and municipal offices throughout the State the disproportion is still greater. It will not average more than *one in one hundred*.

PROPOSED COMMITTEE ON POLITICAL CONDITION OF LOUISIANA.

A committee of Congress, that should examine carefully the condition of affairs in Louisiana, not after an election, and in haste, and during the heat and excitement of a political contest, but during an interval of quiet, carefully and deliberately, and thoroughly going over the State from point to point, would be of great service to Louisiana and to the country.

Such an investigation is indeed a necessity precedent to a wise and just settlement of the Louisiana difficulties. Nothing but mischief will follow the adoption of any new policy toward Louisiana, based upon crude and hap-hazard conclusions, without the aid of such an investigation.

LIST OF ACCESSIONS TO THE REPUBLICAN PARTY FROM THE WHITE CONFEDERATE RANKS SINCE 1872.

There have been accessions to the republican party in large numbers since 1872 of the best people of Louisiana, including lawyers, planters, and merchants of the highest reputation and character. If left to peaceful influences these gentlemen are in a fair way of solving the Louisiana problem, by bringing to the leadership of the party a large and influential white element. This once accomplished, both races will divide in political matters peacefully and without wrong or injustice; should these men be abandoned by the National Administration and delivered over to the tender mercies of a State government, put in power not by votes but by murder and massacre, the result will be personal ruin to these people, who have put themselves in the breach, and a solid and terrible reign of caste and of terror which will for an indefinite period virtually prohibit the existence of any but political party in that State.

TAXATION, ASSESSMENTS, AND EXPENSES UNDER REPUBLICAN RULE.

State taxes are not high in Louisiana. The State tax is fourteen and a half mills on the dollar. The assessment of farming lands is lower than the average in other States, being for the valuable tillable lands not over 25 per cent. of the actual cash value of the lands. The parish taxes are, except in half a dozen parishes, reasonable.

Ordinarily, improvements are not assessed in the country; when assessed, they are not assessed high or uniformly. The taxes in the city of New Orleans are high, and the management of its finances has been bad. It has been under democratic government since 1868, with the exception of two years.

JUDICIAL CONSTRUCTION OF ARTICLE 117, CONSTITUTION OF LOUISIANA.

This article prohibits any person from holding more than one office of profit or trust at one time.

The supreme court of Louisiana in the case of State *ex rel.* Gorham, 25 Annual, 138, held that, "The inhibition of the constitution applied to constitutional officers only. It did not prevent a constitutional officer from holding a municipal office."

Revised Statutes, section 2826, quoted by democrats, is no longer law, but was repealed by the act of 1870, and was omitted from the digest of statutes published in 1870.

FALSE STATEMENTS IN DEMOCRATIC BRIEF.

There is no evidence, and it is untrue, that the returning officers willfully and fraudulently counted, as votes in favor of Kellogg, any votes not shown to have been given for him at any poll or voting-place of said State.

There is no evidence, and it is untrue, that the returning officers did not receive from any poll, voting-place, or parish, or have before them any statement of any supervisor of registration or commissioner of election, as required by law.

There is no evidence, and it is untrue, that any returns of election show that William P. Kellogg received less votes than the democratic electors.

There is no evidence, and it is untrue, that the returning officers failed to compile or canvass the statements of votes from the commissioners of election at any poll or voting-place. It is true that, as commanded by law, they rejected and refused to count the statements of votes from certain polls and precincts at which violence, riot, and tumult made the election invalid in law.

The assertion that William P. Kellogg, when he made certificate for the duly appointed electors, knew that said certificate was untrue, is simple vituperation and abuse, and false in law and in fact.

The assertion that Kellogg, Burch, Joseph, and others entered into an unlawful and criminal combination and conspiracy to and with each other to procure the certificate and return of the duly appointed electors, is untrue and silly; and the charge, so far as there are any facts to support it, might as well have included every republican voter in the State.

There is no evidence, and it is untrue, that the statements and affidavits with regard to violence and intimidation were fabricated and forged, and it is true that the same were corroborated by testimony taken under cross-examination before the Senate subcommittee of Privileges and Elections, composed of Senators HOWE, WADLEIGH, OGLESBY, MCMILLAN, SAULSBURY, and MCDONALD.

There is no evidence, and it is untrue, that any of the returning officers offered to receive a bribe from the friends of Mr. Tilden, but it is true that such a bribe was offered by Duncan F. Kenner and other prominent democrats, friends of Mr. Tilden.

There is no evidence, and it is untrue, that the returning officers counted any votes which had not been returned and certified to them according to law.

There is no evidence, and it is untrue, that the returning officers altered, changed, and forged, or caused to be altered, changed, and forged, any statements of votes from the parish of Vernon. The alteration made in the returns of Vernon Parish were made by a clerk of the returning officers, who first stole the return and then altered it for the purpose of selling it to prominent democrats to aid Mr. Tilden.

There is no evidence, and it is untrue, that the returning officers, contrary to law, knowingly, will fully, and fraudulently refused to compile and canvass any votes.

It is untrue that *ex parte* evidence was received by the returning officers. All testimony taken before the returning officers was taken contradictorily upon interrogatories and cross-interrogatories. The *ex parte* affidavits received by the returning officers were not received as testimony, but as sworn statements, corroborating and connected with the statements of the supervisors and commissioners.

The charge that the returning officers refused to fill the vacancy with a democrat is untrue, the facts being that they formally offered to fill the vacancy with a democrat, but could not obtain the consent of any democrat to fill the vacancy, for the reason that the democrats demanded two appointments or none.

The returning officers held no secret meetings except for final consultation and determination, but their regular sessions for opening and considering the returns, and the protests against the same, were held openly and in presence of witnesses from all parties.

There is no evidence and it is untrue that J. H. Burch was ineligible as an elector under the constitution of Louisiana.

There is no evidence and it is untrue that Morris Marks was ineligible as an elector under the constitution of Louisiana.

There is no evidence and it is untrue that O. H. Brewster was a United States officer at the time of his election to fill a vacancy in the electoral college and at the time that he cast his vote for Hayes and Wheeler.

There is no evidence and it is untrue that A. B. Levissee was a court commissioner of the United States at the time of his election to fill a vacancy in the electoral college and at the time that he cast his vote for Hayes and Wheeler.

There is no evidence and it is untrue that Oscar Joffrion was ineligible as an elector under the constitution of Louisiana.

There is no evidence and it is untrue that Judge Davis is a man of notoriously bad character.

There is no evidence and it is untrue that Jewett is under indictment in one of the courts for obtaining money under false pretenses.

There is no evidence and it is untrue that Isadore McCormick was under indictment for murder.

In justice to Mr. McCormick I insert his reply to the very unjust and unfair assault upon his reputation in the democratic brief:

WASHINGTON, D. C., *February* 19, 1877.

To the Editor of the National Republican:

SIR: During the joint session of Congress to-day a protest was read and signed by a number of democratic Senators and Representatives giving reasons why the decision of the electoral commission on Louisiana should not stand, among others, that the returning board employed "Isadore McCormick, who was then under indictment in a criminal court of said State charged with murder." I now charge that every Senator and member of Congress who subscribed to that document placed his name either maliciously or ignorantly to an unmitigated falsehood. There is not now, nor has there ever been, in Louisiana or any other State, for that or any other offense, an indictment against me. Meeting this evening at Willard's Hon. Mr. MORRISON, chairman of the House investigating committee on Louisiana affairs, he stated to myself and a friend that no such evidence came before his committee; that he did not know when signing it that such a statement was embodied in the protest; that Hon. RANDALL L. GIBSON was probably the member who had it inserted, and advised me to see him. I called, but did not find General GIBSON at home. I cannot believe that either General GIBSON, or Mr. MORRISON, or Senator MCDONALD, or any other honest man, will adhere, even for political effect, to a charge so unjust and serious in its nature, and so far-reaching in its effect, in a document of such import, when they learn that there is no evidence before any of their committees to sustain it, that the court records of Orleans Parish will refute it, and that there are journalists and public men now in Washington who can prove the utter falsity of the charge.

Trusting that these gentlemen will undo as far as possible this injustice to me, I remain, &c.

ISADORE MCCORMICK.

It is true that the fabricators of the democratic charges well knew that every one of those charges which we have herein above traversed were false, and their allegation of the same has been made willfully, knowingly, and maliciously.

It is also true that the same men who have not hesitated to destroy lives by the hundreds as a means of democratic electioneering have also systematically used slander and lies for the destruction of private character for the same purpose.

It is also true that the democratic candidates for State officers and for electors, and the democratic State central committee, were knowing of, consenting to, and partaking in the guilt of all the whippings, shootings, hangings, burnings, mutilations, assassinations, murders, and massacres hereinbefore enumerated.

It is also true that the democratic people of Louisiana knew of them, connived at and concealed them, secretly encouraged them, made no attempts to discover and punish the perpetrators, and by the denials and sneers of their representative men and newspapers have condoned and approved them.

From 1866 to 1876 no democratic press, no democratic public meeting, no democratic clergy have ever discountenanced or condemned these outrages.

I ask especial attention to the testimony of General John R. Brooke, a United States officer of distinction and high standing, and of Captain Clayton Hale, whose statements will carry great and deserved weight with all classes and parties.

It is true and in evidence before Senator HOWE'S committee that the usual republican majority in Louisiana is in fair and peaceable elections from 15,000 to 20,000 votes, and that the true and lawful returns of the last election, as honestly canvassed and compiled, and lawfully and truly counted and returned by the returning officers, show that Hayes and Wheeler and Packard received a majority of all the votes lawfully cast and counted.

It is also true and in evidence before the same committee that the pretended majorities claimed by the democrats in the seventeen bull-dozed parishes, upon which their claim to have carried the State alone depended, was falsely, fraudulently, wickedly, and criminally procured, by robbery, violence, and murder.

The election law which rendered pretended votes thus obtained null and void is righteous, just, and necessary.

The returning officers honestly, justly, and lawfully executed that law, and excluded the pretended votes procured by murder and massacre.

PERSONAL CHARACTER OF GOVERNOR PACKARD AND THE STATE OFFICERS.

The personal character of republicans has been traduced in wholesale. To show how falsely, we give this account of the *personnel* of the present Packard administration:

Governor Packard has lived in Louisiana fourteen years. He has been United States marshal for eight years. His character, public and private, is above reproach. His official record is unassailable, even by the democrats. In every respect, as to integrity, ability, and moral and social standing, he is the peer of either of the democratic candidates at the last election.

Colonel George Johnson, State auditor, is of southern birth, and was a confederate soldier. In honesty, competency, and fitness for his office he is fully equal to any of the gentlemen who have ever filled that office.

Hon. William H. Hunt, attorney-general, is a native southerner, a gentleman of fortune, of fine scholarship, and of the highest social and moral standing. He has stood at the head of the bar in his State for years, and his occupancy of this position will be both an honor and an ornament to his State.

Mr. Dubuclet, treasurer, is a colored creole gentleman of good family. His honesty and ability have never been questioned.

Mr. Honoré, secretary of state, is also a colored creole gentleman, fully qualified for his office.

Mr. Brown, superintendent of public education, is a colored gentleman against whose honesty and capacity no charges have been brought.

To the reckless and wholesale charges of fraud, forgery, and bribery which have been made by the democrats against the republican officers of election in Louisiana, I oppose the sworn confessions of Duncan F. Kenner, of John M. Palmer, of Maddox and Littlefield, and the testimony of Ira N. Gifford.

That the peculiar ferocity and bloodthirstiness which have characterized the democratic campaign of 1876 in Louisiana have not ceased, I adduce "as proof" the late attempt to assassinate Governor Packard, and the following extract from the New Orleans Democrat, February 3, 1877:

"If Mr. Packard forces this conflict we appeal to our friends to spare, as much and as far as final and complete victory will permit, the lives of the metropolitan and negro dupes. We advise them to let the full weight of their vengeance fall upon the leaders of this iniquitous, murderous, and most damnable scheme, and to follow Packard into the hotel, and, if need be, into the custom-house itself, and hang him from its highest window."

Your memorialists respectfully pray that this, their memorial, may be printed, and that, the premises considered, your honorable body may take such steps as to you may seem proper to insure to the people of Louisiana, and to Governor Packard and the lawful State government, as speedily as possible, such support from the General Government as the Constitution provides and as will enforce the laws, restore order, put down insurrection, and bring relief to all the interests of the State; and your memorialists will ever pray, &c.

HUGH J. CAMPBELL,
Of Counsel for Louisiana before the Electoral Commission.

JOHN RAY,
J. R. G. PITKIN,
FRANK MOREY,
Of Counsel before the Senate Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. COOPER, from the Committee on Finance, to whom was referred the bill (S. No. 1214) to amend an act amending section 5457 of the Revised Statutes, relating to counterfeiting, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1209) for the relief of Walter N. Haldeman, reported adversely thereon; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio, reported adversely thereon.

Mr. WRIGHT, from the Committee on Revolutionary Claims, to whom was referred the petition of Susan Sampson, praying for the passage of a special act to pay to her all sums of money due to her as the only heir of Simon Randall for amount due to him for services in the revolutionary war, asked to be discharged from its further consideration; which was agreed to.

PERSONAL EXPLANATION.

Mr. WRIGHT. While I have the floor I wish to make one remark. It will be remembered that a few days since a bill being before the Senate touching the Klamath reservation, I had read at the desk an article from an Oregon paper making some strictures upon the House report touching that measure and setting forth what was claimed to be a history of the entire transaction. At the time I vouched for the article as having been forwarded to me by a gentleman in whom I had confidence. It has been brought to my attention that there are some things in the article which reflect improperly and unjustly upon the member of the House from Oregon. My relations with that gentleman are such that I certainly would not have done a thing of that kind, having known him for some time, and also his father, and I know his reputation. I therefore take this occasion to say that it was not in my mind at all to reflect upon the person referred to as having made that report. I would be the last person to do a thing of that kind, and especially upon a newspaper article of which I knew nothing more than that it was sent to me as I have stated.

I deem it proper to myself and to that gentleman to make this explanation at this time.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. MORRILL. As is usual for the Committee on Public Buildings and Grounds, I ask unanimous consent that the committee have leave to sit during any recess that may take place, although I must say they have not much expectation of any heavy business during a recess.

The motion was agreed to.

COMMITTEE ON PATENTS.

Mr. WADLEIGH. The Commissioner of Patents and also the United States Patent Association have signified a wish for considerable changes and revision to be made of the patent laws, and inasmuch as experience has proved that it is impossible during the session to devote to the subject the time that is absolutely necessary, I am requested to move that the Committee on Patents have leave to sit during the recess of Congress. I therefore offer the following resolution:

Resolved, That the Committee on Patents or a subcommittee thereof have leave to sit during the recess of the Senate, for the purpose of revising the patent laws, and that the necessary expenses be paid out of the contingent fund of the Senate.

The Senate proceeded to consider the resolution.

Mr. DAVIS. I hope the Senator will be kind enough to explain the necessity for this resolution.

Mr. WADLEIGH. As I have just said, it is absolutely impossible for the Committee on Patents during the session of Congress to consider this subject, and consequently we shall be obliged to devote our time during the recess to it. The intention is to thoroughly examine and revise the patent laws in order to obviate some objections which are generally made to them, and to report at the opening of the next fession of Congress such changes as the committee may deem proper.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM submitted 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. 4380) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1878, 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 2, 5, 8, 9, 19, 13, 17, 19, 20, 21, 22, 23, 28, 36, 41, 43, 46, 47, 48, 49, 51, 53, 56, 59, 68, 73, 75, 79, 84, 85, 96, 110, and 118.

That the House recede from its disagreement to the amendments numbered 3, 4, 6, 12, 14, 15, 16, 24, 25, 26, 27, 31, 32, 33, 34, 35, 37, 40, 44, 57, 65, 69, 70, 71, 76, 78, 80, 81, 82, 83, 86, 87, 89, 90, 91, 93, 94, 95, 97, 99, 100, 104, 113, 114, 116, 120, 124, 125, 127, 128, and 129; and agree to the same.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 7, and agree to the same, with an amendment as follows: in lieu of the sum proposed by said amendment insert "$2,650,000;" and in line 22, page 4 of the bill, after the word "engineers" insert "cadets;" and in line 1, page 5, after the word "department" insert "instruction of cadets;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same, with an amendment as follows: Strike out all of the paragraph proposed to be inserted and insert in lieu thereof:

For the general purposes of the District of Columbia, to be expended by the commissioners of said District, $250,000.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 18, and agree to the same, with an amendment as follows: Strike out "nineteen" and insert in lieu "eighteen," and strike out "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 29 and 30, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 29 insert "$300,000;" and in amendment 30 strike out in line 9, page 11 of the bill, the word "thirteen," and insert in lieu thereof the word "sixteen;" and in the same line, after the word "timbered," insert "and mountainous;" and after the word "mile," in line 10, add "and for township lines not exceeding $14, and for section lines not exceeding $10;" 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 all inserted by said amendment, and strike out all the amended paragraphs and substitute therefor the following:

For the Freedman's Hospital and Asylum in Washington, District of Columbia, namely: For subsistence, $18,000; salary and compensation, as follows: Of surgeon, $1,400; of one surgeon and dispensary-clerk, $1,200; of engineer, $720; matron, $216; nurses and cooks, $1,800; fuel and light, $3,000; clothing, $3,500; rent of hospital buildings, $2,000; medicines and medical supplies, $2,500; and miscellaneous expenses, $5,164; in all, $40,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same, with an amendment as follows: Strike out "twenty-five" and insert "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 42, and agree to the same, with an amendment as follows: Strike out "two" and insert in lieu thereof "one;" and strike out "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert in lieu thereof "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert in lieu thereof "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 52, 54, 55, and 58, and agree to the same, with amendments respectively as follows: In 52 strike out "fifty" and insert "thirty;" and in 54 strike out "fifty" and insert "thirty;" and in 55 strike out "one hundred" and insert "fifty;" and in 58 strike out "one hundred" and insert "fifty;" and the Senate agreed to the same.

That the House recede from its disagreement to the amendments numbered 60, 61, 62, and 63, and agree to the same, with amendments respectively as follows: In 60 strike out "fifty" and insert "thirty;" in 61 strike out "eighty" and insert "sixty;" in 62 strike out "fifty" and insert "forty;" and 63 add at the end of the paragraph, "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same, with an amendment as follows: Restore that portion of the paragraph proposed to be stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 66 and 67, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 66 insert "$250,000;" in lieu of the sum proposed by 67 insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 72 and 74, and agree to the same, with amendments respectively as follows: In 72 strike out the word "two," and strike out "five hundred," and in 74 strike out "one hundred" and insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same, with an amendment as follows: Strike out "Daniel" and insert "Darrall;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 88, 92, and 98, and agree to the same, with amendments respectively as follows: Strike out in 88, line 5, "1877," and insert in lieu thereof, "at the present session of Congress;" and in 92, in line 1, strike out "five" and insert "three," and in lines 8 and 9 strike out "twenty-five" and insert "eighteen;" and in 98 strike out in line 7 "two" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 101 and 102, and agree to the same, with amendments respectively as follows: In 101 add at the end of the amendment, "and the Chicago, Rock Island and Pacific Railway Company is required to refund to the Treasury of the United States one-half of the said sum, and the Secretary of the Treasury is hereby directed to enforce this condition;" and in lieu of the sum proposed by 102 insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 103, 105, and 106, and agree to the same, with amendments respectively as follows: In

103 strike out "eighty" and insert "fifty;" in 105 strike out "twenty-five" and insert "ten;" and in 106 strike out in line 3 "hereafter," and at the end of the paragraph insert "prior to the 1st of February, 1878;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 107, 108, 109, 111, and 112, and agree to the same, with amendments respectively as follows: In 107 strike out "five" and insert "four;" in 108, in lieu of the sum proposed, substitute "one thousand five hundred," and in 109, in lieu of the sum proposed, insert "one thousand five hundred," and in 111 strike out "three" and insert "two;" and in 112 strike out "six" and insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 115, 117 and 119, and agree to the same, with amendments respectively as follows: In 115 strike out "thirty" and insert "twenty;" in 117 strike out "five" and insert "four;" and in lieu of the sum proposed by 119, substitute "22,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 121 and 122, and agree to the same, with amendments respectively as follows: In 121 strike out "twenty" and insert "fifteen;" and in 122 strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 123, and agree to the same, with amendments as follows: Strike out "three hundred" and insert "two hundred and fifty;" and strike out "two hundred" and insert "one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 126 and agree to the same, with amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

WM. WINDOM,
WILLIAM A. WALLACE,
Managers on the part of the Senate.
WM. S. HOLMAN,
JOHN R. EDEN,
HENRY WALDRON,
Managers on the part of the House.

The Chief Clerk having commenced the reading of the report,

Mr. WINDOM. If entirely agreeable to Senators to dispense with the reading, which would save time, I will answer any question that any Senator may desire to put to me in reference to the bill.

Mr. DAVIS. I hope the request of the Senator from Minnesota will be granted, as time is very important. A messenger from the House is here who says that it is important that we should get through with this bill at once.

Mr. SARGENT. I move to dispense with the reading of the report.

Mr. CHRISTIANCY. In as thin a Senate as this I must object until more Senators are present.

Mr. HARVEY. I should like to have some information in regard to this report.

Mr. WINDOM. I should be glad to give the Senator any information on any point which he desires, so far as I can, if he will call my attention to any particular item.

Mr. DAVIS. I submit to the Senator from Kansas that the whole object is for the committee to agree and unless the report gets to the House soon the danger is that the bill cannot be enrolled.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading?

Mr. HARVEY. There is objection. I want some information concerning at least one provision.

Mr. WINDOM. I can give the information the Senator desires as well without the report as with it.

Mr. HARVEY. I do not object to dispensing with the reading, but I want information.

Mr. WINDOM. Very well.

The PRESIDENT *pro tempore*. The reading of the report will be dispensed with, if there be no objection.

Mr. HARVEY. I want to know why the provision made by the Senate commencing in line 621, page 26, is not still a part of the bill according to the recommendation of the committee of conference?

Mr. WINDOM. I ask the Senator to please state what it is?

Mr. HARVEY. The clause inserted in the bill by the Senate is as follows:

For a suitable building, with fire-proof vault extending to each story, at the city of Topeka, Kansas, for the accommodation of the United States circuit and district courts, post-office, pension agency, land offices, and other Government offices, in said city, to be erected upon the site purchased by the United States under the act of March 3, 1875, the sum of $50,000; to be expended under the direction of the Secretary of the Treasury, who shall cause proper plans and estimates to made, so that no expenditure shall be made or authorized for the full completion of said building beyond the amount of $225,000.

Mr. WINDOM. I will state that the committee of conference on the part of the Senate did everything in their power to retain the provision to which the Senator refers, because they believed it to be a proper thing to do, and a public necessity, but they were unable to retain it; and I will also say to the Senator that one reason was that their own delegation were not entirely united upon that subject, and it furnished an answer to any argument that we could make to insist upon it.

Mr. HARVEY. As to that I do not know any member of the delegation who openly avows any opposition to this provision. I do know there is a great necessity for this building. I do know that its erection has been recommended by the Committee on Public Buildings and Grounds, by the Committee on Appropriations, and by the Senate, and I can see no reason why, if there should be a number of the delegation who might not be in favor of it, that for that reason it should be rejected.

Mr. DAVIS. I ask the Senator if he has any objection to letting the report be concurred in and go to the House. There is danger of not being able to enroll the bill before twelve o'clock unless it gets there soon, and the Senator can afterward discuss this item as long as he thinks proper.

Mr. HARVEY. I can say something about it now, and I understand something about it.

Mr. DAVIS. Let the report be concurred in, and then the Senator can talk as long as he chooses. I ask the Senator whether he objects to letting the conference report go to the House?

Mr. HARVEY. I do object, until I understand something more about it.

Mr. SARGENT. If the Senator will allow me a moment, I suppose he is entirely aware that this report is not amendable, and that he cannot accomplish his object by getting the appropriation into this conference report. Of course he can defeat the bill by occupying the floor, as he has a perfect right to do, and compel us to have an extra session, which he will not have the trouble of attending. Certainly the Senator cannot get the provision restored to the bill now unless it should be sent back to another committee of conference for a new report to be brought in, in which case the bill is lost.

Mr. HARVEY. So far as that is concerned, I am not very clear whether it is not my duty to occupy the floor for the remainder of the session; I will, at any rate, long enough to show that we understand how these things are done. I think I understand it myself, but I do not know whether I should not let the public and the people of my State understand it. I want to say that the State of Kansas has never had one dollar applied to the construction of any public building within her borders. I want to say further, that the circuit and district courts of the United States are held in the State-house, a building constructed by the people of the State for their own use at great expense to themselves. The court at times is enabled to have the use of the county court-house, except when the State district courts are in session. Then it becomes necessary to apply to the State authorities, and the use of the State-house has been conceded to the United States courts, though the State officers have no authority to do so properly. I think it is a great tax upon the generosity of the people that under the circumstances such should be the case.

There are appropriations in this bill having no better ground in right, as will be conceded by the members of this conference committee and by the Committee on Appropriations and the Committee on Public Buildings and Grounds and the Senate, and yet we are told that the reason why this appropriation is stricken out is because it is understood that the delegation from Kansas were not entirely unanimous. I think the committee was furnished with proof that there was at least substantial unanimity on the part of the delegation, both in the present Congress and in the House and Senate of the next Congress.

In seeking for the reasons of the loss of this appropriation I further learn that there was a lack on our part of democratic leverage. I understand what this means. At other places where appropriations of the same kind were sought under the same circumstances they had democratic influences at work for them, and in that way they were enabled to conciliate the democratic member of the House who seems to dominate action in such matters; while the State of Kansas being constantly and reliably republican, and having no democratic influence at work in their behalf, must suffer for it.

It seems to be the fate of those States taking such position to have but little effort made to conciliate them or to do them simple justice. I shall not attempt to conceal the fact that I feel very much the manner in which my State has been treated in the matter of public buildings not only at this time but from the very beginning.

As I said early in my remarks, the State of Kansas has never been given a single dollar for the purposes of construction of any public building within its boundaries; and so long as concessions are made of the rights of that State, and bills that have been passed in derogation of such rights are permitted to pass without protest, it will probably continue to be the case.

While I do not feel justified in consuming the whole of the time that is left of this session in talking upon this matter—though if I gave way to my feelings and impulses, I would do so—yet I do feel entirely justified in saying what I have said upon this matter, and under other circumstances would say much more.

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

The report was concurred in.

WILLIS L. FOULK.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of the bill (H. R. No. 1250) for the relief of Willis L. Foulk. It will take but a moment or two to pass the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It suspends the provisions of law regulating appointments in the Army by promotion in the line so far as they affect Willis L. Foulk; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and by and with the advice and consent of the Senate appoint him to the same grade and rank of captain held by him on January 4, 1874, in any vacancy occurring.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 473) for the relief of Henry S. French, of Nashville, Tennessee; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a combined rubber and spiral steel spring;

A bill (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy; and

A bill (S. No. 709) for the relief of Hans C. Peterson.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. CLAYTON. I have a couple of joint resolutions here to relieve several soldiers who had some clothing lost in the destruction of barracks, amounting to $1,900 I think in all, reported from the Committee on Military Affairs, which I should like to have passed. I do not think there can be any objection to them at all. They are House resolutions and have passed that body upon the recommendation of the Secretary of War. The resolutions are *verbatim et literatim* the resolutions recommended by the Secretary of War.

The PRESIDENT *pro tempore*. If there be no objection the first joint resolution sent to the desk will be read.

Mr. COCKRELL. There are a number of cases of equal merit, and if we take up one we must take up all. There are two or three bills which I have reported now on the Calendar, and I never heard in my life of cases more meritorious than they are. If we are to go to the Calendar for one bill, we must go there for others. I appreciate the kindness of the Senator in desiring to get his measures through, but he places others in an awkward position, and I must insist that particularly on this holy Sabbath day we shall have a constitutional quorum here to transact business before we act on bills.

Mr. CLAYTON. I will make no further effort. These joint resolutions passed the House, and I merely wanted to get them off the Calendar.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business for a few minutes for the purpose of making a report.

Mr. MORRILL. Had we not better wait and go into executive session later?

Mr. CAMERON, of Pennsylvania. It will take but a minute now. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened.

ALMONT BARNES.

Mr. WADLEIGH. I ask the Senate to take up a bill which has passed the House for relief in a case which I have examined and in which I have drawn up a report. It is simply to pay to Almont Barnes the sum of $150 for money advanced by him for the benefit of his battery in the service of the United States, and which could have been paid from the company's savings if it had been attendedto at the proper time, but it was too late for that and the amount could not be drawn from the Treasury. I ask that the bill be taken up and passed.

There being no objection, the bill (H. R. No. 1200) for the relief of Almont Barnes was considered as in Committee of the Whole. It provides for the payment to Almont Barnes, late captain of Battery C, First New York Light Artillery, of $150, the amount of his claim for money advanced for the benefit of members of his battery while in the service of the United States, upon the security of vouchers for company savings, now unpaid and on file in the office of the Commissary-General of the Army, such vouchers having been presented at too late a date for their payment from any fund authorized for such purposes.

Mr. MORRILL. I believe that little claim is all right.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DALTON HINCHMAN.

Mr. INGALLS. I ask the present consideration of two small meritorious pension bills which have been passed by the House of Representatives. One is House bill No. 1479.

There being no objection, the bill (H. R. No. 1479) granting a pension to Dalton Hinchman was considered as in Committee of the Whole. It provides for placing on the pension-roll Dalton Hinchman, late a private in Company G, Second Michigan Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH M'COOEY.

Mr. INGALLS. I now ask for the consideration of House bill No. 3282.

There being no objection, the bill (H. R. No. 3282) granting a pension to Sarah McCooey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah McCooey, mother of John McCooey, late private in Company F, Fourteenth Regiment United States Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN PULFORD.

Mr. CAMERON, of Wisconsin. I move to take up House bill No. 3483.

The motion was agreed to; and the bill (H. R. No. 3481) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list, was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with an amendment to strike out all after the enacting clause, and in lieu thereof to insert:

That John Pulford, who was, on December 15, 1870, duly retired from the active service and placed upon the list of retired officers of the United States Army, with the full rank of colonel, on account of wounds received in battle while performing the duties of colonel in command of his regiment, be, and hereby is, excepted and relieved from the operation of the act of Congress entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875, solely because the injuries received by him in battle are more severe, dangerous, and disabling, and more fully incapacitate and disqualify him for any service, than the loss of an arm or leg, or the permanent disability of an arm or leg by resection, and is hereby restored upon the list of retired officers of the Army to the full rank of colonel, held by him from the date of his retirement up to March 3, 1875, with the pay of such rank from the date of the passage of this act, and shall hereafter hold and receive the rank and pay of colonel upon the list of retired officers of the Army.

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. Its title was amended so as to read: "A bill for the relief of John Pulford."

CATHERINE AND SOPHIA GERMAIN.

Mr. ALLISON. I ask to have passed House bill No. 3989, to which, I am sure, there will be no objection.

By unanimous consent, the bill (H. R. No. 3989) for the relief of Catherine and Sophia Germain was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to reserve from that portion of annuities due or to become due, to the Cheyenne Indians, $2,500 for Catherine Germain, aged eighteen years, and $2,500 for Sophia Germain, aged thirteen years, two white children who were captured in Kansas by the Cheyennes while *en route* from Georgia to Colorado, and cause the same to be placed to their credit on the books of the Treasury, to bear interest at the rate of 5 per cent. per annum, and use from time to time the income from the same in such manner as he may deem expedient for their maintenance, education, and support until they attain the age of twenty-one years, when the principal and all unexpended interest shall be paid to them.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SOUTHERN MARYLAND RAILROAD.

Mr. MORRILL. I ask unanimous consent to call up House bill No. 3012. I will state the purpose of it. It is to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia. When the bill was before called up, it was objected to by me. Since then an agreement has been made with the chairman of the Committee on the District of Columbia in relation to an amendment. The chairman of the District Committee is not present, but I think it right for me to offer the amendment and ask for the passage of the bill. There can be no objection to the main purpose and I think what was intended to be the whole purpose of the bill; and that was to allow the road to connect on the Eastern Branch of the Potomac River with the Baltimore and Potomac road, between Anacostia bridge and Benning's bridge; but as the bill came here it not only authorized the road to connect, but to come into the District, and to have all the powers of all the other roads that come into the District. It is proposed in the amendment to strike that out and leave only power to connect, to which I think there will be no objection on the part of any Senator.

By unanimous consent the bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia was considered as in Committee of the Whole.

Mr. MORRILL. I move to amend by striking out, beginning in line 9, after the word "railroad" to the end of the bill, in the following words:

And the Baltimore and Ohio Railroad, within the District of Columbia, as may be determined on by said companies; and the said Southern Maryland Railroad Company is hereby authorized to exercise the same powers, rights, and privileges, and be subject to the same restrictions in the extension, construction, and operation of their said railroad into and within said District, as are extended to like corporations under the existing laws of the District of Columbia.

And in lieu thereof to insert:

Within the District of Columbia, but not within the limits of the city of Washington, as may be determined on by said companies, and for this purpose only.

Mr. DAVIS. I was not in when the bill was read. I understand

it is a bill relating to railroads. I would ask for information where the bill comes from.

Mr. DORSEY. I wanted to ask that question myself. I should like to inquire of the Senator from Vermont where this bill comes from.

Mr. MORRILL. I understand it was reported by the Committee on the District of Columbia, and in the absence of the chairman of that committee I called it up. It was reported by the chairman of the Committee on the District of Columbia, and he has tried several times to get it up. He is not here this morning. The amendment was agreed to between him and myself and by the parties interested in the railroad. As the bill came here, it allowed connection with both roads, and it would allow a road to be run across in front of the Capitol.

Mr. DORSEY. That bill as originally introduced provided for permitting a railway to be constructed across the front of this city from end to end.

Mr. MORRILL. If the Senator had listened to the amendment, he would have seen that the bill as proposed to be amended by me only permits them to have connection here at one single point between the Anacostia bridge and Benning's bridge.

Mr. DORSEY. I should like to have the Senator explain through what streets they get here.

Mr. MORRILL. They do not come into the city at all under my amendment.

Mr. DAVIS. I ask that the bill be read as now proposed to be amended. This is a very unusual time to call up such an important bill, and I should like to have some information about it.

Mr. MORRILL. I will say that I have no interest in the bill, but I am endeavoring to protect this city from the further introduction of these railroads, that would interfere with the streets, and especially with the Capitol grounds. With the amendment proposed by me, the bill will only permit a connection outside of the limits of the city of Washington.

The PRESIDENT *pro tempore*. The bill will be read as proposed to be amended.

The Chief Clerk read the bill as it would read if amended as proposed.

Mr. DAVIS. I am not familiar with the bill. I would inquire when the bill was reported, and from what committee?

Mr. MORRILL. From the Committee on the District of Columbia.

Mr. DAVIS. When?

The PRESIDENT *pro tempore*. It seems to have been reported on the 7th of June last.

Mr. DAVIS. Last session. It may be proper; I know not; but this is not, in my judgment, the time to take up a bill of so much importance, if it be of importance. As it has been here since June last, and there has been ample opportunity to take it up when there would have been full time for the Senate to have considered it, I ask the Senator from Vermont if he thinks in his judgment this is a proper time to take up a railroad bill and pass it. Would it not be better for all interested not at this time to press its consideration?

Mr. MORRILL. I have no interest in this bill. All I can say is, that it is not a very important railroad bill; it is a very little one; it merely allows this road to build a short branch to connect, so as to have some connection with the business of this District. I discharge my whole duty when I bring the bill forward, because I obstructed it three or four weeks ago on one or two occasions when the chairman of the Committee on the District of Columbia tried to bring it before the Senate. I objected to it that it was too comprehensive altogether, and I said if that was the sole purpose that they wanted they had obtained much too large grants. The amendment proposed by me and adopted this morning will limit the bill to the minimum amount. I cannot think there is much objection to it, but if there is, it is for the Senate to dispose of it.

Mr. WADLEIGH. Will my friend the Senator from Vermont yield to me a moment while I call up a pension bill?

Mr. MORRILL. Let this be disposed of.

Mr. WADLEIGH. It is for a Vermont volunteer.

Mr. MORRILL. Well, I will informally give way.

CHARLES H. BUGBEE.

Mr. WADLEIGH. I ask leave to call up the bill (H. R. No. 1995) granting a pension to Charles H. Bugbee, late private in Company A, Third Vermont Volunteers.

Mr. DAVIS. Is that bill recommended by the Pension Committee?

Mr. WADLEIGH. Yes, sir; and reported by the Senator from Indiana.

Mr. McDONALD. It is all right; the case has been examined.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANSON K. YOUNG.

Mr. ALLISON. I ask the Senate to take up House bill No. 2237.

By unanimous consent, the bill (H. R. No. 2237) granting a pension to Anson K. Young was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Anson K. Young, of Grant County, Wisconsin, late a private in Company I, Forty-third Regiment of Wisconsin Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY M. MEADE.

Mr. BURNSIDE. I ask for the consideration of the bill (H. R. No. 1082) for the relief of Henry M. Meade, late paymaster in the United States Navy. I move that the Committee on Naval Affairs be discharged from its consideration, and that the bill be put on its passage.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for adjusting the accounts of Henry M. Meade, late a paymaster in the United States Navy, and crediting him with the sum of $2,545.22 for unavoidable losses sustained by him in the legitimate performance of his duties as paymaster in the United States Navy, from 1862 to 1872, which sum stands charged against him at the Treasury Department.

Mr. DAVIS. Of course the bill is subject to objection; but I do not wish to object unless after explanation I find that I ought to do so. I ask the Senator to explain what the reason for the bill is.

Mr. BURNSIDE. This man was a paymaster in the Navy and rendered ten years' continuous and excellent service. He was unfortunate in the latter portion of his service, ran behind in the settlement of his accounts. He became so beside himself that he had to be placed in an insane asylum, where he remained six months and died. He had more than vouchers enough to cover this loss, as is stated by Judge Tabor, the Fourth Auditor, but they were in an irregular shape, and could not be allowed by the accounting officers. There is a report from the House committee. The Fourth Auditor says:

> In view of the good record as paymaster of Mr. Meade prior, * * * and the fact that he has numerous vouchers showing expenditures and losses amounting to a little more than he is charged with as a deficit, and for which the accounting officers have no authority to credit him, I have to state that I see no impropriety in passing the bill in his favor.

That is the statement of the Fourth Auditor.

Mr. DAVIS. Does the bill come from a committee?

Mr. BURNSIDE. The Committee on Naval Affairs had it in charge, and I understand that the members of the committee have no objection to its passage, but for some reason or other it was not reported upon.

Mr. CRAGIN. This matter was before the Committee on Naval Affairs and attention was given to it; but the papers were somewhat voluminous, and the member of the committee to whom the subject was referred delayed making any report. This is a House bill. From the examination I have given the matter, I am satisfied there is much in the claim of Paymaster Meade that ought to be considered. The letter just read from the Fourth Auditor, who has examined it thoroughly and fully recommends the passage of this bill, satisfies me that it clearly ought to pass.

Mr. HEREFORD. I will say to my colleague with regard to this bill that a similar bill was introduced into the Senate and referred to the Committee on Claims, and by that committee referred to myself as a subcommittee. I examined the papers pretty carefully, read the report of the Naval Committee of the Senate and the report of the House committee. While all the testimony that is referred to in the report made by the House committee was not before our committee, for the reason that it had to be withdrawn to be taken before the United States court, in which the trial was pending, from the papers that were in my hands as a subcommittee I believe there is merit in the bill. I think that it ought to pass, and that Mr. Meade ought to be relieved; that the losses which may have occurred were through no negligence or culpability on his part whatever. An officer occupying his position through so many years and on different vessels, and performing his duty in the manner that he did, should not be held to a strict accountability for losses such as these.

The shortness of the time left before this measure will be brought to a close admonishes me that it will be improper for me to go into any lengthy explanation of the merits of the bill. I simply content myself with saying that from the examination I gave the Senate bill which was before me as a subcommittee of the committee to which it was referred, I think there is merit in the bill, and that the relief ought to be granted.

The bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House further insisted on its disagreement to the amendment of the Senate to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. WILLIAM R. MORRISON of Illinois, and Mr. CHARLES FOSTER of Ohio, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 35) equalizing pensions of certain officers in the Navy;

A bill (S. No. 210) granting a pension to Austin R. Mills;
A bill (S. No. 407) to authorize the restoration of George A. Armes to the rank of captain;
A bill (S. No. 535) granting a pension to Armstead Goodlow;
A bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly;
A bill (S. No. 599) granting a pension to Catharine A. Winslow, widow of late Rear-Admiral John A. Winslow;
A bill (S. No. 737) granting a pension to Harrison H. Dodds;
A bill (S. No. 750) granting a pension to T. B. Murdock;
A bill (S. No. 767) granting a pension to Theodore Gardner;
A bill (S. No. 792) granting a pension to Peter Harder:
A bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873;
A bill (S. No. 813) granting an increase of pension to Laurence P. N. Landrum;
A bill (S. No. 816) granting a pension to Laura M. Knowlton.
A bill (S. No. 832) to increase the pension of Helen M. Stansbury;
A bill (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin;
A bill (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia;
A bill (S. No. 883) granting a pension to William H. Oliver, of Sweetwater, Tennessee.
A bill (S. No. 980) granting a pension to Irena Garrett;
A bill (S. No. 1118) granting a pension to Mrs. Amy King;
A bill (S. No. 1152) granting a pension to Amasa J. Finch;
A bill (S. No. 1123) granting a pension to Marsilvia F. Woodard, mother of George R. Woodard.
A bill (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making or use, or vending of his patent explosive shell, fuses, and percussion-exploders by the United States;
A bill (S. No. 950) to authorize Louis Petoskey, of Michigan, to enter a certain tract of land which embraces his home and improvements.
A bill (S. No. 949) for the relief of A. M. Garoutte, late captain and assistant quartermaster, United States Army;
A bill (S. No. 1127) for the relief of J. B. McCullough;
A bill (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina;
A bill (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas;
A bill (S. No. 917) to enable Erastus T. Bussel, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a combined rubber and spiral steel spring;
A bill (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy;
A bill (S. No. 709) for the relief of Hans C. Peterson;
A bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas;
A bill (H. R. No. 3628) establishing post-roads, and for other purposes;
A bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871; and
A bill (H. R. No. 4187) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1878, and for other purposes.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further disagreeing to the amendment of the Senate insisted on by the Senate to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BLAINE. I move that the Senate further insist on its amendments, and agree to the new conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE were appointed.

THE SIGNAL SERVICE.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 731) to limit and fix the signal service, having met after full and free conference, have been unable so agree.

GEO. E. SPENCER,
POWELL CLAYTON,
Managers on the part of the Senate.
OTHO R. SINGLETON,
JAMES WILSON,
Managers on the part of the House.

MOSES F. CARLETON.

Mr. CHRISTIANCY. I move to take up for present consideration House bill No. 2386.

There being no objection, the bill (H. R. No. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, was considered as in Committee of the Whole. It provides for the payment to Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, the regular pay of second lieutenant of volunteers in the war of the rebellion, from the 20th of October, 1865, until June 12, 1866, after deducting therefrom the pay he received as sergeant of the company.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

Mr. SPENCER. I move to proceed to the consideration of the bill (H. R. No. 1398) to regulate the practice of pharmacy in the District of Columbia.

Mr. DORSEY. I object to the consideration of that bill. It is a long bill, and cannot possibly pass.

The PRESIDENT *pro tempore*. The Senator from Arkansas objects.

Mr. SPENCER. I hope the Senator will withdraw the objection.

Mr. DORSEY. I cannot withdraw the objection to that bill. I think it is a very vicious measure, and ought not to be considered at all.

Mr. SPENCER. I am very sorry. I thought the Senator from Arkansas had consented to it in the Committee on the District of Columbia. I withdraw my motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

CITIZENS' RAILROAD.

Mr. SPENCER. I ask that the Senate proceed to the consideration of the bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its construction and operation.

Mr. MORRILL. I most emphatically object to that bill. If the Senator desires me to use time in giving my reasons I will do so, but if he will not press it I will not do so at the present time.

Mr. SPENCER. If the Senator is going to insist on objecting I shall not press the bill at this late hour of the session.

Mr. MORRILL. Most assuredly I shall object. We have already more railroads in the city than are required if they were properly located, and now to have all the streets given up I for one shall object to.

Mr. SPENCER. I am very sorry that the Senator from Vermont objects.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his motion.

JOHN GOWERS.

Mr. SPENCER. I ask consent to proceed to the consideration of the bill (H. R. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Has that been acted upon by the Committee?

Mr. SPENCER. The bill was acted upon by the Committee, and passed both Houses at the last session of Congress. It is now passed again, because it passed too late then to receive the President's signature. I will send up the RECORD to be read, that the fact may appear.

Mr. COCKRELL. Unless it has come from the committee, I move that it be postponed.

Mr. SPENCER. This bill has come from the Committee on Military Affairs and been favorably acted upon by the committee. I ask that the extract from the RECORD of August 16, 1876, which I send to the desk, be read.

The Chief Clerk read as follows:

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to so correct the record of John Gowers, late of Company C, One hundred and eleventh Regiment of New York Volunteer Infantry, as to remove the charge of desertion now standing against his name.

Mr. SPENCER. There is a printed report upon which the bill passed the House. There can be no objection to it.

Mr. DAVIS. I should like to hear the report read.

The Chief Clerk read the following report, submitted by Mr. BANNING, from the Committee on Military Affairs of the House of Representatives, March 17:

"The Committee on Military Affairs, having had under consideration House bill No. 1581, submit the following report:

"John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers, enlisted at Auburn, New York, and served faithfully until he was captured, with his regiment, at Harper's Ferry, Virginia, September 14, 1862. He, with others, seems to have held the idea that, being paroled, they had a right to go to their homes and remain until exchanged. Gowers went to his home, at Montezuma, New York, and remained there until he was arrested. It appears from the evidence that his wife was very ill, being near her confinement; that he did not attempt to go beyond his home, and returned willingly to his regiment; was there tried by an illegal court, and sentenced to pay expense of arrest, to wear what was called by the sentence of the court the wooden overcoat, and to be confined in the guard-house. He served out his sentence, and afterward did good service until he was captured, in 1864, and died at Andersonville prison. The evidence also shows that his wife was confined, and gave birth to a child, two days after his arrest. The committee think the case one of peculiar hardship, and one in which great injustice has been done to the heirs of the soldier, who did good

service, and had no intention of deserting, and would, therefore, recommend that the bill be passed."

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

Mr. COCKRELL. I understand this bill passed this Congress and not last Congress.

Mr. SPENCER. This Congress.

Mr. COCKRELL. The first session of the Forty-fourth Congress, after having been considered by the Committee on Military Affairs.

Mr. SPENCER. Yes, sir.

Mr. COCKRELL. I misunderstood the Senator. I thought he said the last Congress instead of the present Congress.

Mr. SPENCER. There is no objection to the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARBLE BLOCKS IN BOND.

Mr. BOUTWELL. I move that the Senate take up House bill No. 2867.

There being no objection, the bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes was considered as in Committee of the Whole. It proposes to amend section 2958 of the Revised Statutes by adding in the sixth line, after the words "other merchandise," the words "and marble in blocks may, in the discretion of the Secretary of the Treasury, be bonded in open yards, under the care of an officer of customs, at the expense of the owner or importer."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SOUTHERN MARYLAND RAILROAD.

Mr. SPENCER. I move that the Senate adopt the amendment of the Senator from Vermont to House bill No. 3012, that was up for discussion a few moments ago.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia is before the Senate as in Committee of the Whole, having been laid aside temporarily. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was agreed to.

Mr. DAVIS. I have a very decided objection, unless I know more about the bill, to its passage, and I say to the Senator from Alabama and the Senator from Vermont that it cannot pass unless it is properly explained.

Mr. SPENCER. There is no explanation needed in this case. The bill is [illegible] allow the Southern Maryland Railroad to form a connection with the Baltimore and Potomac Railroad outside of the city limits. I cannot see any objection to it. It is a road that is in process of completion.

Mr. DAVIS. I ask that the latter part of the bill be read as it stands amended. It is a very short bill.

The PRESIDENT *pro tempore*. The bill as amended will be read.

The Chief Clerk read the bill as amended.

Mr. SPENCER. It should include connections with the Baltimore and Ohio as well as the Baltimore and Potomac road.

Mr. DAVIS. The Baltimore and Ohio was in the bill, but for some cause has been stricken out.

Mr. MORRILL. I have objection to saying "Baltimore and Ohio," because it cannot make the connection with the Baltimore and Ohio without coming right through the city, in front of the Capitol.

Mr. DAVIS. Then I would say to my friend with all due respect that the bill cannot pass.

Mr. DAWES. I should like to inquire of the chairman of the committee how near the Government buildings at the Insane Asylum this road goes.

Mr. SPENCER. This will not go within half a mile of the Government Insane Asylum.

Mr. DAWES. On which side of it?

Mr. SPENCER. North of it.

Mr. DAWES. That is, the Government property will be between the Potomac and this railroad?

Mr. SPENCER. Between the Potomac and this railroad.

Mr. DAWES. And not within half a mile of it?

Mr. SPENCER. Not within half a mile of it.

Mr. COCKRELL. I do not think the Senate ought to consider this bill at this time in view of the facts stated by the Senator from Vermont and the Senator from West Virginia. We are now in the last hour of the session. To take up and undertake to consider measures of the importance of this, and which may affect the rights and involve the interests that this bill may touch, is not proper. I therefore move that this bill be postponed until the first Wednesday in December, in the year of our Lord 1877.

Mr. SPENCER. I hope that will not be done.

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

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. N. S. BROWN, one of its clerks, announced that the House had passed the bill (S. No. 1111) for the relief of Thomas E. Maley.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4680) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1878, and for other purposes.

JOSEPH SEGAR.

Mr. WADLEIGH. I am authorized by the Committee on Privileges and Elections to report the following resolution, upon which I ask the action of the Senate:

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to pay to Joseph Segar compensation and mileage as a Senator of the United States from the date of the death of Hon. Lemuel J. Bowden to the end of the term for which said Segar was elected.

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. The resolution cannot be considered, objection being made.

ARMY APPROPRIATION BILL.

Mr. BLAINE. I desire to make a statement to the Senate in regard to the Army appropriation bill, on which there has been a third conference without an agreement, and I want the Senate to correctly understand the points of difference, so that if there be any instructions the Senate may desire to give to the conference committee they may take action now. We reduced to writing the statement made by the House conferees, in order that the Senate might exactly apprehend it. It is this:

The conferees on the part of the House, while not insisting on the very letter of the fifth section of the Army bill, finally maintained that they would consent to the passage of no appropriation bill for the Army that shall not contain such restriction upon the President in regard to the use of United States troops in Louisiana as will prevent him from installing and maintaining the Packard government.

The Senate conferees have simply asked that the Army bill may pass as it was last year, or that there may be a modified form of that, merely giving enough money to carry on the Army on the basis of last year's appropriation, until Congress shall meet again in December; but the Senate conferees felt compelled, from a sense of their duty to the Constitution and the laws of the country, to risk the failure of the bill rather than consent to insert that provision in it. If they have misrepresented the Senate in taking that position it is for the Senate to say so.

There has been no ground whatever taken on the part of the Senate conferees—and I say that lest there should be some misunderstanding—that troops were expected to be used or desired to be used in Louisiana or elsewhere, but here is an invasion of the constitutional rights of the Executive which we were not ready to concede. There are not to-day between the Potomac and the borders of Texas a thousand Federal troops, and I make this statement on the authority of General Sherman. The whole idea of any liberty being endangered by them is a nightmare, a mere dream. But if there was not one soldier there, if there was a corporal there without his guard, and only that one there, I would not consent to this amendment for myself on behalf of the Senate. If I and the conferees with whom I have had the honor to be associated, have misrepresented the Senate on that point, we ask your instructions. If we receive no instruction, we may meet again with the conferees of the House, but we will not consent to pass the Army bill with that provision in it.

Several SENATORS. That is right. [Applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will remind the occupants of the galleries that if any demonstration is made again, he will order the galleries cleared.

Mr. DAWES. Does the Senator from Maine understand that it is competent for the Senate to instruct its conferees?

Mr. BLAINE. Competent for the Senate to instruct by receding only; not to instruct directly of course. You cannot properly instruct conferees; but I used the language simply to convey the idea that the Senate could if it chose reverse the position of its conferees.

Mr. DAWES. I have confidence in the conferees themselves without any instructions whatever.

Mr. BLAINE. We felt it our duty of course at so critical a time in the session as this not to keep the whole subject within the narrow limits of the conference room; and if the Senate desires to make expression in the shape of receding or modifying in any way we felt that the subject should be before them. If there is nothing done the Senate conferees propose to stand upon that as the point of honor, of constitutional right, and resist a most dangerous innovation on the part of Congress on the rights of the Executive.

Mr. DAWES. Mr. President, the Senator from Maine has exactly expressed my own views. I did not make the inquiry with any idea of weakening the force of the Senator's remarks, but I have often read of conferees coming into one House and the other and asking instructions. I understand, according to the parliamentary rule, that the fundamental rule at the bottom of a conference is that the conferees shall be free from all instructions. So long as our conferees, as in this instance, have so exactly carried out the views of the majority of the Senate, it does seem to me not quite worth our while to trench upon established parliamentary law.

Mr. MORRILL. I hope that no further time will be consumed. If these conferees are to meet again, it is obviously proper that they should have every moment that is left. Therefore I hope no time will be consumed on this matter.

Mr. WALLACE. As one of the conferees on the part of the Senate on the Army bill I have to state that I was ready to agree in the bill under the instructions of the Senate as it passed this body, but we met difficulty from the conferees of the House, as is usual in these conferences. I thought it was our duty to concede on the one side and on the other.

With this view I submitted a proposition to my colleagues from the Senate, to which they did not agree, but which I thought would cover the ground, and to which I believed the House would agree. It is in these words:

That if armed collision, or such imminent danger of armed collision as shall require the President to change the present attitude of the troops of the United States now in the States of Louisiana and South Carolina shall occur during one year hereafter, that then, in the opinion of Congress, an extraordinary occasion has arisen, as provided for in the Constitution, under which the President is authorized to convene both Houses of Congress.

I submitted this and urged it, but it seemed as though it was impossible to get the two committees of conference together, but the special objection came from my colleagues. The statement of the Senator from Maine is what the committee separated upon.

Mr. BLAINE. The Senator from Pennsylvania undoubtedly made that proposition; and as long as that is spoken of, I may say that the Senate conferees on the republican side made the proposition in order to bring the two branches together upon the question of the reduction of the Army, that the President of the United States should be empowered, if in his discretion the public safety would permit it, to reduce the Army to 20,000 men within the next fiscal year, and if his discretion was against it, that he should report his reasons therefor at the ensuing session of Congress.

I state that because the honorable Senator from Pennsylvania has stated his position, and to show also that the other is the vital point on which we disagree.

Mr. ALLISON. I will state also that the Senate conferees proposed, as a settlement of this question, that an appropriation should be made upon the basis of last year's bill for one-half the ensuing year, without reference to any other question, so as to avoid the necessity for an extra session, which was not acceded to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4076) granting a pension to Apolime A. Blair; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 1111) for the relief of Thomas E. Maley; and

A bill (H. R. No. 1200) for the relief of Almont Barnes.

PAPERS WITHDRAWN.

On motion of Mr. SPENCER, it was

Ordered, That James Atkins have leave to withdraw his papers from the files of the Senate.

On motion of Mr. KERNAN, it was

Ordered, That Mrs. A. P. Miles have leave to withdraw her papers from the files of the Senate.

APOLIME A. BLAIR.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill granting a pension to the widow of the late General Francis P. Blair, just received from the House of Representatives.

By unanimous consent, the bill (H. R. No. 4076) granting a pension to Apolime A. Blair was read three times, and passed. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Apolime A. Blair, widow of Frank P. Blair, jr., a major-general during the war of the rebellion, who died July 9, 1875, of paralysis, superinduced by exposure and mental unrest during such service, and to pay her a pension at the rate of $50 per month.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. McCREERY. Mr. President, it affords me pleasure to present the following brief testimonial to the distinguished merits of our presiding officer, who is about to retire from his high position, but he bears with him the respect and the personal esteem of each and every member of the Senate.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.)

The Senator from Kentucky offers a resolution, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the thanks of the Senate are due to Hon. THOMAS W. FERRY for the dignity, ability, and impartiality with which he has presided over its deliberations.

The resolution was adopted unanimously.

AWARDS OF MEXICAN CLAIMS COMMISSION.

Mr. CAMERON, of Pennsylvania. There is on our table a bill which has passed the House of Representatives unanimously, and passed the Judiciary Committee of this House, for the purpose of disposing of the funds under the commission with Mexico. It is very important to the interests of the country and these claimants especially that that bill should pass before Congress adjourns.

Mr. GORDON. I agree with the Senator from Pennsylvania. This matter ought to be called up at once. It has been acted on by the committee and is ready for action by the Senate.

Mr. CAMERON, of Pennsylvania. To fail to pass it would be doing great injustice to many individuals. I move to take up the bill (H. R. No. 4629) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868.

Mr. COOPER. Is not that the bill that the Senator from Kentucky [Mr. STEVENSON] called the attention of the Senate to frauds in connection with? I see that the Senator is absent. I know nothing about it; but in view of the statement that he made before the Senate the other day, I should rather not have the bill passed.

Mr. CAMERON, of Pennsylvania. The Senator from Georgia [Mr. GORDON] understands the bill.

Mr. WALLACE. This bill has been called up once or twice in the Senate and it has been objected to on each occasion, because it was alleged that there was one claim included in and to be paid under the bill that was an improper, unjust, and fraudulent claim. With the facts in regard to that claim, I believe the Judiciary Committee of this body have been made acquainted. The bill as a whole, with an amendment excepting that claim from present payment, it seems to me ought to pass the Senate; and surely when it has come to the notice of Senators that such a charge is made, we ought not to pass the bill until we examine into the truth of the facts alleged. I believe the Senator from Iowa knows something of the facts in his capacity as a member of the Judiciary Committee.

Mr. CAMERON, of Pennsylvania. In regard to the alleged fraud I think it is only an assertion made by a claim agent here, in the hope that he may get some legislation on the subject. The truth is that the claim to which reference is made is a claim which the party has been notified will not be acted upon by the State Department, and no other will be acted upon by that Department to which objection is made. But the money has been paid under the treaty by the Mexican government, and we should treat them as a creditor which has long been looking for his reluctant debtor to be just. Let us take this money and hold it in the State Department until the proper claimants come there for it.

Mr. GORDON. The Senator from Pennsylvania is mistaken in reference to my having knowledge of the facts. I had a brief conversation with him in reference to this matter; and I requested him to call up the bill, thinking that it was the award, as I believed it was, of a proper court; but as to these charges I never heard of them before. I do not know anything about them. I had supposed this was a final award of the court, and that Congress ought to take action on the matter. I know nothing, however, with reference to the charges.

Mr. WRIGHT. I ask the attention of the Senate for a moment to this case. This bill was reported from the Committee on the Judiciary by the Senator from New York, [Mr. CONKLING.] At the time it was reported there was no suggestion to the committee that there was anything wrong in any matter connected with this award. Subsequent to that time information was brought to us making it reasonably clear that with reference to one claim of some $500,000 there was an unquestioned fraud. It will be remembered that the Senator from New York called up the bill at one time, and this fact being made known and objection made to the consideration of the bill, it was passed over. It was called up again, and again objection was made and this matter was made still, if possible, more apparent. It was passed over again. Subsequent to that time the chairman of the Committee on the Judiciary, who is detained at home by sickness now, called my attention to the bill and said that he was satisfied that we could not at this time afford to press the consideration of the bill, and that if its consideration was pressed it should be recommitted to the committee. I had a conference also with the Senator from New York who reported the bill, and he agrees that under all the circumstances there ought to be a recommittal. I think then that at this time in the session it would hardly be just or fair to press the consideration of the bill, and I therefore move that the bill be recommitted to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill be recommitted to the Committee on the Judiciary.

The motion was agreed to.

HENRY S. FRENCH.

Mr. BAILEY. I ask the Senate to take up House bill No. 473, authorizing Henry S. French to bring an action in the Court of Claims.

There being no objection, the bill (H. R. No. 473) for the relief of Henry S. French, of Nashville, Tennessee, was read three times and passed. It refers to the Court of Claims the claim of Henry S. French, of Nashville, Tennessee, against the United States, for re-imbursement for certain cotton alleged by him to have been taken by agents of the United States in the year 1864 at or near Jonesborough.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a resolution to print ten thousand copies of the proceedings of the Electoral Commission.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 4076) granting a pension to Apolime E. Blair;

A bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842; and

A bill (H. R. No. 4680) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes.

PRESIDENTIAL APPROVALS.

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

An act (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy;

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

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

An act (S. No. 920) to authorize Louis Petoskey, of Michigan, to enter a certain tract of land which embraces his home and improvements;

An act (S. No. 949) for the relief of A. M. Garoutte, late captain and assistant quartermaster United States Army;

An act (S. No. 750) granting a pension to T. B. Murdock;

An act (S. No. 35) equalizing pensions of certain officers in the Navy;

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

An act (S. No. 709) for the relief of Hans C. Peterson;

An act (S. No. 210) granting a pension to Austin R. Mills;

An act (S. No. 535) granting a pension to Arms'ead Goodlow;

An act (S. No. 1152) granting a pension to Amasa J. Finch;

An act (S. No. 816) granting a pension to Laura M. Knowlton;

An act (S. No. 767) granting a pension to Theodore Gardner;

An act (S. No. 833) granting a pension to William H. Oliver, of Sweetwater, Tennessee;

An act (S. No. 792) granting a pension to Peter Harder;

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

An act (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas;

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

An act (S. No. 832) to increase the pension of Helen M. Stansbury;

An act (S. No. 737) granting a pension to Harrison H. Dodds;

An act (S. No. 980) granting a pension to Irena Garrett;

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

An act (S. No. 1123) granting a pension to Marsilvia F. Woodard, mother of George R. Woodard;

An act (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White;

An act (S. No. 931) for the relief of H. H. Mathis, of Arkansas;

An act (S. No. 1111) for the relief of Thomas E. Maley;

An act (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a combined rubber and spiral steel spring;

An act (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army;

An act (S. No. 1118) granting a pension to Mrs. Amy King;

An act (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making, or use, or vending of his patent explosive shell, fuses, and percussion exploders by the United States;

A bill (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina;

A bill (S. No. 1127) for the relief of J. B. McCullough; and

A bill (S. No. 875) for the relief of W. H. Woodward, of Indianola, Texas.

CLOSE OF THE SESSION.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to;

Resolved, That a committee of two members be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States, and inform him that, unless he may have some further communication to make, the two Houses of Congress having finished the business before them are ready to adjourn.

The PRESIDENT *pro tempore* was authorized to appoint the committee, and Mr. SARGENT and Mr. KERNAN were appointed.

ELECTORAL COMMISSION PROCEEDINGS.

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

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 10,000 copies of the proceedings of the electoral commission, embracing all of the said proceedings and arguments and briefs of counsel, together with the proceedings of the joint convention regarding all States the returns from which were submitted to said commission, 7,500 copies for the use of the House of Representatives and 2,500 copies for the use of the Senate.

The resolution was concurred in.

THE PACIFIC RAILROAD ACTS.

Mr. STEVENSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1192) to construe section 12 of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the several amendments of said section, and to determine the relation of the main line and branches, to make a report thereon, and move that the report be printed.

The motion was agreed to.

Mr. WRIGHT. That report having been made, and the order made for its printing, I now move that the bill be recommitted to the Committee on the Judiciary.

The motion was agreed to.

FINAL ADJOURNMENT.

The hour of twelve o'clock, noon, now having arrived,

The PRESIDENT *pro tempore*. Before declaring the order of adjournment, I cannot forego the privilege of expressing my deep sense of obligation to this body for its formal and expressive terms just submitted of unimpaired confidence and support during a short but most trying session, now about to close. For the many individual expressions of trust tendered, I can only say my heart is full of appreciation.

The responsibilities which have rested, and perplexities attended, upon the Senate during this ending session have been unexampled in its annals. A presidential election relying for its ascertainment and declaration upon a single electoral vote has been the great solution taxing the wisdom, patience, and patriotism of Congress. Party spirit has been by doubt and hope intensified to such a degree that the whole country has been for three months in such a state of excitement that the life of the Republic has been despaired of. Every industrial interest was paralyzed by the painful pressure of uncertainty. Anarchy menaced the nation. To that dire peril and necessity you, Senators, with your coadjutors, addressed yourselves, and rising to the altitude of the occasion mastered the situation. The nation still lives, and upon this perilous divide, which will ever mark the centennial, you have held and saved the Republic with all its fortunes. The source of power is again proven, not by simple recognition, but by signal demonstration, illustrating the fact that the people do not exist for the state, but the state is framed for the people. It was a sublime spectacle of delegated will determining a perilous incident in national progress.

The crisis has not come without its great service. It has at least broadened the ideas of the country and exemplified the truth that in great crises American representatives are less subjects of party than citizens of the Republic. The nation has likewise undergone a new baptism of patriotism, and its representatives have illustrated the highest honor to be that of usefulness to country. The occasion not only assured the existence of the Government, but revealed the unpurchasable independence of the American citizen. The method of this solution of a threatening presidential event was the suggestion of no individual opinion, but the resultant concessions of many. In the storm of adjustment doubts and reflections were rife, but these have disappeared in the calm of declaration. Variant convictions of duty may have questioned the wisdom of respective opponents, but upon the integrity of all the tranquil result invokes national praise. That party ardor, intensified by the closeness of the election, and the doubt as to which presidential candidate was to be declared chosen, and this uncertainty alternating between candidates daily for months, should move individuals to partisan words, is less strange than wonderful that freedom from acrimony and renewal of cordiality should follow so soon such an exciting contest. Verily, the statesman in this Chamber rises above the politician. The country will gratefully note this illustrious example of patriotic devotion to its life and institutions.

During the exciting session it would be vain to hope that in the administration of this Chair some of you Senators have not had occasion to criticise and, it may be, to except to rulings. Your generosity, however, has only been equal to your cordiality of support. Of one thing be assured, that howsoever the Chair may have swerved, it has been solely the error of unripened judgment, upheld by a purity of motive and impartiality of purpose which it is hoped are not questioned. Senators, the closing moment brings me to the painful reflection of our separation.

The changes incident to political strife will make inroads upon our number. Though we gain new as we lose old associates, the breach comes not without a pang. Responsible, laborious, exciting, and conflicting as are the duties of this august body, cordiality, friendship, and attachment are the cords wound around our senatorial bond. With those who leave the Senate, our highest hopes and best wishes follow. To those who are here to join us, our salutations of welcome are tendered. Thus parting and thus bidding, while not omitting the officers of the Senate, whose fidelity words cannot adequately acknowledge, and commending all to the care of that Providence which has kindly kept our number unbroken during the session, I now pronounce the closing session of the Forty-fourth Congress adjourned without day.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 3, 1877.

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

READING OF JOURNAL DISPENSED WITH.

The SPEAKER. If there be no objection, the reading of the Journal will be dispensed with.

There was no objection; and the reading was dispensed with.

Mr. DURHAM. I desire to make a statement to the House. I desire to have it go on the record that I was detained last night from the House by indisposition.

Mr. SAVAGE. I rise to correct the RECORD and the Journal. I am recorded as having voted "nay" on the motion of Mr. WADDELL to discharge the Louisiana returning board, whereas I was unavoidably absent, and should be recorded as not voting.

The SPEAKER. The correction will be made.

CHOCTAW CLAIMS.

Mr. HOOKER. I move the adoption of the resolution which I send to the desk. I desire to say that I make this motion simply to carry out the wish of the Committee on Indian Affairs, to whom was referred the subject-matter of the bill to which the resolution relates. It is the wish of that committee that the bill shall now be considered by the House.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 3798) for the relief of the Choctaw Nation of Indians and bring the same before the House for consideration at this time.

Mr. HOLMAN. I think, in justice to the House, on account of the great importance of this measure, it should be read at length.

The SPEAKER. The bill will be read.

The bill was read as follows:

Be it enacted, &c., That the Choctaw Nation of Indians be, and hereby is, authorized to commence an action in the United States Court of Claims to recover whatever is due, if anything, to said nation from the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Indians, of the 22d day of June, A. D. 1855; and said court is hereby clothed with jurisdiction to hear and determine said action, and shall render judgment for the amount which may be found due, if anything, with interest thereon at the rate of five per centum per annum from the 9th day of March, 1859; and said court shall be authorized, in the determination of such action, to go behind the treaty of 1855, and inquire into the merits of the Choctaw claim, so far as the same may be affected by fraud or mistake in the making of any treaty with said tribe or ratifying the same, or in any negotiation or official correspondence relating to the same, or by any act of Congress or reports of Departments touching Indian affairs, or any previous settlements with or receipts executed by the duly constituted authorities of said tribe; and either party may prosecute an appeal to the Supreme Court of the United States from such judgment, if such appeal be prayed within thirty days from the rendition thereof; and in the hearing and determination of said suit the said courts, or either of them, shall give said action precedence over other cases.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said nation claims to recover, and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts; and no other statements need be contained in said petition or verification.

SEC. 3. That if final judgment be rendered in favor of said nation the Secretary of the Treasury, upon the same being certified to him under the seal of the court rendering the same, shall pay out of any money in the Treasury not otherwise appropriated to the proper authorities of said nation, upon their requisition, so much of said judgment as they shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe to its individual members referred to in said treaty, such costs of suit and attorneys' fees as may be allowed by the court, and shall retain the balance, if any, in trust for said nation, as provided in the thirteenth article of said treaty; or said Secretary of the Treasury may, in his discretion, make such payment aforesaid to the proper authorities aforesaid, by delivering to them any bonds of the United States which have been or may be authorized by law, sufficient in amount at their market value to satisfy said judgment. And the payment of the judgment recovered under this act shall be held to be a full satisfaction of all claims arising under said eleventh and twelfth articles of said treaty; and in the event of a final decision in said courts against the Choctaws, such decision shall be a bar to the further prosecution of said claims.

Mr. HOLMAN. I rise to a question of order. Is there any rule of the House that prevents a second motion to suspend the rules and pass the bill where a motion for that purpose has already been defeated? The House declined some time since to pass this bill under a suspension of the rules.

Mr. HOOKER. I am not aware of that.

Mr. HOLMAN. The former proposition was to suspend the rules and pass the bill; the same bill.

Mr. FORT. It is exactly the same bill. This bill has been beaten here many times, and if it is proposed to pass it there ought to be at least an hour's debate on each side.

Mr. HOOKER. It will be time enough to arrange about the debate when the rules are suspended.

Mr. FORT. I want debate, in order to show what is the character of this bill. I hold in my hand a letter from the chief of the Choctaw Nation, which I desire to submit to the House, and I insist on debate if this thing is to be brought here again. It has been before Congress ever since I have been a member of this House, and has been defeated many times.

Mr. HOOKER. I object to debate at this point. If my resolution be adopted there will be an opportunity for debate. The proposition is to suspend the rules and bring the bill before the House for consideration.

The SPEAKER. The Chair will suggest that he listened to the gentleman from Mississippi [Mr. HOOKER] himself for a moment.

Mr. HOOKER. Yes, sir; but I simply stated in one word what was the object of the resolution.

Mr. FORT. I insist that it is out of order to consider this bill a second time.

The SPEAKER. This bill has been before the House on a motion to suspend the rules once before during this session and the motion to suspend the rules was lost. But the Chair does not know of any rule which would prevent the repetition of the motion at this time.

Mr. WILSON, of Iowa. There is none.

The SPEAKER. If the resolution is not a proper one the remedy is in the House, not in the Chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate insisted upon its amendment to the bill (H. R. No. 4680) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1878, &c., disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that Mr. WINDOM, Mr. DORSEY, and Mr. WALLACE had been appointed as conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask for the yeas and nays on this vote.

Mr. FORT. I suggest that by unanimous consent we have an hour's debate on this question prior to the submission of the motion to suspend the rules.

Mr. HOOKER. If the rules are suspended the bill will be before the House for consideration.

Mr. SPARKS. I ask that the letter which I hold in my hand may be read.

Mr. HOLMAN. I will, for the present, withdraw the call for the yeas and nays.

Mr. HOOKER. I renew the call for the yeas and nays.

REGULAR ORDER.

Mr. KNOTT. I rise to a parliamentary inquiry. I desire to know what would be the effect of the adoption of this resolution.

The SPEAKER. The effect of the adoption of this resolution would be to bring the bill before the House for consideration, so that a majority vote could pass it.

Mr. WALLING. But it does not cut off debate.

Mr. KNOTT. But leaves the bill open to unlimited debate until the previous question is called for.

Mr. FORT. There are millions in this bill.

Mr. HOLMAN. The gentleman from Mississippi can call the previous question on it whenever he pleases.

The SPEAKER. The yeas and nays are called for, and the House can take the responsibility of bringing up the bill if they desire to do so; but they cannot put that responsibility upon the Chair.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 107, not voting 95; as follows:

YEAS—Messrs. Abbott, Adams, Ainsworth, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banks, Banning, Blackburn, Boone, William R. Brown, Buckner, Burleigh, Buttz, Carr, Darrall, Dibrell, Dobbins, Douglas, Dunnell, Ellis, Evans, Field, Flye, Franklin, Garfield, Gause, Goodin, Gunter, Benjamin W. Harris, John T. Harris, Hartzell, Hatcher, Hendee, Henkle, Hoar, Hoge, Hooker, Hurd, Hyman, Thomas L. Jones, Joyce, Kasson, Kelley, Knott, Lamar, George M. Landers, Lane, Levy, Luttrell, MacDougall, Meade, Morgan, Odell, William A. Phillips, Platt, Poppleton, Powell, Pratt, Rainey, Reagan, Robinson, Rusk, Sayler, Seelye, Sheakley, Singleton, Smalls, Stone, Stowell, Strait, Swann, Throckmorton, Robert B. Vance, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, G. Wiley Wells, Whitehouse, Whitthorne, Wike, Andrew Williams, Alpheus S. Williams, James Williams, Wilshire, Alan Wood, jr., Fernando Wood, and Young—92.

NAYS—Messrs. Atkins, John H. Baker, Bell, Blount, Bradford, Bradley, Bright, John Young Brown, Horatio C. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crapo, Culberson, Cutler, Danford, Davis, Denison, Durham, Eames, Faulkner, Finley, Forney, Fort, Foster, Frye, Fuller, Goode, Andrew H. Hamilton, Robert Hamilton, Haralson, Hardenbergh, Henry R. Harris, Hartridge, Holman, Hopkins, Hoskins, Jenks, Kehr, Kimball, Lapham, Lawrence, Mackey, Magoon, McDill, McFarland, McMahon, Miller, Monroe, Nash, Neal, New, Norton, Oliver, Packer, Payne, Phelps, John F. Philips, Pierce, Plaisted, Potter, Rea, James B. Reilly, Riddle, William M. Robbins, Sampson, Savage, Schleicher, A. Herr Smith, William E. Smith, Southard, Sparks, Stanton, Stenger, Stevenson, Teese, Terry, Thompson, Thornburgh, Martin I. Townsend, Turney, John L. Vance, Walsh, Erastus Wells, White, Whiting, Willard, Jere N. Williams, William B. Williams, Benjamin Wilson, James Wilson, Woodburn, Woodworth, and Yeates—107.

NOT VOTING—Messrs. Anderson, William H. Baker, Bass, Beebe, Belford, Blair, Bland, Bliss, Samuel D. Burchard, Cabell, Cason, Caswell, Cate, Chapin, Crounse, Davy, De Bolt, Durand, Eden, Egbert, Felton, Freeman, Gibson, Glover, Hale, Hancock, Harrison, Hathorn, Haymond, Hays, Henderson, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, House, Hubbell, Humphreys, Hunter, Hunton, Hurlbut, Frank Jones, King, Franklin Landers, Leavenworth, Le Moyne, Lewis, Lord, Lynch, Lynde, Maish, McCrary, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, O'Brien, O'Neill, Page, Piper, Purman, John Reilly, Rice, John Robbins, Roberts, Miles Ross, Sobieski Ross, Scales, Schumaker, Sinnickson, Slemons, Springer, Stephens, Tarbox, Thomas, Washington Townsend, Tucker, Tufts, Van Vorhes, Waddell, Wait, Waldron, Gilbert C. Walker, Warner, Warren, Watterson, Wheeler, Wigginton, Charles G. Williams, and Willis—91.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. TUFTS. Upon this question I am paired with Mr. KING; if he were here he would vote "yea" and I should vote "nay."

Mr. COCHRANE. I desire to state that my colleague, Mr. MAISH, is detained from the House on account of sickness.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 620) for the relief of Redick McKee; and

A joint resolution (H. R. No. 194) to appoint a commission to examine into the matter of contracts made by and between the United States and the Moline Water Power Company, as to the water power at Moline, Illinois, and to report to Congress as to the same.

The message further announced that the Senate had passed a bill (S. No. 811) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Nashville, Tennessee, in which he was directed to ask the concurrence of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I submit a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, 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 51, 52, 63, 67, 68, 74, 75, 107, 146, 162, 174, 175, 177, 183, 190, 191, 221, 226, 253, 276, 290, 293, 300, 305, 311, 341, 342, 344, 345, 346, 348, 351, 354, 358, 361, 364, 367, 370, 385, 397, 458, 459, 462, 465, 466, 467, 468, 470, 471, 472, 478, 479, 481, 483, 485, 486, 495, 497, 506, 517, 521, 532, and 543.

That the House recede from its disagreements to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 56, 57, 60, 62, 64, 65, 71, 72, 73, 81, 82, 84, 85, 86, 87, 88, 89, 93, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 161, 163, 165, 166, 167, 168, 169, 170, 171, 173, 178, 179, 182, 184, 185, 187, 188, 189, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 267, 268, 269, 270, 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 296, 297, 298, 301, 302, 303, 306, 307, 308, 312, 313, 315, 316, 317, 319, 320, 321, 322, 323, 324, 327, 328, 331, 332, 333, 336, 337, 338, 343, 356, 372, 373, 375, 376, 378, 380, 381, 382, 383, 384, 386, 388, 389, 390, 391, 393, 394, 395, 397, 398, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 412, 413, 414, 415, 416, 417, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 451, 454, 456, 457, 461, 463, 474, 475, 476, 480, 488, 498, 500, 501, 504, 507, 508, 509, 514, 518, 520, 522, 523, 524, 525, 526, 527, 528, 529, 530, 536, 537, 539, 541, 542, and 544; and agree to the same.

That the House recede from its disagreement to the amendment numbered 55, and agree to the same, with an amendment as follows:

In line 4, page 7, of the bill strike out the words "six hundred" and insert in lieu thereof "one thousand;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 58, and agree to the same, with an amendment as follows:

In lines 15 and 16 on page 7 of the bill, and in line 17 on the same page, strike out in each place the words "eighteen hundred" and insert in lieu thereof respectively "two thousand;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 59, and agree to the same, with an amendment as follows:

In lieu of the words proposed insert "107,650;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 61, and agree to the same with an amendment as follows:

In line 17, page 8 of the bill, strike out "seventeen" and insert "ten," and in line 18, same page, strike out "500," and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 66, 69, and 70, and agree to the same, with amendments as follows:

From 66 strike out "500;" in 69 strike out "15,456" and insert "14,000;" and in 70 strike out from the bill the whole paragraph and the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 90, 92, 94, and 95, with an amendment substituting for the amounts proposed as follows: by amendment 92, $2,000; by 94, $2,000; by 90, $3,500, and by 95, $18,500; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 91, and agree to the same, with an amendment as follows: in lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 97, with an amendment striking out of the bill, as follows:

On page 10 strike out all of line 7; on page 12 strike out all of line 23; on page 38 strike out all of lines 18 and 19; on page 42 strike out all of lines 25 and 26; on page 45 strike out all of lines 16, 17, 18, and 19; on page 58 strike out all of lines 13 and 14; on page 60 strike out all of lines 23 and 24; and at the end of the bill insert, as section 2, the following:

SEC. 2. That the Secretaries respectively of the Departments of State, Treasury, War, Navy, and Interior, and the Attorney-General are authorized to make requisitions upon the Postmaster-General for the necessary amount of postage-stamps for the use of their Departments not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year.

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 111 and agree to the same, with an amendment as follows:

Strike out of said amendment the words "7,070" and insert "1,310."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 147 and agree to the same, with an amendment as follows:

Strike out "7510" and insert "5,350."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 159, 160, and 164, and agree to the same, with amendments respectively as follows:

In 159, in lieu of "8" insert "7;" in line 160, in lieu of "54" insert "52;" in 164, in lieu of "311,800" insert "310,470;" and in line 8, page 18, of the bill, strike out the word "18" where it occurs the second time and insert in lieu thereof "20."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 172 and 176 and agree to the same, with amendments respectively as follows: By 172, in lieu of "17" insert "16;" and by 176, in lieu of "72,600" insert "66,500."

In line 27, page 18, of the bill strike out "100" and insert "95;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 180 and 181 and agree to the same, with amendments respectively, as follows:

By 180, in lieu of "15," insert "13;" by 181, in lieu of "23,336," insert "17,736."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 186 and agree to the same, with an amendment, as follows:

Strike out "60,450" and insert "58,850."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 192 and agree to the same, with an amendment as follows:

Insert after the word "hundred" in said amendment the word "twenty."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 217 and agree to the same, with an amendment as follows:

From amendment 217 strike out "and forty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 218, with an amendment as follows:

After the word "twenty," in line 23, page 21, of the bill, insert the word "six."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 219, and agree to the same, with an amendment substituting "55" in lieu of "60."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 220, and agree to the same, with an amendment as follows: In line 18, page 22, of the bill, strike out "60" and insert "50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 222, 223, 224, 225, and 227, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 223 insert $5,500;

In lieu of the sum proposed by 224 insert $9,000;

In lieu of the sum proposed by 225 insert $12,500; and

In lieu of the sum proposed by 227 insert $12,500.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 254 and agree to the same, with an amendment as follows:

Strike out "7" and insert "5."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 265 and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "$33,560."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 266 and agree to the same, with an amendment substituting "$5,500" for the sum proposed by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 275, and agree to the same, with an amendment as follows: Strike out "$24,260" and insert "$23,760;" and the Senate agree to the same.

That the House recede from its disagreement to amendments numbered 277 and 289, and agree to the same, with amendments respectively as follows: In 277 strike out "7" and insert "5," and in 289 strike out "9,500" and insert "8,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 294, and agree to the same, with an amendment as follows: Strike out "9" and insert "4;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 299, and agree to the same, with an amendment as follows: Strike out "8" and insert "3;" and the Senate agree to the same.

That the House recede from its disagreement to amendments numbered 304 and 309, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 304 insert "$14,560," and in lieu of the sum proposed by 309 insert "$14,760;" and the Senate agree to the same.

That the House recede from its disagreement to amendments numbered 310 and 314, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 310 insert "$4,500," and in lieu of the sum proposed by 314 insert "$13,530;" and the Senate agree to the same.

That the House recede from its disagreement to amendments numbered 318, 325, 326, 329, and 330, and insert respectively as follows: In lieu of the sum proposed by 318 insert "$25,000;" in lieu of the sum proposed by 325 insert "$285,000;" in lieu of the sum proposed by 326 insert "$72,500;" in lieu of the sum proposed by 329 insert "$275,000;" and in lieu of the sum proposed by 330 insert "$87,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 334, 335, 339, and 340, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 334 insert "$80,000;" in lieu of the sum proposed by 335 insert "$42,200;" in lieu of the sum proposed by 339 insert "$22,500," and in 340 strike out "ten" and insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 347, 350, 353, 357, 360, 363, 366, and 369, and agree to the same, with amendment substituting in each case in lieu of the sums proposed by said amendments the sum of "$2,600;" and the Senate agree to the same.

That the House recede from its disagreements to the amendments numbered 374 and 379, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 374 strike out "600," and in 379, at the end of the paragraph, add the following:

"*Provided, however,* That hereafter the records of regimental, garrison, and field officers, and courts-martial shall, after having been acted on, be retained and filed in the judge-advocate's office, at the headquarters of the department commander in whose department the courts were held, for two years; at the end of which time they may be destroyed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 387, 392, and 396, and agree to the same, with amendments respectively as follows: In lieu of the sum proposed by 387, insert "$18,560;" in lieu of the sum proposed by 392 insert "$2,500," and in lieu of the sum proposed by 396 insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 410 and 411, and agree to the same, with amendments respectively as follows: In line 9, page 45, of the bill, strike out "four" and insert "two," and in lieu of the sum proposed by 411 insert "$59,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 349, 352, 355, 359, 362, 365, 368, and 371, and agree to the same, with amendments re-

spectively as follows: In lieu of the sum proposed by 349 insert "$12,700;" in lieu of the sum proposed by 352 insert "$12,200;" in lieu of the sum proposed by 355 insert "$12,200;" in lieu of the sum proposed by 359 insert "$12,200;" in lieu of the sum proposed by 362 insert "$12,700;" in lieu of the sum proposed by 365 insert "$12,200;" in lieu of the sum proposed by 368 insert "$12,200," and in lieu of the sum proposed by 371 insert "$12,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 377 and agree to the same, with an amendment striking out "ten" and inserting in lieu thereof "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 418 and 422, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 418 insert "$25,000;" and in lieu of the sum proposed by 422, insert "$4,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 450, 452, 453, and 455, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 450 insert "$32,500;" in lieu of the sum proposed by 452 insert "$25,000;" in lieu of the sum proposed by 453 insert "$27,500," and in lieu of the sum proposed by 455 insert "$20,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 462, 464, 469, 473, 477, 482, 484, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 462 insert "$5,000;" in lieu of the sum proposed by 464 insert "$3,500;" in lieu of the sum proposed by 469 insert "$10,000;" in lieu of the sum proposed by 473 insert "$3,000;" in lieu of the sum proposed by 477 insert "$4,000;" in lieu of the sum proposed by 482 insert "$3,000;" in lieu of the sum proposed by 484 insert "$3,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 489, 490, 491, 492, 493, 494, and 496, and agree to the same, with amendments respectively as follows:

In lieu of the number proposed by 489 insert "67;" in lieu of the number proposed by 490 insert "50;" in lieu of the number proposed by 491 insert "70;" in lieu of the number proposed by 492 insert "54;" in lieu of the number proposed by 493 insert "9;" in lieu of the number proposed by 494 insert "11;" and in lieu of the sum proposed by 496 insert "$58,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 499, 502, and 503, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 499, insert "$6,000;" in lieu of the sum proposed by 502 insert "$69,400;" in lieu of the sum proposed by 503 insert "$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 505, and agree to the same, with amendments as follows:

In lieu of the sum proposed insert "$1,900;" and in line 5, page 56, of the bill, strike out the words "$2,000" where they twice occur, and insert in each case the words "$1,900;" in line 7, page 56, strike out "eight" and insert "nine."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 510 and agree to the same, with an amendment substituting in lieu of the sum proposed "$65,340," and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 513, 515, and 516, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 513 insert "$20,000;" in lieu of the sum proposed by 515 insert "$4,000;" in lieu of the sum proposed by 516 insert "$1,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 519 and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "$3,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 531, 533, 534, 535, 538, 540, and agree to the same, with amendments respectively as follows:

"In lieu of the sum proposed by 531 insert "$1,500;" in lieu of the sum proposed by 533 insert "$6,500;" in lieu of the sum proposed by 534 insert "$13,200," and in lieu of the sum proposed by 535 insert "$750;" in lieu of the number proposed by 538 insert "three;" in lieu of the sum proposed by 540 insert "$24,800."

And the Senate agree to the same.

That upon the amendments numbered 76 and 77 they are unable to agree.

WILLIAM S. HOLMAN,
HIESTER CLYMER,
HENRY WALDRON,
Managers on the part of the House.

WILLIAM WINDOM,
WILLIAM B. ALLISON,
HENRY G. DAVIS,
Managers on the part of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate disagreed to the amendments of the House to the bill (S. No. 731) to limit and fix the Signal-Service, asked a conference upon the disagreeing votes of the two Houses, and had appointed Mr. SPENCER, Mr. CLAYTON, and Mr. RANDOLPH as managers of the conference on the part of the Senate.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. I wish to state, Mr. Speaker, that this report is the result of a conference on the legislative appropriation bill in which the House managers in their anxiety to get these bills through have made almost all the concessions. The House has yielded three hundred and sixty amendments made by the Senate. The Senate recedes from sixty-six of its amendments. The House has agreed to amendments with amendments to the number of one hundred and eighteen. While the salaries in the Territories and some of the salaries connected with the subtreasury system are diminished, the other salaries as fixed by the law of the last Congress remain about the same.

This report covers all the subject that went to the conference except the President's salary. The House having fixed that salary at $25,000, the Senate amended the House appropriation by fixing the salary at the present rate, $50,000. All other matters of disagreement are disposed of. I therefore move that the House concur in this report of the conference committee, that it insist on its disagreement to the two amendments connected with the President's salary, and ask for a further conference upon that point.

I ought to state that I would like to submit the motion to the House that the House adhere to its disagreement as to the salary of the President of the United States. But, inasmuch as there has been but one conference on this bill, I think it is only treating the Senate with proper courtesy to ask a further conference on the disagreement in regard to the President's salary; and I hope that when the vote shall be taken on insisting on our disagreement to the Senate amendment increasing the salary as fixed by the bill, the vote will be made a test of the judgment of the House and of what the House proposes to do.

I call for the previous question.

Mr. SAYLER. I hope the gentleman from Indiana will allow me to call his attention to one clause in the bill and to ask a question in regard to it. In the confusion during the reading of the report of the committee of conference, I was unable to understand what had been done with the Senate amendment No. 543, which provides for the payment of judgments of the Court of Claims, which have been confirmed by the Supreme Court of the United States. I desire to ask the gentleman from Indiana what was done with that amendment.

Mr. HOLMAN. The judgments of the Court of Claims which are now unpaid amount in the aggregate to something over $1,100,000, embracing two judgments for very large amounts, one for $500,000, in favor of the Union Pacific Railroad Company. In view of the heavy indebtedness of that company to the United States, I believe that neither House desires that any payment of that claim shall be made this year. The next Congress will doubtless provide for the proper adjustment of the indebtedness of the Union Pacific Railroad Company to the United States, in which adjustment this judgment will be taken into account. There is another judgment, in favor of Marshall O. Roberts and Mr. Dickerson, for something over a million dollars. For reasons which I do not wish to enter upon at this time, the Committee on Appropriations of the House, having been informed of that judgment, which was rendered last June, and having no time during the remainder of this session to inquire into that judgment, and the political controversy in the country occupying so much of the time of all the members of the House during the present session, they have not been enabled to give that patient investigation to this case which the interests of the Government as well as the rights of the parties absolutely require. The claim now amounts to $600,000, the Treasury Department having during the last year paid $400,000, and that leaves a balance of $600,000. The legislative, &c., bill has not usually been the vehicle through which appropriations of this kind were made. The sundry civil bill is the proper one to embrace a proposition of that character, and the House having provided in the sundry civil bill for the payment of judgments of the Court of Claims which are not the subject of dispute, the conferees agree to strike out from this bill the provision in regard to the payment of these judgments, leaving the sundry civil bill to provide for such judgments as should be paid.

I trust the gentleman from Ohio will not, at this late moment of the session, ask me to give the reasons for an investigation into this judgment. I can assure him that it is a subject which Congress should carefully inquire into, not only as a proper construction of the resolution passed by the House, but as to the merrits of the claim based on that resolution. But the gentleman from Ohio can scarcely object to the action of the committee of conference as this amendment was improperly in the legislative, &c., bill anyhow, and should properly have been in the sundry civil bill, which has not yet finally passed the House. I do not wish to discuss the question at this time.

Mr. HOOKER. I would ask the gentleman whether the judgments of the Court of Claims have not been confirmed by the Supreme Court?

Mr. HOLMAN. They have been confirmed by a majority of the court. I must add further that the Court of Claims on the merits rejected the claim of the Union Pacific Railroad Company, and that the opinion of the Supreme Court, as I understand the matter, was based upon the resolution passed by this House, which was intended to be a mere restriction, and yet, as I understand the matter, it has received the construction that it was a concession on the part of the Government in favor of the claim.

Mr. SAYLER. I ask the gentleman to yield to me for a moment.

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

Mr. SAYLER. As to the impropriety of putting this matter into the legislative, executive, and judicial bill, I confess that I cannot see it. It seems to me that it comes very properly under the head of "Court of Claims." The claim of the Union Pacific Railroad Company referred to by the gentleman from Indiana was not provided for or attempted to be provided for by either the Senate or the House in this bill upon the ground that we had claims against the road. But other claims were provided for by the Senate amendments, amounting to $635,410.59. For the payment of what? For the payment of claims against the Government of the United States on the part of its citizens which Congress authorized its citizens to prosecute in the Court of Claims, and which claims were appealed to the Supreme Court of the United States, where the judgments of the Court of Claims were solemnly and finally affirmed. That, Mr. Speaker, is the end of all litigation, and there is no attempt, no effort, no proposition, even, to impeach that judgment for fraud. Nothing of the kind has

ever been done. Now I undertake to say that the Government of the United States should be as honest as it requires the citizen to be, and should pay its debts upon final judgment by a court of its own creation just as readily as it requires the citizen to pay his debts under like circumstances; else we might as well have no courts at all, and else the citizen has no remedy as against the Government.

I may not have as profound a respect for the judgment of the Supreme Court as I had a few days ago. Nevertheless it is the Supreme Court, the court of final adjudication in the United States, and we as a people must be bound by its decisions. I undertake to say that, that court having given its decision, neither the Congress of the United States in general nor the Committee on Appropriations of this House in particular, nor the gentleman from Indiana, [Mr. HOLMAN,] the chairman of that committee, more especially, can sit as a returning board upon its final judgment. The gentleman says there has been no time to consider these claims.

Mr. HOLMAN. O, no, O, no; the gentleman misstates me.

Mr. SAYLER. I understood the gentleman to say——

Mr. HOLMAN. O, no.

Mr. SAYLER. Very well, I will take it back rather than be interrupted.

Mr. HOLMAN. I stated there had been no time to investigate this particular claim.

Mr. SAYLER. I am glad the gentleman makes the correction. There are several claims involved, and as to the particular claim to which I suppose the gentleman refers, I have here a transcript of the judgment. I know nothing of its merits or of the merits of any one of these claims. I only know they have been prosecuted to final judgment. The particular claim referred to is not in favor of Marshall O. Roberts and Mr. Dickerson, but is in favor of them as trustees of Mr. Sloo. The judgment was given in 1876, and should have gone before the Committee on Appropriations of the Forty-third Congress. There was some excuse for the committee in that Congress not taking up the matter, because the judgment had been so recently given; but there is no possible reason why this Congress should not pay these judgments.

Another word. The gentleman commented upon the manner in which this judgment was given. He says it was given upon a mere accidental wording of an act of Congress. Now I know nothing of the facts; but I cannot believe that the judges of either the Court of Claims or the Supreme Court of the United States are such miserable idiots or such outrageous rascals, as the charge necessarily would imply, as to have given a judgment for this large amount upon any such basis. More than one-half of this judgment has already been paid, and it seems to me that men who have received the judgment of the highest court of the country should have the benefit of it.

Mr. HOLMAN. Yes, sir, part of this judgment has been paid; $400,000 of it has been paid without any precedent of the kind in our history to sustain it. In other words, the Treasury Department never before has paid such judgments unless they could be paid in full out of appropriations made by Congress. But in this instance, as the gentleman from Ohio [Mr. SAYLER] must know, the gentleman who had been the counsel for these trustees, having close relations with the administration of the Government, was enabled by some influence to induce this extraordinary deviation from the uniform rule, and to secure the payment of a part of this judgment, when Congress had failed to appropriate the sum necessary for its entire payment.

I say this: from the investigation we have made and the fact that Congress has declined to make appropriations for the payment of all the judgments of the Court of Claims, reserving the right to inquire into those judgments, which it has a right to do, if that right is not reserved, then there is no need for the action of Congress. On the contrary, we appropriate for the payment of each specific judgment; and if the proper case arises Congress is expected to look into the circumstances connected with the rendering of the judgment.

Mr. SAYLER. Allow me a question.

Mr. HOLMAN. Permit me to finish my sentence. I say that Congress will come short of its duties, judging from the facts we have disclosed, if it fails to look into this judgment and to determine the question whether or not the judgment was procured through fraudulent influences.

Mr. SAYLER. I want to know from the gentleman from Indiana [Mr. HOLMAN] if he claims that Congress has power at its will to inquire into a final judgment of the Supreme Court of the United States and to interfere with the execution of such judgment?

Mr. HOLMAN. Ah, the gentleman is now taking the ground that there is no going behind the judgment.

Mr. SAYLER. There is not, except upon impeachment for fraud, which is not proposed.

Mr. HOLMAN. That is what I do propose.

Mr. SAYLER. That can only be done in the court; not in Congress.

Mr. HOLMAN. I propose that the facts shall be inquired into.

The SPEAKER. Will the gentleman from Indiana [Mr. HOLMAN] indicate the motion he desires to have submitted to the House?

Mr. HOLMAN. My motion is that the House agree to the report of the committee of conference, and further that it insist on its disagreement to the Senate amendment increasing the President's salary beyond the amount proposed in the bill as passed by the House, and to ask a further conference. I do not think it proper at this time to move that the House adhere to its disagreement, inasmuch as there has been but one conference on the bill. But I do think it proper that the House should insist on its disagreement to the amendment of the Senate in regard to the President's salary.

The SPEAKER. Would it not be better for the gentleman to frame his motion in this wise, that the House agree to the report of the committee of conference, and then that a vote of the House be taken whether it will recede from or insist upon its disagreement to the Senate amendment in relation to the salary of the President?

Mr. HOLMAN. I will accept the suggestion of the Chair and pursue that course.

Mr. HARRISON. It is proposed to have a further conference on this question.

The SPEAKER. On the question of the President's salary.

Mr. HARRISON. This is the second time that this House has determined that the salary of the President of the United States shall be but $25,000 a year. We have already, in answer to the demand of the country, fixed that salary at $25,000. Last session the Senate refused to concur with us and forced us to accede to its own idea. At this time we should stand up in the name of the people and show them that we are ready to carry out their wishes. I submit to the House that we should adhere to our action on this subject.

Mr. SAYLER. I want to move an amendment to the proposition of the gentleman from Indiana. He has already excepted from this report one section of the bill. Now I desire to except another section.

The SPEAKER. The conference committee has directed the chairman of the committee on the part of the House to permit an expression of the opinion of the House on the President's salary; but the conference committee has not allowed any other item to be reserved. The only course open to the gentleman from Ohio [Mr. SAYLER] is to induce the House to vote down the conference report.

The report of the committee of conference was adopted.

Mr. HOLMAN 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. HOLMAN. I now move that the House now insist on its disagreement with the Senate as to the presidential salary.

Mr. GARFIELD. I ask the attention of the House upon this question for a single moment. This conference report is now adopted, and the bill passed except with regard to a single point.

Mr. HOLMAN. Yes, sir.

Mr. GARFIELD. And on that point I understand the two Houses disagree.

Mr. HOLMAN. Yes, sir.

Mr. GARFIELD. That single point is the proposition to reduce the salary of the President of the United States. The House will remember that not long ago a bill for this special object was passed by both Houses but was vetoed by the President. If we now insist upon the form of disagreement proposed by the gentleman from Indiana, we necessarily force this same issue upon the outgoing President at a moment when it would hardly be manly for him to sign a bill cutting down the salary of his successor. I do not believe that this House, whatever may be the political feeling of members, will think that a proper thing to do. I hope the House will not insist upon its disagreement on this subject.

Mr. HARRISON. This House voted $25,000 as the salary of the President. We did so at a time when we knew Mr. Tilden had been elected President, and when we believed that he would be inaugurated as the President of the people and before the returning boards had decided for Mr. Hayes, and before we thought it possible for them so to decide.

Mr. HOLMAN. I hope the gentleman from Ohio [Mr. GARFIELD] will bear in mind that we fixed this salary at $25,000 when both parties in this House were equally confident of having control of the presidential office during the next four years.

Mr. GARFIELD. If this bill fails, we shall in the first place have an extra session, and in the second place, it will then be impossible to cut down this salary as regards the presidential term now about to commence. Thus the object of the gentleman's motion will fail.

Mr. HOLMAN. I do not think it will fail.

Mr. GARFIELD. There can be no success in this movement. The only result of the vote proposed must be an extra session.

Mr. HARRISON. Will you take the responsibility of an extra session on account of this question? If so, we shall meet you squarely before the country on the issue.

Mr. GARFIELD. We are willing to take our proper share of every responsibility.

Mr. HOLMAN. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion of Mr. HOLMAN, that the House insist on its disagreement to the amendment of the Senate concerning the presidential salary, was agreed to, there being—ayes 118, noes 41.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORTIFICATION BILL.

Mr. HALE submitted a report; which was 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. 4188) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1878, having met, after a 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 numbered 1, and agree to the same with an amendment striking out the words "machine-guns," in line 9 of the bill; and the Senate agree to the same.

That the Senate recede from its amendment numbered 2, and agree to an amendment as follows:

In line 12 of the bill, after the word "dollars," add the following: "and for Gatling or machine-guns, $25,000."

And the House agree to the same.

EUGENE HALE,
O. R. SINGLETON,
HIESTER CLYMER,
Managers on the part of the House.

WILLIAM WINDOM,
JOHN A. LOGAN,
N. G. DAVIS,
Managers on the part of the Senate.

Mr. HALE called for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. HALE 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.

SIGNAL SERVICE.

Mr. SINGLETON. I ask unanimous consent that the bill (S. No. 731) to limit and fix the Signal Service be taken from the Speaker's table, and that the House insist on its amendments and ask a conference with the Senate.

There being no objection, it was ordered accordingly.

PENSIONS—WHEN TO BEGIN.

Mr. RICE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. No. 2803) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pensions.

The bill, which was read, provides that all pensions which have been, or may hereafter be, granted in consequence of death occurring from a cause which originated in the service of the United States since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since said date, shall commence from the date of the death or discharge from the United States service of the person on whose account the claim has been, or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension; provided that applications for pensions growing out of the war of 1861 have been, or shall hereafter be, filed with the Commissioner of Pensions on or before the 1st day of January, 1880. In all other cases, unless the application shall be filed within five years from the accruing of the right, the pension shall commence from the date of the filing of the application; provided further that the limitation herein prescribed shall not apply to claims by or in behalf of insane persons or minor children of deceased soldiers.

The second section provides that immediately upon the passage of this act the Commissioner of Pensions shall cause a copy of the same to be furnished each pension agent, whose duty it shall be to notify each pensioner upon his roll who shall be entitled to arrears of pension under this act, and it shall be the further duty of the Commissioner of Pensions to pay, or cause to be paid, to such pensioners, or if the pensioner shall have died to the person or persons entitled to the same, all such arrears of pension as the pensioner may be entitled to or if dead would have been entitled to under the provisions of the first section of this act had he or she survived.

Section 3 repeals all acts and parts of acts in conflict with these provisions.

The House divided and there were ayes 110, noes not counted.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

Mr. RICE, by unanimous consent, was granted leave to print as part of the proceedings some remarks he had prepared on the foregoing bill.

BLACK BOB LANDS.

Mr. CROUNSE, by unanimous consent, from the Committee on Public Lands, submitted a report on bills (H. R. No. 543 and H. R. No. 640) relating to certain Indian lands in the State of Kansas; which was ordered to be printed and recommitted.

T. A. M'LAUGHLIN.

On motion of Mr. ROSS, of Pennsylvania, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of T. A. McLaughlin, (H. R. No. 1567,) no adverse report having been made thereon.

LAND-GRANT RAILROADS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a decision of the Supreme Court of the United States in the matter of land-grant railroads; which was referred to the Committee on Public Lands.

COLONEL J. G. HEALY.

Mr. BANNING. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Colonel J. G. Healy.

Mr. BAKER, of Indiana. I object to that until I can ask the gentleman a question, whether there has been an adverse report in the case or not?

Mr. BANNING. The papers asked to be withdrawn are the discharge and pension papers of this officer.

Mr. BAKER, of Indiana. Has there been an adverse report in the case?

Mr. BANNING. I do not make any report, but merely ask for the withdrawal of those papers.

Mr. BAKER, of Indiana. If there is no adverse report I have no objection.

Mr. CONGER. The officer ought to have those papers whether there is an adverse report or not.

Mr. BANKS. The rule is to leave copies on file when such copies are withdrawn.

The SPEAKER. And that rule is uniformly adhered to by the clerks.

Mr. BAKER, of Indiana. I move those words be added.

The SPEAKER. There being no objection the leave will be granted on condition no adverse report has been made.

There was no objection, and it was ordered accordingly.

JAMES ATKINS.

On motion of Mr. CANDLER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers pertaining to the claim of James Atkins, no adverse report having been made thereon.

FRANK A. PAGE.

On motion of Mr. JOHN REILLY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Frank A. Page, no adverse report having been made thereon.

WOLFF & BROWN, ETC.

On motion of Mr. LAWRENCE, by unanimous consent, (on behalf of John B. Wolff,) leave was granted for the withdrawal from the files of the Committee on War Claims of the papers of Wolff & Brown and Mary Dezevalos.

ENROLLED BILL AND JOINT RESOLUTION.

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

An act (H. R. No. 620) for the relief of Redick McKee.

Joint resolution (H. R. No. 194) to appoint a commission to examine into the matter of contracts made by and between the United States and the Moline Water-Power Company as to the water-power at Moline, Illinois, and to report to Congress as to the same.

MONTANA LAND GRANT.

The SPEAKER, by unanimous consent, laid before the House a memorial of the Legislature of Montana, asking aid in the construction of a railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the Legislature of Montana, asking Congress to aid the Northern Pacific Railroad by reducing the land grants and issuing United States bonds instead; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

FORT IN COLORADO.

Mr. BELFORD, by unanimous consent, laid before the House a memorial of the Legislature of the State of Colorado, praying for the establishment of a military fort between Forts Lyon and Union, and near the line between Colorado and New Mexico; which was referred to the Committee on Military Affairs, and ordered to be printed.

GRASSHOPPER PLAGUE.

Mr. BELFORD also, by unanimous consent, laid before the House a memorial of the State of Colorado praying Congress to appropriate the proceeds of the sales of public lands in the several States afflicted with grasshoppers to those States, to be used in the payment of bounties for the destruction of grasshoppers; which was referred to the Committee on Public Lands, and ordered to be printed.

POST-ROUTE BILL.

Mr. CLARK, of Missouri. I rise to a privileged question. I present the report of a committee of conference, which I send to the desk.

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 of the House No. 3628, establishing post-roads,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

The House agree to recede from its disagreement to section 8 and agree to the same with an amendment that said section be amended by striking out the words "place and stead" and insert instead thereof "in the name;" and the Senate agree to the same.

The Senate recede from its disagreement to sections 5 and 7 of said amendments.

The House recede from its disagreement to sections 9, 10, 11, 12.

The House recede from its disagreement to section 13 and agree to the same with an amendment to strike out all of the section after the word "mail" in the third line, and insert: "all public documents printed by order of Congress, and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office;" and the Senate agree to the same.

The House recede from its disagreement to the amendment of the Senate amending the title of the bill.

The conferees of the two Houses, being unable to agree to sections 2, 3, 4, and 6, disagree to the same and recommend to their respective Houses a separate vote upon the following proposition, to-wit:

To strike out said sections and insert the following:

"The sum of $75,000 be and the same is hereby appropriated out of any unexpended balances made for the support of the Post-Office Department for the current year, to enable the Postmaster-General to obtain proper facilities from the great trunk lines of railroad for railway postal service during the fiscal year ending June 30, 1878."

The conferees further agree and recommend that the bill be amended by adding an additional section establishing certain new post-routes, according to schedule hereto attached marked "A."

JOHN B. CLARK, JR.,
JOSEPH G. CANNON,
Managers on the part of the House.
HANNIBAL HAMLIN,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. CLARK, of Missouri. I ask unanimous consent of the House that the Clerk shall omit the reading of the schedule attached to the report, being an amendment merely establishing the new post-routes that have been sent in by members of the House and Senators during the latter part of this session of Congress.

The SPEAKER. The gentleman from Missouri asks that the reading of that portion of the report relating to the establishment of additional post-routes be omitted.

There was no objection.

Mr. CLARK, of Missouri. In the way of explanation to the House of the agreement come to by the conferees, I will state that a conclusion has been arrived at in regard to all the amendments which were offered by the Senate, with the exception of sections 2, 3, 4, and 6, which related to an appropriation for the purpose of re-establishing a fast mail. It was found impossible for the conferees to agree to a proposition on the amendments of the Senate to the bill relating to that subject; and they agreed to disagree so far as those sections were concerned, and report to the respective Houses the proposition in the report which has been read by the Clerk, and to appropriate $75,000 out of any unexpended balances made for the support of the Post-Office Department for the current year, to enable the Postmaster-General to obtain proper facilities from the great trunk lines of railroad for railway postal services. The House part of the conference committee disagreed to the proposition to appropriate $75,000 for this purpose, and the Senate part of the committee insisted upon it. The agreement between the conferees on the part of the House and the conferees on the part of the Senate is that the House shall act upon this proposition separately.

I deem it, however, a matter of justice to state on behalf of the Senate conferees that they desire this appropriation of $75,000 for the purpose, as they allege, of increasing the postal-car facilities of the great trunk lines of railroad leading West. It is asserted by them that the facilities as they exist at present, the large postal cars having been withdrawn from the service after the withdrawal of the fast-mail train, are insufficient for the requirements of the postal-railway service; and they insist that this $75,000 shall be appropriated for the purpose of increasing those facilities during this fiscal year.

On the other hand, Mr. Speaker, it is believed by myself, at least, as a member of the committee, that the appropriation made by the post-office appropriation bill for the purposes of railroad transportation, is sufficient. I do not agree in the view that we have not already made a sufficient appropriation for the purpose of having every facility that is necessary and required by the wants of the country.

Mr. Speaker, I will ask that the report of the conference committee be adopted, and that a separate vote be had by the House on the proposition submitted in the report making the appropriation $75,000 for postal-car facilities.

I am reminded by some gentlemen around me that some explanation is necessary in relation to the section of the bill in regard to the franking privilege. The original section as placed in the bill by the Senate revived the old franking privilege, giving each Senator and each member of the House, and the Secretary of the Senate and the Clerk of the House, the right to frank letters as well as documents. The committee of conference have agreed to an amendment giving them the right to frank all public documents printed by order of Congress. It gives that privilege to each Senator and member of Congress, and the Secretary of the Senate and the Clerk of the House, and it also gives to outgoing members this right until the December following the expiration of their term of office.

ENROLLED BILLS SIGNED.

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

An act (S. No. 36) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled;

An act (S. No. 177) to authorize the Secretary of War to open and re-adjust the settlement made by the United States Government with the Western and Atlantic Railroad of Georgia;

An act (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army;

An act (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home;

An act (S. No. 470) for the relief of John S. Wood, late a first lieutenant in the Seventh Pennsylvania Cavalry;

An act (S. No. 628) for the relief of John Anderson, surviving copartner of the firm of Anderson & White;

An act (S. No. 734) for the relief of William Jasper Cordill;

An act (S. No. 780) for the relief of the Richmond Female Institute, of Richmond, Virginia;

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

An act (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas;

An act (S. No. 855) making an appropriation to pay the claim of Benjamin Fenton and D. W. Fenton;

An act (S. No. 931) for the relief of H. H. Mathis, of Arkansas;

An act (S. No. 973) for the relief of Elizabeth Carson;

An act (S. No. 974) for the relief of Francis Gilbeau, of San Antonio, Texas;

An act (S. No. 1001) to provide for the disposition of Fort Dalles military reservation;

An act (S. No. 1019) to provide for a reprint of the resolves, ordinances, and acts passed by the Continental Congress and the Congress of the Confederation;

An act (S. No. 1063) for the relief of certain settlers on the public lands;

An act (S. No. 1071) for the relief of H. E. Woodhouse & Co., of Brownsville, Texas;

An act to amend an act (S. No. 1083) entitled "An act granting the right of way through the public lands to the Denver and Rio Grande Railway Company," approved June 8, 1872;

An act (S. No. 1116) granting a pension to Sarah A. Chamberlain, guardian of the minor heirs of James Eagle, Company F, Second Regiment Kansas State Militia;

An act (S. No. 1122) to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866;

An act (S. No. 1163) for the relief of settlers on the public lands under the pre-emption laws;

An act (S. No. 1183) granting a pension to Harriet Moss;

An act (S. No. 1197) for the relief of Eli Teegarden;

An act (S. No. 1200) to grant a pension to Margaret Hunter Hardie, widow of James A. Hardie, inspector-general in the United States Army;

An act (S. No. 1225) to amend section 2291 of the Revised Statutes of the United States in relation to proof required in homestead entries;

An act (S. No. 1238) making an appropriation for the expenses of the electoral commission;

An act (S. No. 1243) to repeal the statute forbidding appointments and promotions in the staff of the Army;

An act (S. No. 1259) granting a pension to Daniel Houlihan;

An act (S. No. 1260) granting a pension to Edmund H. Cobb;

An act (S. No. 1284) for the relief of William L. Hickam, of Missouri;

An act (S. No. 1288) to remove the political disabilities of H. J. Quattlebaum, of Georgia; and

An act (S. No. 1304) for the relief of Louis Rose;

Joint resolution (S. R. No. 30) to amend the joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876; and

Joint resolution (S. R. No. 32) providing for the renunciation of the naturalization of Frederick Hinkel.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4261) to provide for the sale of desert lands in certain States and Territories.

The message further announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4472) making appropriations for the legislative, &c., departments of the Government, and further insisted on the amendments numbered 76 and 77, and asked a further conference with the House on the disa-

greeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS as managers of the conference on the part of the Senate.

POST-ROUTE BILL.

Mr. CANNON, of Illinois. Perhaps I should state in the commencement of my remarks that the post-routes established by this bill embrace those contained in the bill that passed the House at the last session of this Congress, and also those contained in the bill that passed this House about a week ago.

The gentleman from Missouri [Mr. CLARK] has already stated that this bill contains a provision to restore the franking privilege so far as relates to public documents. So far as he and I are concerned, we agree upon all the amendments embraced in the report of the committee of conference with the exception of one: the one upon which a separate vote is asked. And I may perhaps say that he and I substantially agree upon that.

The members of the committee of conference on the part of the Senate, however, strenuously contend that as this bill establishes a large number of post routes, service upon which will entail great expense to the Department and the Government—there are fifteen hundred of these new routes which will not yield any considerable revenue to the Post-Office Department—the Senate conferees contend that it would be eminently just and proper that the sum of $75,000 should be taken from the unexpended balances of appropriations for this year, not a new appropriation, and applied to obtaining additional mail service on the great trunk lines, but not to re-establish what is known as the fast trains.

It is proper that I should state to the House that when the fast mail train was taken off the great trunk lines the Department contended that there were not sufficient facilities afforded by these great trunk lines to carry and distribute the mails while the trains were in progress. It is true that a forty-five foot car, with less room for distribution, would carry as great a weight of mail as a sixty-foot car, and the running of a forty-five-foot car is less expensive to the railroad company than the running of a sixty-foot car; but the sixty-foot car affords greater facilities to the Government for the distribution of mails in transit. The Postmaster-General says that if this sum of $75,000 is appropriated he will be enabled to have these sixty-foot cars run and the mail distributed upon the trains without going to the distributing offices, thus saving the expense of clerks in the distributing offices, and gaining from twelve to twenty-four hours' time in the transportation of the mails between the seaboard and the cities of the great West.

The gentleman from Missouri was not inclined to agree to this proposition, I think it is well enough, and my judgment is that probably the amendment ought to pass. Still I thought that as this whole matter had been referred to a commission we could afford to wait until next session of Congress, when that commission will report, and then we can have full time to consider the proper legislation upon the subject. But the Senate conferees insist upon this appropriation, and I submit that when we establish these additional routes, and it is but a spirit of fair compromise and substantial justice and right that this proposition to take $75,000 from the unexpended balances of appropriation for this year, to be used for this purpose, should be agreed to by the House. And if it should turn out that the Senate conferees are right in their view of the matter, perhaps nearly that amount would be saved by enabling the Department to dispense with a large force of clerks in the distributing offices, because this mail matter could be distributed upon the cars as they run.

If this amendment is voted down, then of course this bill will go back to a conference committee, provided the House sees fit to ask for another conference, and will involve the question whether or not there shall be established these fifteen hundred additional post routes, in which almost every one of us on this floor is interested, as well as the other propositions which are contained in the bill.

Mr. CLARK, of Missouri. I will ask the gentleman to state as a part of his remarks that this appropriation of $75,000 which it is proposed to take out of the unexpended balances of appropriations for the Post-Office Department will in all probability come out of the appropriation already made for the star service, and not out of the appropriation for the railroad service.

Mr. CANNON, of Illinois. I suppose that in fact it will come out of the appropriation for the star service; but the truth is that there was appropriated for that service nearly $500,000 more than has been required.

Mr. CLARK, of Missouri. The gentleman should bear in mind that there are fifteen hundred additional post-routes established by this bill.

Mr. CANNON, of Illinois. That is true, but I submit to the gentleman that it will be almost impossible between now and the 1st of July next to establish the service upon these fifteen hundred additional routes. I suppose the service could be established upon some of them, but certainly it could not be upon all of them in that time.

There is one strange thing about this $500,000 surplus to the star service. Most of us are interested in the star service. It is a service that does not yield much and is a very expensive service to the Government, while the revenues of the Department are principally yielded by those sections of the country through which the trunk lines run, and they are cut short in appropriations for the wotk done, yet the policy of the Government has been to reach out its arm everywhere and promote the growth of this star service.

Mr. GOODIN. Will the gentleman state what is the extent of the franking privilege which is provided for in this bill?

Mr. CANNON, of Illinois. The franking privilege is extended to all public documents, and given to outgoing Members and Delegates until the 1st of December after their term of office expires.

Mr. KASSON. I would like to inquire of the gentleman from Illinois whether the effect of discontinuing the fast-mail service has not been to throw back the service where it existed some twelve or fifteen years ago. In other words, if I understand rightly, the first great step in our progress was to have the distribution made in mail-cars instead of in post-offices. That was determined upon about fifteen years ago and was a great advantage to us in the West. It diminished the force requisite for the distributing post-offices. When the fast mail was put on, that point was preserved in connection with the fast mail. In discontinuing the fast mail the distribution in cars was also discontinued; and thus we were thrown back to the old system of mail transit in bulk and to the old system of distributing offices. That at least is my understanding. The effect of the present proposition, as I understand, is to take only one step backward instead of two, to preserve to us the benefit of distribution in the cars, saving generally one day in the delivery of letters by obviating the necessity of sending the mails for distribution to the distributing offices. Am I correct?

Mr. CANNON, of Illinois. The gentleman is only partially correct. That the mail service since the discontinuance of the fast-mail trains is not so thorough as it was is true; but at the same time this service is much superior to what it was fifteen years ago.

I wish to call attention to the fact that this is not a proposition to give $75,000 to restore the fast mail. It is a proposition to enable the Department upon the great trunk lines to get additional facilities in car lengths—sixty-foot cars instead of forty-five-foot cars for the distribution of the mails. The effect of this, as I am informed, with reference to a very large portion of the mails will be to expedite them from twelve to twenty-four hours between New York and Saint Louis and other cities.

Mr. BAKER, of Indiana. I wish to inquire of the gentleman whether this $75,000 additional is required in consequence of the anticipated loading down of the mails with public documents by reason of the restoration of the franking privilege.

Mr. CANNON, of Illinois. If my friend from Indiana had as much knowledge about the amount of matter carried in the mails as he has about almost everything else, he never would have asked that question. He would have known that the abolition of the frank made no perceptible difference in the amount of mail matter carried or in the revenues of the Department. He would have known that Postmaster-General Jewell, when there was a restoration of the frank for nine months, about two years ago, reported that it made no perceptible difference. In the large amount of matter passing through the mails of the country, the quantity that would be franked and distributed to the people for their benefit would not amount in the general bulk of mail matter to more than a pin-head in a hay-stack.

Mr. JOHN REILLY. Is it not a fact that public documents printed for the use of the people are now, for want of the franking privilege, allowed to lie here in the document-room without being sent out?

Mr. CANNON, of Illinois. A great many documents, I am informed, are lying in the document-room because many members feel that they cannot afford to pay the postage upon them. Some members, I understand, pay at the rate of hundreds of dollars a year to distribute these documents.

Mr. PAGE. The amendment in regard to the free distribution is agreed to, is it not?

Mr. CANNON, of Illinois. Yes, sir; there is no controversy about that.

The SPEAKER. What course does the gentleman from Missouri [Mr. CLARK] propose in reference to this matter?

Mr. CLARK, of Missouri. I desire, in the first place, that the House shall agree to the conference report, and that then the sense of the House be taken upon the matter excluded from the report—the appropriation of $75,000 for the postal-car service.

The report of the committee of conference was agreed to.

Mr. CLARK, of Missouri, 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. CLARK, of Missouri. I now ask a separate vote on the appropriation of $75,000 for postal-car facilities. I ask the Clerk to read that part of the report touching this subject.

The SPEAKER. The Clerk will read, after which the question will be on the motion that the House insist.

The Clerk read as follows:

The conferees of the two Houses, being unable to agree to sections 2, 3, 4, and 6, disagree to the same and recommend to their respective Houses a separate vote upon the following proposition, to wit: To strike out said sections and insert the following:

The sum of $75,000 be, and the same is hereby, appropriated, out of any unexpended balances made for the support of the Post-Office Department for the current year, to enable the Postmaster General to obtain proper facilities from the great trunk lines of railroads for railway post-office service during the fiscal year ending June 30, 1878.

Mr. CLARK, of Missouri. I move the House insist on its disagreement with the Senate on the amendment which has just been read, and afterward I shall ask for a committee of conference on the disagreeing votes of the two Houses.

Mr. CONGER. As I understand it, the committee agreed to report this proposition to the House for a vote.

Mr. CLARK, of Missouri. And that is what we are voting on.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry, and that is, to ask the Chair the effect of the vote now to be taken; if the House insists, then will not the bill fail unless it go to another conference?

The SPEAKER. The Chair presumes the gentleman from Missouri would ask for another conference. If the motion to insist is voted down, then the bill is passed as the Senate desire to have it.

Mr. CONGER. Why may not we vote on the proposition recommended by the committee?

Mr. CLARK, of Missouri. My motion is the same thing precisely.

The SPEAKER. If the motion of the gentleman from Missouri is voted down, the effect will be to pass the bill in the manner the Senate desire.

Mr. FORT. But if it is not voted down?

The SPEAKER. Then the Chair presumes the gentleman from Missouri will ask for another conference on the disagreeing votes of the two Houses.

Mr. CLARK, of Missouri. That was the intention and understanding of the conference committee, that another conference would be asked on the disagreeing votes of the two Houses.

The SPEAKER. The question recurs on the amendment which has just been read.

The House divided; and there were—ayes 80, noes 65.

So the House insisted on its amendment.

Mr. CLARK, of Missouri, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CLARK, of Missouri. I now ask for a further conference on the disagreement between the two Houses on that bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER announced as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the legislative appropriation bill, Mr. HOLMAN, Mr. CLYMER, and Mr. WALDRON.

SIGNAL SERVICE.

The SPEAKER also announced as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Signal Service bill, Mr. SINGLETON, Mr. BLOUNT, and Mr. WILSON, of Iowa.

POST-ROUTE BILL.

The SPEAKER also announced as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the post-route bill, Mr. CLARK of Missouri, Mr. WADDELL, and Mr. CANNON of Illinois.

DESERT LANDS.

Mr. LUTTRELL. I submit the following report from a conference committee, and on its adoption demand the previous question.

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 entitled "An act to provide for the sale of desert lands in certain States and Territories," 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 the amendments numbered 1, 2, 5, 6, 9, 13, 14, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 10, 15, and 17; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment to strike out all of said amendment after the word "however" and insert in lieu thereof the following:

That the right to the use of water by the person so conducting the same on or to any tract of desert land of six hundred and forty acres shall depend upon *bona fide* prior appropriation, and such rights shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation, and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment to insert before the word "sum," in line 13, on the first page of the bill, the word "additional;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment striking out all after the word "provided," in said amendment, and inserting in lieu thereof the following:

"That no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres, which shall be in compact form."

And the Senate agree to the same.

JOHN K. LUTTRELL,
LA FAYETTE LANE,
LORENZO CROUNSE,
Managers on the part of the House.

A. A. SARGENT,
R. J. OGLESBY,
J. K. KELLY,
Managers on the part of the Senate.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the conference committee was adopted.

Mr. LUTTRELL moved to reconsider the vote by which the conference 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. KNOTT. I rise to make a privileged report.

Mr. McCRARY. I rise to make a report from a conference committee.

Mr. KNOTT. Am I not entitled to the floor?

The SPEAKER. The gentleman from Iowa makes a report from a conference committee, which has a prior right over everything, even a motion to adjourn.

SHORT-HAND REPORTER FOR CALIFORNIA COURTS.

Mr. McCRARY. I send the report of the committee of conference to the desk.

The Clerk read as follows:

The conference committee on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 4476) to provide for the appointment of an official short-hand reporter for the United States courts in and for the district of California, having met, 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 to said bill, and that the bill, as thus amended, be further amended by adding to the second section thereof the following:

"*Provided*, That it shall be competent for the circuit or district court justice or judge to appoint the same person to the office of reporter in their several courts."

And that the House agree to the same.

GEORGE W. McCRARY,
PETER D. WIGGINTON,
Managers on the part of the House.

GEORGE G. WRIGHT,
T. O. HOWE,
HENRY COOPER,
Managers on the part of the Senate.

The conference report was adopted.

Mr. McCRARY moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION FRAUDS IN NEW YORK, ETC.

Mr. COX. On behalf of the committee as to election frauds in New York, Brooklyn, Jersey City, and Philadelphia, I ask leave to make their report and that the same, with the views of the minority, be printed in the RECORD.

The SPEAKER. If there be no objection, they will be printed in the RECORD.

Mr. MacDOUGALL. It is understood that the report of the majority will not be printed until the report of the minority is read.

Mr. COX. It is understood that the two reports shall be printed together. The views of the minority were included in my proposition.

The SPEAKER. If there be no objection, that order will be made, and the report of the committee, together with the views of the minority, will be printed in the RECORD.

[They will be printed hereafter.]

THE ELECTORAL VOTE.

Mr. KNOTT. I am directed by the committee on the privileges, powers, and duties of the House to submit the preamble and resolution which I send to the desk and to ask that they be adopted.

The Clerk proceeded to read the preamble and resolution.

Mr. SAMPSON. I desire to ask the Chair whether this comes in by unanimous consent or under a motion to suspend the rules.

The SPEAKER. It comes in by the right the committee have to report at any time.

The Clerk proceeded to read the preamble and resolution, as follows:

Whereas it is not disputed that the electoral votes of the following-named States, to wit, Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Tennessee, Texas, Virginia, and West Virginia, amounting in all to 184, were in conformity to the Constitution and laws of the United States cast for Samuel J. Tilden, of the State of New York, for President, and for Thomas A. Hendricks, of the State of Indiana, for Vice-President of the United States, by legally qualified electors appointed by said States, and severally in the manner directed by the Legislatures of said States, lists of which said votes were duly signed, certified, and transmitted sealed by said electors respectively to the seat of Government, directed to the President of the Senate, and by him opened in the presence of the Senate and House of Representatives, as required by the Constitution of the United States;

And whereas the evidence taken and reported to this House in pursuance of the orders thereof shows conclusively that on the 7th day of November, in the year of our Lord 1876, the following-named persons, to wit, Wilkinson Call, J. E. Yonge, R. B. Hilton, and Robert Bullock, each of whom was in all respects legally eligible and qualified to be appointed elector for President and Vice-President of the United States, were duly appointed electors by the State of Florida in the manner directed by the Legislature of said State;

And whereas the said Wilkinson Call, J. E. Yonge, R. B. Hilton, and Robert Bullock, after having been so appointed electors for President and Vice-President of the United States by said State of Florida, in the manner directed by the Legislature thereof, did on the 6th day of December, in the year of our Lord 1876, meet in the City of Tallahassee, in the said State of Florida, that being the time and place fixed by the Constitution and laws of the United States and of the State of Florida, at which the electors appointed by said State should meet, and, having so met as the electors duly appointed by the State of Florida as aforesaid, did then and there, in pursuance of the Constitution and laws of the United States, cast by ballot 4 votes

for Samuel J. Tilden, of the State of New York, for President of the United States, and in like manner 4 votes for said Thomas A. Hendricks, of the State of Indiana, for Vice-President of the United States, naming in separate and distinct ballots the person voted for by them for President and the person voted for by them for Vice-President, and then and there made distinct lists of the persons voted for by them for President and Vice-President of the United States and of the number of votes cast for each, which lists were by said electors signed, certified, and transmitted by them sealed to the seat of Government, directed to the President of the Senate and by him opened in the presence of the Senate and House of Representatives, as required by the Constitution of the United States.

Mr. CONGER, (interrupting.) I rise to a question of privilege. I move to suspend the rules and that the House proceed to consider the bills on the Private Calendar.

The SPEAKER. The gentleman cannot make that motion now.

Mr. CONGER. Why not? I believe we are not acting under a suspension of the rules.

The SPEAKER. The Chair is informed that we are. The Chair will ascertain the fact.

Mr. CONGER. The privilege of the gentleman from Kentucky, as I understand, is a privilege under the rules, and I move to suspend the rules.

Mr. ATKINS. Is it in order, Mr. Speaker, to stop the reading of the report?

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] made this report from a committee which had the right to report at any time under unanimous consent, which was equivalent to a suspension of the rules.

Mr. CONGER. That is a point which was never so decided before.

The SPEAKER. O, yes; it was never decided otherwise.

Mr. CONGER. Not that unanimous consent was equivalent to a suspension of the rules, for unanimous consent is given under the rules.

The SPEAKER. Special orders are made under a suspension of the rules, and, of course, if unanimous consent is given, it is equivalent to a suspension of the rules.

Mr. CONGER. I do not see that it covers that ground.

The SPEAKER. It covers it exactly.

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

And whereas the evidence taken and reported to this House in pursuance of the order thereof conclusively shows that on the 7th day of November, in the year of our Lord, 1876, the following-named persons, to wit, John McEnery, R. C. Wickliffe, L. St. Martin, E. P. Poché, A. De Blanc, W. Seay, R. G. Cobb, K. A. Cross, each of whom was in all respects legally eligible and qualified to be appointed electors for President and Vice-President of the United States, were duly appointed electors by the State of Louisiana in the manner provided by the Legislature of said State;

And whereas the said John McEnery, R. C. Wickliffe, L. St. Martin, E. P. Poché, A. De Blanc, W. A. Seay, R. G. Cobb, K. A. Cross, after having been so appointed electors for President and Vice-President of the United States by the State of Louisiana in the manner directed by the Legislature thereof, did, on the 6th day of December, in the year of our Lord 1876, meet in the city of New Orleans, in the said State of Louisiana, it being the time and place fixed by the Constitution and laws of the United States and of the said State of Louisiana, at which the electors appointed by the said State should meet, and having so met did then and there as the electors duly appointed for the State of Louisiana as aforesaid in pursuance of the laws and Constitution of the United States, cast by ballot 8 votes for Samuel J. Tilden of New York for President of the United States, and in like manner cast 8 votes for Thomas A. Hendricks of the State of Indiana for Vice-President of the United States, naming in separate and distinct ballots the person voted for by them for President, and the person voted for by them for Vice-President of the United States, and then and there made distinct lists of the persons voted for for President and Vice-President of the United States and the number of votes cast for each, which lists were by said electors signed, certified, and transmitted by said electors, sealed, to the seat of Government, directed to the President of the Senate, and by him opened in the presence of the Senate and House of Representatives, as required by the Constitution of the United States.

Mr. CONGER, (interrupting.) I desire to call the attention of the Chair to the record, which shows that this committee was appointed under a demand for the previous question, which was seconded, and by a vote of the House. The record shows that, and that it was not done, as the Speaker stated, by unanimous consent.

The SPEAKER. The force and effect of the previous question on that question was simply to cut off debate.

Mr. CONGER. It was under the operation of the previous question that the resolution, appointing this committee and authorizing them to report at any time, was passed. The Chair has stated to the House that it was done by unanimous consent. I denied it because I found on an examination of the Journal that it was done under the operation of the previous question, and was done by a vote of the House.

The SPEAKER. The original proposition was offered by unanimous consent, which was equivalent to a suspension of the rules, and so far as the operation of the previous question was concerned it was merely to cut off debate.

Mr. CONGER. But it was by a vote of the House that the resolution was adopted, and I desire to make that point.

The SPEAKER. Well, the Chair overrules the point of order.

Mr. CONGER. I desired to make the point because the Chair had made an assertion different from my statement of what was the action of the House.

The Clerk resumed and concluded the reading of the report, as follows:

And whereas the evidence taken and reported to the House, in pursuance of the orders thereof, shows conclusively that certain persons who pretended to have been appointed electors by the State of Florida, and who pretended as such to cast 4 votes for Rutherford B. Hayes, of Ohio, for President of the United States, and 4 votes for William A. Wheeler, of New York, for Vice-President of the United States, to wit: F. C. Humphreys, C. H. Pearce, W. H. Holden, and T. W. Long, who were not appointed by the State of Florida, but were falsely and fraudulently declared to have been elected, when in truth they had each and every one of them been defeated by a clear majority, as was well known by the then governor of Florida and the other canvassing officers of that State, who falsely and fraudulently made such declaration;

And whereas the evidence taken and reported to this House in pursuance of its orders further shows conclusively that certain persons, namely, William Pitt Kellogg, J. H. Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, A. B. Levissee, O. H. Brewster, and Oscar Joffrion were falsely, fraudulently, and corruptly declared to have been appointed electors by the State of Louisiana, and did falsely, fraudulently, and corruptly pretend to cast 8 votes for Rutherford B. Hayes for President, and 8 votes for William A. Wheeler for Vice-President of the United States, when in truth and in fact they had never been appointed electors by the said State of Louisiana, but had been defeated by a majority of several thousand of the legally qualified voters of said State, at a fair, peaceful, and legally conducted election, held in pursuance of the law of said State, all of which was well known to the board of returning officers who made the false, fraudulent, and corrupt declaration of their pretended appointment as electors, and who under the constitution and laws of the said State of Louisiana had no jurisdiction or authority to make any such declaration or statement;

And whereas the pretended votes given by F. C. Humphreys, Charles H. Pearce, William H. Holden, T. W. Long, William Pitt Kellogg, J. H. Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levissee, O. H. Brewster, and Oscar Joffrion were cast without any authority of law and by persons who had not been appointed electors: Now, therefore, in view of the foregoing facts, the truth of which is attested by an overwhelming array of sworn testimony, as well as the intelligence of the American people,

Resolved by the House of Representatives of the United States of America, That it is the duty of the House to declare, and this House does hereby solemnly declare, that Samuel J. Tilden, of the State of New York, received 196 electoral votes for the office of President of the United States, all of which votes were cast and lists thereof signed, certified, and transmitted to the seat of Government, directed to the President of the Senate, in conformity with the Constitution and laws of the United States, by electors legally eligible and qualified as such an elector, each of whom had been duly appointed and elected, in the manner directed by the Legislature of the State in and for which he cast his vote as aforesaid; and that said Samuel J. Tilden, having thus received the votes of a majority of the electors appointed as aforesaid, he was thereby duly elected President of the United States of America for the term of four years, commencing on the 4th day of March, A. D., 1877; and this House further declare that Thomas A. Hendricks, having received the same number of the electoral votes for the office of Vice-President of the United States that were cast for Samuel J. Tilden for President, as aforesaid, the said votes having been cast for him by the same persons who voted for the said Tilden for President, as aforesaid, and at the same time and in the same manner, it is the opinion of this House that said Thomas A. Hendricks, of the State of Indiana, was duly elected Vice-President of the United States for a term of four years, commencing on the 4th day of March, A. D., 1877.

Mr. WILSON, of Iowa. I rise to offer an amendment to this resolution.

Mr. KASSON. I raise the question of consideration under Rule 41.

Mr. BURCHARD, of Illinois. I raise the question of order at this time that the committee has no authority to report such a resolution.

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] is recognized as entitled to the floor.

Mr. KNOTT. According to agreement with my colleagues on the committee, I yield to the gentleman from Ohio [Mr. LAWRENCE] that he may ask that the views of the minority be printed; and thereupon I will demand the previous question upon the adoption of the preamble and resolution.

Mr. KASSON. I want to save all rights.

Mr. GARFIELD. All points of order are reserved.

The SPEAKER. Certainly.

Mr. WILSON, of Iowa. I rose to offer an amendment before the previous question was called.

The SPEAKER. The gentleman from Iowa [Mr. WILSON] asked consent, before the previous question is called, to submit an amendment.

Mr. WILSON, of Iowa. Let it be read.

Mr. KNOTT. I will hear it read.

Mr. BURCHARD, of Illinois. The point of order is reserved, whether it is in order for this resolution to be acted upon by the House.

The SPEAKER. The reporting of a resolution or a bill from a committee carries with it the right of the House to consider it.

Mr. BURCHARD, of Illinois. I do not desire to raise the question as to the right of the committee to report to the House upon this matter.

The SPEAKER. If that is not disputed, the other right attaches.

Mr. BURCHARD, of Illinois. I raise the point of the right of the committee to report this particular proposition, a proposition to declare the number of votes cast for President and Vice-President after the count has been had in the presence of the two Houses, and the joint meeting which by law was required to make the count has been dissolved.

The SPEAKER. That is a question for the House to determine. The fact is that this House as a House has never said that the votes to which allusion is made in the preamble and resolution should be counted.

Mr. KASSON. I raise the question under Rule 41, will the House now consider this resolution?

The SPEAKER. It is in order to raise the question of consideration.

Mr. WHITE. On that question I call for the yeas and nays. This report is revolutionary, treasonable, and damnable.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 82, not voting 62; as follows:

YEAS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Beebe, Blackburn, Bland, Bliss, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Candler, Carr, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Ellis, Faulkner, Field, Finley, Forney, Franklin, Fuller, Gause,

Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Abram S. Hewitt, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Thomas L. Jones, Knott, Lamar, Franklin Landers, Lane, Le Moyne, Levy, Lord, Luttrell, Lynde, Mackey, McFarland, McMahon, Meade, Mills, Money, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Philips, Poppleton, Powell, Purman, Rea, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Ward, Warner, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, James Williams, Jere N. Williams, Willis, Benjamin Wilson, Fernando Wood, Yeates, and Young—146.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, Buttz, Cannon, Chittenden, Conger, Crapo, Counse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Flye, Fort, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Lapham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, Page, William A. Phillips, Pierce, Plaisted, Platt, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Strait, Thornburgh, Washington Townsend, Tufts, Wait, Alexander S. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—82.

NOT VOTING—Messrs. Anderson, John H. Baker, Banning, Bass, Belford, Bell, Blount, Burleigh, Cabell, Campbell, Cason, Caswell, Cate, Chapin, Cox, Durand, Eden, Egbert, Felton, Foster, Freeman, Goodin, Hancock, Goldsmith W. Hewitt, Hill, Hoar, Holman, Frank Jones, Kehr, Kelley, Kimball, King, George M. Landers, Lewis, Maish, Metcalfe, Milliken, Morgan, O'Neill, Packer, Piper, Potter, Pratt, Reagan, John Robbins, Sobieski Ross, Schumaker, Smalls, A. Herr Smith, Stephens, Stowell, Martin I. Townsend, Van Vorhes, Waldron, Gilbert C. Walker, John W. Wallace, Warren, Watterson, Wheeler, Alpheus S. Williams, Wilshire, and Alan Wood, jr.—62.

So the House agreed to consider the report.

During the roll-call the following announcements were made:

Mr. HUNTON. My colleague, Mr. CABELL, is detained from his seat by sickness. If present he would vote "ay."

Mr. COCHRANE. My colleague, Mr. MAISH, is absent from the House on account of sickness. If here he would vote "ay."

Mr. LAMAR. The gentleman from California, Mr. PIPER, is absent on account of sickness.

The result of the vote was announced as above stated.

Mr. GARFIELD. I desire to put a question to the gentleman from Kentucky, [Mr. KNOTT.] If this resolution is in terms the expression of the opinion of the House, it is one thing; if it is a declaration that becomes the legal finding of this body, it is another. One of the resolutions (for, as I understand, there are two) says that "in the opinion of the House" a certain thing is a fact. If the gentleman will put a similar clause in the other resolution——

Mr. KNOTT. I cannot yield. I have agreed to yield to the gentleman's colleague, [Mr. LAWRENCE,] one of the minority of the committee.

Mr. GARFIELD. Very well; then we cannot allow any action on this until the gentleman will hear what we have to say.

Mr. KNOTT. In pursuance of an agreement between the majority and the minority of the committee, I now yield to the gentleman from Ohio, [Mr. LAWRENCE,] that he may ask leave to have printed the views of the minority. I shall then move the previous question upon the resolution.

Mr. BURCHARD, of Illinois. The gentleman from Ohio [Mr. LAWRENCE] is not in his seat.

Mr. KNOTT. Then I will yield to the gentleman from Illinois to make the same request.

Mr. BURCHARD, of Illinois. On behalf of the minority of the committee I desire to present the report of Mr. LAWRENCE, and also to offer a resolution as a substitute for the resolution reported by the gentleman from Kentucky.

Mr. LAWRENCE, (having just entered the Hall.) I submit the views of the minority and ask that they may be printed. They do not propose any action by the House, so that there is nothing to be done except to order them to be printed.

The SPEAKER. The Chair hears no objection, and the order will be made.

Mr. KNOTT. I now move the previous question on the adoption of the report and resolution submitted by me.

Mr. BURCHARD, of Illinois. And the substitute?

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] presented no substitute. As the Chair understood, he presented the views of the minority, and asked that the same be printed, to which there was no objection.

Mr. WILSON, of Iowa. Will the gentleman from Kentucky hear my amendment read?

Mr. KNOTT. I move the previous question.

Mr. LAWRENCE. My colleague on the committee, the gentleman from Illinois, [Mr. BURCHARD,] offered a substitute on behalf of the minority.

The previous question was seconded and the main question ordered.

The SPEAKER. The Chair desires to know from the gentleman from Kentucky whether he is willing to allow the proposition of the gentleman from Iowa [Mr. WILSON] to be read for information.

Mr. KNOTT. I have no objection to its being read for information.

The Clerk read as follows:

Resolved, That the electoral votes of the States have been counted in accordance with law, and that Rutherford B. Hayes and William A. Wheeler have been legally declared elected President and Vice-President of the United States, and that it is the duty of all law-abiding citizens to obey the law of the land.

Mr. WILSON, of Iowa. The minority of the committee, as I understand, desire to submit that as a substitute.

Mr. KNOTT. I do not yield for that.

Mr. PAGE. How can the gentleman decline to yield when this comes up as a minority report?

The SPEAKER. The Chair does not so understand.

Mr. PAGE. It was offered by the gentleman from Illinois, [Mr. BURCHARD.]

The SPEAKER. There was an arrangement between the majority and the minority of the committee as stated by the gentleman from Kentucky, [Mr. KNOTT.]

Mr. OLIVER. I ask that the resolutions of the majority be read.

Several members objected.

The SPEAKER. They have been read at this stage, and there is objection to their being read again. The question is on the adoption of the report and accompanying resolutions.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 88, not voting 66; as follows:

YEAS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Carr, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Ellis, Faulkner, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Thomas L. Jones, Knott, Lamar, Franklin Landers, George M. Landers, Levy, Lord, Luttrell, Lynde, Mackey, McFarland, McMahon, Meade, Mills, Money, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Philips, Poppleton, Purman, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Walling, Walsh, Ward, Warner, Erastus Wells, Whitthorne, Wigginton, Wike, James Williams, Jere N. Williams, Willis, Wilshire, Benjamin Wilson, and Yeates—136.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, Buttz, Cannon, Caswell, Chittenden, Conger, Counse, Danford, Darrall, Denison, Dobbins, Dunnell, Eames, Evans, Flye, Fort, Foster, Freeman, Frye, Garfield, Hale, Benjamin W. Harris, Hathorn, Haymond, Hays, Hendee, Henderson, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Lapham, Lawrence, Leavenworth, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Page, William A. Phillips, Plaisted, Platt, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, A. Herr Smith, Stowell, Strait, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Wait, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—88.

NOT VOTING—Messrs. Anderson, John H. Baker, Bass, Belford, Bell, Buckner, Burleigh, Campbell, Candler, Cason, Cate, Chapin, Cox, Crapo, Cutler, Davy, Durand, Eden, Egbert, Felton, Goodin, Gunter, Hancock, Haralson, Harrison, Goldsmith W. Hewitt, Hill, Hoar, Holman, Frank Jones, Kehr, Kimball, King, Lane, Le Moyne, Lewis, Lynch, Maish, Metcalfe, Milliken, Morgan, Packer, Pierce, Piper, Potter, Powell, Pratt, Reagan, Savage, Schumaker, Singleton, Smalls, Stephens, Stevenson, Van Vorhes, Waldron, Charles C. B. Walker, Gilbert C. Walker, Warren, Watterson, Wheeler, Whitehouse, Alpheus S. Williams, William B. Williams, Fernando Wood, and Young—66.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. COCHRANE. My colleague from Pennsylvania, Mr. MAISH, is absent on account of sickness. If present he would vote "ay."

Mr. NORTON. The gentleman from Ohio, Mr. VAN VORHES, is confined to his room by sickness.

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

Mr. KNOTT moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its 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 on the amendments of the Senate to the bill (H. R. No. 4476) to provide for the appointment of an official short-hand reporter for the United States courts in and for the district of California.

WITHDRAWAL OF PAPERS.

Mr. LANDERS, of Indiana, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of J. E. Robinson.

Mr. HOOKER, by unanimous consent, obtained leave to withdraw from the files of the Committee on Pensions the papers of Mrs. Nettie M. Voelain.

ORGANIZATION OF INDIAN TERRITORY.

The SPEAKER. The Chair desires to present to the House a report of the Committee on Indian Affairs on the organization of the Indian Territory. It is requested that the report be printed and recommitted.

There was no objection; and it was so ordered.

COUNTING OF THE ELECTORAL VOTE.

Mr. FIELD. I am directed by the committee on the privileges, powers, and duties of the House in counting the electoral vote to make a further report in part, and upon its adoption I demand the previous question.

The Clerk read the report of the committee, as follows:

The committee on the privileges, powers, and duties of the House of Representatives in counting the vote for President and Vice-President of the United States report in part, that since their partial report of certain resolutions, made to this House on the — day of January last, the passage of the act entitled "An act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," and the proceedings under it, have interrupted the discussion of the said resolutions and the action of the House thereon; but that the refusal of the electoral commission constituted by the said act to hear any evidence touching the frauds and want of jurisdiction of the canvassing and returning boards of Florida and Louisiana, has made it so much the more important to affirm the said resolutions and the authority of this House over the counting of the electoral votes, and especially the right of Congress and of the House to inquire whether any votes purporting to come from a State have been cast by persons duly appointed by that State electors of President and Vice-President in the manner directed by its Legislature, and for that purpose to receive evidence of the forgery, falsehood, or invalidity of any certificate of any governor or canvasser whomsoever. The committee therefore recommend the passage of the following additional resolution:

"*Resolved*, That in the counting of the electoral votes of any State it is the right and duty of Congress and of this House to inquire whether any votes purporting to come from a State have been cast by persons duly appointed by that State electors of President and Vice-President in the manner directed by its Legislature, and for that purpose to receive evidence of the forgery, falsehood, or invalidity of any certificate of any governor or canvasser whomsoever."

Mr. FIELD. The arrangement between the majority and the minority of the committee was that an amendment to be proposed by the gentleman from Kentucky [Mr. KNOTT] shall be received or accepted, and that the minority of the committee may propose a substitute or an amendment.

Mr. KNOTT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the preamble by adding the following:

Whereas, on the 1st day of March instant, this House refused to pass the following resolution:

"*Resolved*, That this House requires that the package tendered by the member from New York [Mr. HEWITT] to the President of the United States Senate in the presence of the two Houses on yesterday, and purporting to be a certificate of electoral votes for President and Vice-President in the State of Vermont, shall be opened by the President of the Senate in the presence of the two Houses, and if found to be such a certificate, the same shall be submitted, together with the certificate read in the presence of the two Houses, to the electoral commission for its judgment and decision; and that the Senate be requested to make a like order requiring the President of the Senate to open such package in the presence of the two Houses, and that until such order be made the House will not be ready to meet the Senate and proceed with the count of the electoral vote."

And whereas the rejection of said resolution may hereafter be construed as a precedent recognizing the right of the President of the Senate, when presiding at the joint meeting of the two Houses assembled for counting the electoral vote, to decide what returns or certificates he will lay before the two Houses: Therefore,

Mr. KNOTT. I also offer the following as an additional resolution.

The SPEAKER. The Chair desires to ask whether the proposition which has just been read is accepted as part of the original proposition of the gentleman from New York, [Mr. FIELD.]

Mr. FIELD. Yes, sir.

Mr. BURCHARD, of Illinois. As a member of the committee I desire to say that it is not. It has never been before the committee. It is merely offered by the gentleman from Kentucky, [Mr. KNOTT.]

The SPEAKER. The gentleman from New York [Mr. FIELD] holds the floor and has the right——

Mr. BURCHARD, of Illinois. The right merely to yield to the gentleman from Kentucky to allow him to offer his proposition.

The SPEAKER. The gentleman from New York has the right to yield to allow it to be offered, but not to accept it as part of the committee's report.

Mr. KNOTT. I call for the reading of the resolution.

The Clerk read as follows:

Resolved, (1) That the Constitution of the United States does not confer upon the President of the Senate the power to examine and ascertain the votes to be counted as the electoral votes for President and Vice-President of the United States; (2) that the only power which the Constitution of the United States confers upon the President of the Senate in respect to the electoral vote for President and Vice-President of the United States is to receive the sealed lists transmitted to him by the several electoral colleges, to keep the same safely, and to open all the certificates, or those purporting to be such, in the presence of the Senate and the House of Representatives; (3) that the Constitution of the United States does confer upon the Senate and the House of Representatives the power to examine and ascertain the votes to be counted as the electoral votes; (4) that, in the execution of their power in respect to the counting of the electoral votes, the House of Representatives is at least equal with the Senate; (5) that in the counting of the electoral votes no vote can be counted against the judgment and determination of the House of Representatives.

Mr. BURCHARD, of Illinois. On behalf of the minority of the committee, I offer an amendment to the resolution reported by the gentleman from New York [Mr. FIELD] from the committee.

The SPEAKER. Is it an amendment to the original text?

Mr. BURCHARD, of Illinois. Yes, sir.

The SPEAKER. The amendment will be read.

The Clerk read the amendment, as follows:

Amend the resolution by adding:

"Affecting the genuineness or proper authentication of such certificates, but not for the purpose of questioning the number of votes by which, as shown from the certificates of duly authorized canvassing officers of the State, the electors may have been appointed."

Mr. FIELD. I now demand the previous question on the original resolution and the amendment of the gentleman from Illinois, and upon the proposition offered by the gentleman from Kentucky in the nature of a substitute.

Mr. KASSON. I wish to call for a division of the amendment offered by the gentleman from Kentucky.

Mr. BURCHARD, of Illinois. If the gentleman from New York insists on the motion for the previous question before the original proposition, as it will read if amended as I propose, is read, I must modify it so as to make it a substitute for the entire proposition. I ask that the resolution as it will read if amended be read.

The SPEAKER. The Chair suggests to the gentleman from New York [Mr. FIELD] that he will expedite the matter by allowing the resolution, as it will read, if amended, to be read.

Mr. FIELD. I have no objection to that.

Mr. WALLING. I rise to a parliamentary inquiry. I do not understand that the proposition of the gentlemen from Kentucky [Mr. KNOTT] was offered as a substitute but as an addition to the proposition offered by the gentleman from New York, and that it was accepted by him.

The SPEAKER. The gentleman from New York has no right as a member of the committee to accept the amendment; it comes in in the nature of an amendment.

Mr. WALLING. Then, that being the fact, I make a further inquiry whether or not the proposition of the gentleman from Kentucky is the first proposition before the House?

The SPEAKER. The first amendment to be voted on is the amendment of the gentleman from Illinois [Mr. BURCHARD] to the original proposition; after which the question will be upon the substitute of the gentleman from Kentucky. Then the House will be able to vote upon all three propositions. The Clerk will now read the resolution as it will stand if the amendment of the gentleman from Illinois be adopted.

The Clerk read as follows:

Resolved, That in the counting of the electoral votes of any State it is the right and duty of Congress and of this House to inquire whether any votes purporting to come from a State have been cast by persons duly appointed by that State as electors for President and Vice-President, in the manner directed by its Legislature; and for that purpose to receive evidence of any forgery, falsehood, or invalidity of any certificate of any governor or canvasser whatever affecting the genuineness or proper authentication of such certificate, but not for the purpose of questioning the number of votes by which, as shown by the certificate of duly authorized canvassers of the State, the electors may have been appointed.

Mr. BANKS. I desire to state one of the reasons why this side of the House voted against the resolution of the gentleman from Kentucky, [Mr. KNOTT.] The credit of the House requires that this statement should be made.

Mr. FIELD. I will yield, certainly, with the understanding that the same privilege shall not be asked by any other gentleman.

Mr. BANKS. I voted and other gentlemen on this side of the House voted against the resolution of the gentleman from Kentucky [Mr. KNOTT] because it made a demand and contained a threat which the Senate of the United States could not receive.

Mr. BURCHARD, of Illinois. Allow me to say one word in explanation of my amendment. I find that upon this side of the House gentlemen do not understand it, and I appeal to the gentleman from New York to allow me a moment to explain the effect of the amendment which I propose to this proposition, so that it may be intelligible to the House.

Mr. FIELD. I do not propose to say anything myself, and therefore I cannot yield. I must insist on the demand for the previous question.

The previous question was seconded and the main question ordered, being upon the amendment offered by the gentleman from Illinois [Mr. BURCHARD] to the resolution of the gentleman from New York, [Mr. FIELD.]

Mr. BURCHARD, of Illinois. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 122, not voting 84; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Bell, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Buttz, Cannon, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Darrall, Denison, Dobbins, Eames, Evans, Flye, Foster, Freeman, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Lapham, Lawrence, Leavenworth, Magoon, MacDougall, McCrary, McDill, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Rainey, Robinson, Sobieski Ross, Sampson, Scelye, Sinnickson, Smalls, A. Herr Smith, Stowell, Strait, Thornburgh, Tufts, Wait, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Whiting, Andrew Williams, Charles G. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—84.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, John H. Caldwell, William P. Caldwell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Davis, De Bolt, Durham, Ellis, Faulkner, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Le Moyne, Levy, Lord, Luttrell, Lynde, Mackey, McFarland, McMahon, Meade, Mills, Money, Mutchler, Neal, New, Odell, Payne, Phelps, John F. Philips, Poppleton, Rea, James B. Reilly, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Sayler, Scales, Sheakley, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Walling, Walsh, Warner, Erastus Wells, Whitthorne, Wigginton, Wike, James Williams, Jere N. Williams, Willis, Benjamin Wilson, and Yeates—122.

NOT VOTING—Messrs. Abbott, Anderson, John H. Baker, Bass, Beebe, Bel-

ford, Blair, Buckner, Samuel D. Burchard, Cabell, Campbell, Candler, Carr, Cason, Cate, Caulfield, Chapin, Culberson, Cutler, Davy, Dibrell, Douglas, Dunnell, Durand, Eden, Egbert, Felton, Fort, Goodin, Hancock, Haymond, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Holman, Humphreys, Frank Jones, Kehr, Kimball, King, Lamar, Lane, Lewis, Lynch, Maish, Metcalfe, Miller, Milliken, Morgan, Morrison, O'Brien, Pierce, Piper, Potter, Powell, Pratt, Purman, Reagan, Miles Ross, Rusk, Schleicher, Schumaker, Singleton, Stephens, Stevenson, Martin I. Townsend, Washington Townsend, Van Vorhes, Waldron, Charles C. B. Walker, Gilbert C. Walker, Ward, Warren, Watterson, Wheeler, Whitehouse, Willard, Alpheus S. Williams, William B. Williams, Wilshire, Fernando Wood, and Young—84.

So the amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. COCHRANE. I desire to state that my colleague, Mr. MAISH, is absent from the House on account of sickness.

Mr. HARRIS, of Massachusetts. My colleague, Mr. HOAR, is absent from the House on account of indisposition; if present he would vote "ay."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its 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 on the bill (H. R. No. 4616) making appropriations for the naval service for the fiscal year ending June 30, 1878, and for other purposes.

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 on the bill (H. R. No. 4188) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1878.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same.

COUNTING THE ELECTORAL VOTE.

The House resumed the consideration of the preamble and resolution reported by Mr. FIELD.

The SPEAKER. The question recurs upon the proposition of the gentleman from Kentucky, [Mr. KNOTT,] to add to the original proposition what has been read.

Mr. KASSON. I would inquire whether, if the amendment of the gentleman from Kentucky [Mr. KNOTT] should be adopted, there would still remain the right, at the next stage of the proceedings, to call for separate votes upon the several propositions?

The SPEAKER. There would be that right.

Mr. YOUNG. I ask for a separate vote upon the first three propositions.

Mr. KEHR. I desire a separate vote on the original preamble and resolution.

The SPEAKER. That will be in order.

Mr. BLAND. Is it in order for me to ask for a separate vote on the original preamble and resolution?

The SPEAKER. It is.

Mr. KNOTT. Is it in order now for me to withdraw the amendments I have offered?

The SPEAKER. It would not be in order, except by unanimous consent, as the previous question is now operating.

Mr. KNOTT. Then I ask unanimous consent to withdraw both the amendments I have offered.

Mr. CONGER. I believe I must object.

Many members on both sides of the House. "O, no!" "Let them be withdrawn."

Mr. CONGER. At the request of my democratic friends, I will withdraw my objection.

The SPEAKER. The gentleman has many such. [Laughter.]

Mr. CONGER. I think I must ask the Chair to withdraw his remark.

The SPEAKER. And the Chair declines to do so. [Laughter.]

Mr. CONGER. Then I shall have to appeal from the statement made by the Chair, which I understood to be that I had not "any such."

The SPEAKER. The gentleman misunderstood the Chair; the remark was that the gentleman had "many such."

Mr. CONGER. I still think the Chair is mistaken, [laughter,] but I will not appeal from his statement.

The SPEAKER. The Chair is certain as to one.

No objection being made, the amendments of Mr. KNOTT were withdrawn.

Mr. FIELD. I call for a vote on the original proposition.

Mr. BURCHARD, of Illinois. I ask that the resolution accompanying the report be read.

The resolution was read as follows:

Resolved, That in the count of the electoral votes of any State, it is the right and duty of Congress and of this House to inquire whether any votes purporting to come from a State have been cast by persons duly appointed by that State electors of President and Vice-President, in the manner directed by its Legislature; and for that purpose to receive evidence of the forgery, falsehood, or invalidity of any certificate of any governor or canvasser whomsoever.

The report and accompanying resolution were adopted.

Mr. FIELD moved to reconsider the vote last taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT submitted a report; which was 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. 4616) making appropriations for the naval service for the year ending June 30, 1878, 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 6 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, and 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment striking out the sum therein named, and inserting in lieu thereof "$6,600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same, with an amendment adding at the end of the paragraph the following:

Provided, That $100,000 of the above sum shall be available for and be expended by the Bureau of Provisions and Clothing for provisions; which sum shall be immediately available.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment striking out the sum named therein and inserting in lieu thereof "$1,750,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same, with an amendment striking out the sum therein named and inserting in lieu thereof "$942,000;" and the Senate agree to the same.

JAMES H. BLOUNT,
JOHN T. HARRIS,
EUGENE HALE,
Managers on the part of the House.

A. A. SARGENT,
GEORGE S. BOUTWELL,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. BLOUNT. I desire to say that this bill, as agreed upon by the conference committee, differs very little from the corresponding bill as agreed upon by the two Houses at the last session. As a matter of course there have been points of difference, and the conclusions reached have not been entirely in accordance with the views of the House as expressed in its bill; but the results approach very nearly to that bill. The chief difference is in reference to the pay of the Navy. The Secretary of the Navy, supported by the Senate and the Senate committee, insisted upon $7,250,000 for the pay of the Navy. The House and its committee thought $6,250,000 a proper sum. The conference committee has agreed upon $6,600,000.

Under the Bureau of Construction and Repair the House bill provided for an appropriation of $1,500,000. The Senate insisted upon $3,300,000. The conference committee has agreed upon $1,750,000, being exactly the sum appropriated in the bill of last year.

Under the Bureau of Steam Engineering the House appropriated $800,000. The Senate insisted upon $2,000,000. The conference committee has agreed upon $942,000.

These are the large items upon which differences arose. The others are minor items. The bill, I repeat, is, except as to the pay of the Navy, substantially the bill passed at the last session.

Unless some gentleman desires to say something on this report, I call for the previous question.

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

Mr. BLOUNT 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.

COMMERCIAL RELATIONS.

Mr. BALLOU. The Committee on Printing have directed me to report back the annual report of the Secretary of State on the commercial relations of the United States with foreign nations during 1876, and to move that it be referred to the Committee on Commerce, and that the usual number of copies be ordered to be printed.

The motion was agreed to.

DIGEST OF INTERNATIONAL LAW.

Mr. BALLOU, from the Committee on Printing, reported back the following resolution, with a recommendation that it be concurred in:

Resolved by the Senate, (the House of Representatives concurring,) That of a digest of the opinions of the Attorneys-General and of the decisions of the Federal courts with reference to international law and kindred subjects, prepared at the Department of State, there be printed, in addition to the usual number, 500 copies for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of State.

The resolution was concurred in.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I move that the amendments of the Senate to the Army appropriation bill be taken from the Speaker's table and non-concurred in, and that a conference with the Senate be asked.

There being no objection, it was ordered accordingly.

The Speaker announced as the conferees on the part of the House Mr. ATKINS, Mr. WELLS of Missouri, and Mr. FOSTER.

RECESS.

Mr. HURD. I move that the House take a recess till nine o'clock this evening.

The SPEAKER. The Chair will state that in all human probability it will be necessary for the House to sit during the entire night; and the clerks desire time to have the bills enrolled.

The motion of Mr. HURD was agreed to; and accordingly (at five o'clock p. m.) the House took a recess till nine o'clock p. m.

AFTER THE RECESS.

The House resumed its session at nine o'clock p. m.

REAL-ESTATE POOL.

Mr. GLOVER. Mr. Speaker, I desire to introduce the testimony taken before the Committee on the Real-Estate Pool and the Jay Cooke & Co.'s Indebtedness and now ask that it be printed. I wish to say that I have omitted from the testimony that part of the investigation which has reference to Mr. GARFIELD. The order to print only applies to the investigation we took last year, finishing what we then had not time to complete.

Mr. WILSON, of Iowa. I object.

Mr. GARFIELD. I wish to make a single remark if the House will indulge me. As I said yesterday, excepting a single deposition which I have seen, I do not know the contents of the testimony the gentleman desires to have printed; but I understand it relates to a subject five years old, and perfectly well known. I ask nothing—no exception as to myself; let nothing be suppressed which relates to me.

The SPEAKER. The gentleman from Missouri states there is an omission of that testimony.

Mr. GARFIELD. I desire no exception or omission.

Mr. GLOVER. The omission of this testimony does not come from any application on the part of General GARFIELD, but inasmuch as there are other witnesses who think they have been implicated and have not had an opportunity to be heard, I have concluded to withdraw that testimony, and the order to print does not embrace it.

Mr. GARFIELD. I am glad to hear the gentleman say that, but I do not wish anything suppressed on my account.

Mr. GLOVER. Not at all. I wish to have printed testimony received on other matters, and there is no objection from the committee.

Mr. WILSON, of Iowa. I do not think more of General GARFIELD than I do of other citizens. In my judgment we have had too much of this thing already, and I object.

Mr. GLOVER. I do not know what the gentleman means by that remark. I do not know why there is objection on his part, especially to the printing of this testimony—why there is any objection to printing this more than any other testimony which has been reported from committees.

Mr. WILSON, of Iowa. I have done it repeatedly.

Mr. GLOVER. What is the ground of objection?

Mr. WILSON, of Iowa. I will tell the gentleman the ground of my objection. I object to the system by which we have investigated citizens, in their absence taking hearsay evidence. I would just as readily agree to have a new sort of rattlesnake brought into this country as to have such a system further carried on.

Mr. GLOVER. Does the gentleman say there is any such thing contained in this testimony?

Mr. WILSON, of Iowa. Will you say on your responsibility as a member that no hearsay testimony has been taken by your committee which is now asked to be printed?

Mr. GLOVER. This has been taken in open day. I do not know there is anything there which I can call to mind reflecting upon anybody who has not had opportunity to be heard.

Mr. BANKS. If there is anything affecting the reputation of any man in the House, and he has not had an opportunity to rebut it, I do not think any such hearsay testimony should be printed.

Mr. GLOVER. There is nothing, I think, in this testimony which relates to any member.

Mr. WILSON, of Iowa. If anything relates to any member he should have notice of it. Or anything relating to any ex-member of the House.

The SPEAKER. The Chair desires gentlemen to be seated, so the House may know what is going on.

Mr. BANKS. It is not the right of this House——.

The SPEAKER. Gentlemen must be seated or business will be suspended.

Mr. WELLS, of Mississippi. I rise to object to the printing of this testimony.

Mr. GLOVER. Do I understand there is any objection?

Mr. WILSON, of Iowa. Yes; I must object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, with an amendment in which concurrence was requested.

It further announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3628) to establish post-roads, and had receded from sections 2, 3, 4, and 6, of the Senate amendment numbered 604, disagreed to by the House of Representatives.

It further announced the passage of the following bills without amendment:

An act (H. R. No. 4418) to pay William L. Scruggs, late minister to Bogota, from October 10 to November 21, 1876;

An act (H. R. No. 3833) for the relief of John W. Hall;

An act (H. R. No. 4276) to authorize the appointment of a sergeant in the Signal Corps as second lieutenant in the Army;

An act (H. R. No. 515) for the relief Samuel E. Garland and Frank M. Hoppin;

An act (H. R. No. 4475) to remove the political disabilities of Joel S. Kennard, of Savannah, Georgia; and

An act (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Georgia.

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

An act (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina; and

An act (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas.

MRS. REBECCA MAXWELL.

Mr. BANNING. I ask that by unanimous consent the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 3349) granting a pension to Mrs. Rebecca Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteer Infantry, and that the same be now put upon its passage. This bill has been recommended by the Committee on Invalid Pensions. It has been in the Committee of the Whole on the Private Calendar for some time, and I ask unanimous consent that it be now passed.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteers.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RUSK. Has that bill been before the Committee on Invalid Pensions?

Mr. BANNING. I stated a moment ago that the bill has been before the Committee on Invalid Pensions, and by that committee has been reported to the House with a favorable recommendation.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MISSISSIPPI LEVEES.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] is recognized for a motion to suspend the rules.

Mr. ELLIS. I move that the rules be suspended, and that the bill (H. R. No. 3430) to repair and rebuild the levees of the Mississippi River and to reclaim the alluvial lands thereof, to improve it navigation, and promote and protect its commerce, be passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I rise to make a privileged report. I submit the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 4472, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes, having met, after full and free conference have been unable to agree.

WILLIAM S. HOLMAN,
HIESTER CLYMER,
HENRY WALDRON,
Managers on the part of the House.

WILLIAM WINDOM,
W. B. ALLISON,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. HOLMAN. In the course of the proceedings between the two Houses this bill is now in the custody of the House, and the House will have occasion to act prior to the action of the Senate. The managers upon the part of the two Houses are not able to agree. The managers on the part of the Senate still insist upon their amendment to the pending bill fixing the salary of the President at $50,000 per annum, while the managers on the part of the House still adhere to the views which have been expressed by the House in favor of fixing the salary of the President at $25,000.

In this emergency, this being a report of inability on the part of the conference committee to agree, it is for the House to determine whether it will recede from its disagreement, or whether it will insist upon its disagreement to the amendment of the Senate and ask a further conference, or whether the House will adhere. If the House recedes, that passes the bill. If the House insists upon its disagreement and asks a further conference, the probabilities are that the conferees on the part of the two bodies will be compelled to make the same report again, that they are not able to agree. If the House, on the other hand, shall adhere to its disagreement, that is the end of this bill. In the event of the House determining to adhere then the bill fails.

I think, sir, it is proper, inasmuch as there are but a few hours left in which legislative proceedings may take place, and inasmuch as it is not desirable that the House should at once put an end to all hopes of the passage of the bill by determining to adhere, and inasmuch as the House manifestly does not desire to recede from its disagreement, I think it is proper that a further effort be made to bring about a reconciliation between the two Houses on this question consistently with the views of the House.

I therefore think, sir, that I ought simply to make a motion that the House insist on its disagreement to the amendment of the Senate and ask for a further conference on the bill. I submit that motion, but I shall not call the previous question on it at present, if any gentleman desires to move either that the House recede from its disagreement or that the House adhere to its disagreement.

Mr. LAWRENCE. We will do whatever you say is right.

Mr. DUNNELL. I move that the House recede.

Mr. HOLMAN. I now call the previous question on my proposition and that of the gentleman from Minnesota, [Mr. DUNNELL.]

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves that the House insist on its disagreement. The gentleman from Minnesota [Mr. DUNNELL] moves that the House recede. The vote will be first taken on the amendment of the gentleman from Minnesota.

Mr. DUNNELL. I will withdraw my amendment, so as to allow another committee of conference.

Mr. FOSTER. I wish to be heard only for a moment. Mr. Speaker, the statement of the gentleman from Indiana appears, I think, to convey the impression that the Senate has undertaken an innovation. The salary of the President is fixed now at $50,000; and this is the old question that we fought over last year whether or not we would legislate on the question of salaries in an appropriation bill. The House proposes to change existing legislation.

I understood the gentleman to say that the House had fixed one salary and the Senate another, as if this was a question simply of fixing the salary upon an appropriation bill between the two Houses.

Mr. HOLMAN. The House by this bill fixed the salary of the President at $25,000 a year, and they determined on that at an early day in the session when it was still uncertain who would be the President of the United States for the next four years.

Mr. CLYMER. I desire to suggest to the gentleman from Ohio [Mr. FOSTER] that he will remember, as the House and the country will remember, that the increase in the salary of the President from $25,000 to $50,000 was made on an appropriation bill just four years ago this night.

Mr. FOSTER. I do not dispute that.

Mr. CLYMER. I say further, when we are threatened with a veto, that the President of the United States did not hesitate to sign a bill reducing all the salaries which had been raised at the time his salary was raised, and I trust he will not so far forget himself and the record he has made as to attempt in this instance to defeat the wishes of the people as expressed through the House, their immediate repre-rerepresentatives.

Mr. FOSTER. The gentleman will not understand me as having made an argument one way or the other. All I wanted was that the statement of the gentleman from Indiana should be corrected.

Mr. HOLMAN. The gentleman from Ohio is substantially correct in one respect. Four years ago, on this same appropriation bill, the salary of the President of the United States was increased from $25,000 to $50,000. The House now proposes to fix it at $25,000, in the same appropriation bill, while the Senate insists on making it $50,000, and the House early in the session passed a bill fixing it at $25,000, at a time when the presidential question and the question who would occupy the presidential chair was in suspense.

Mr. FOSTER. The gentleman from Indiana repeats the statement to which I objected, that the Senate insists on making the salary $50,000. He repeats that statement, when the statement he should make is that the Senate insists on maintaining the salary at the point where it now is.

Mr. HOLMAN. I now call the previous question unless some gentleman wishes to move either that the House recede from its disagreement to the amendment or adhere to it.

Mr. WHITTHORNE. I make the motion to adhere, because I do not wish this question postponed until members are absent and this thing to be stolen through the House.

Mr. DUNNELL. I withdrew the motion to recede because it was evident that there was a desire that another committee of conference should be appointed to endeavor to settle this question.

Mr. WHITTHORNE. I will withdraw my motion to adhere if the motion made by the gentleman from Indiana [Mr. HOLMAN] was made in good faith.

Mr. HOLMAN. Of course the gentleman does not suppose that there is any bad faith about the matter.

Mr. WHITTHORNE. I am afraid that, if the matter is postponed to a late hour in the session, this provision may be stolen through the House.

Mr. HOLMAN. Then let the gentleman make his motion if he desires to do it; otherwise I shall call the previous question.

Mr. CANNON, of Illinois. Will the gentleman from Indiana allow me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. CANNON, of Illinois. Suppose that this bill fails, is it not true that the salary cannot be cut down for the next four years?

Mr. HOLMAN. O, yes; that is true. I call the previous question on my motion to insist on the disagreement to the amendments of the Senate, and ask a further conference on the disagreeing votes of the two Houses thereon.

Mr. WHITTHORNE. I withdraw my motion to adhere for the purpose of letting the House vote on that question.

The question was taken on Mr. HOLMAN'S motion; and on a division there were—ayes 77, noes 72.

So the motion was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I desire to make a still further report from a committee of conference on the Post-Office appropriation bill.

The Clerk read the report, 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. 4187) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1878, having met, 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, numbered 12, and agrees to the same, with an amendment making the sum $9,250,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same, with an amendment making the sum $150,000; and the Senate agree to the same.

The House recedes from its disagreement to the amendment of the Senate numbered 33, and agrees to the same, with an amendment making the sum $2,939,725; and the Senate agrees to the same.

WM. S. HOLMAN,
CHARLES FOSTER,
HIESTER CLYMER,
Managers on the part of the House.

WM. B. ALLISON,
T. G. DAVIS,
HENRY L. DAWES,
Managers on the part of the Senate.

Mr. HOLMAN. The points of disagreement between the two Houses when the last conference report was made upon this bill involved three subjects; first, an increase of the appropriation for the transportation of the mails by railroads from $9,000,000 to $9,600,000, and the two subsidy appropriations of $500,000 each, one to the New Orleans and Brazilian mail steamship line, and the other to the steamship line from San Francisco to the ports of China and Japan. By the action of the Senate in receding from the two last amendments, providing for the subsidies of $500,000 each, those two subjects have been eliminated from the contest between the two Houses.

The House conferees were impressed with the belief that $9,000,000 was a sum amply sufficient to meet the demands of the Post-Office Department for the purpose of securing the transportation of the mails throughout the United States by railroads with the utmost facility. After long and patient effort to secure an agreement, the conferees on the part of the two Houses have agreed that instead of appropriating $9,600,000, as insisted upon by the Senate, the sum to be appropriated shall be $9,250,000. While believing that the sum of $9,250,000 is a larger sum than ought to be appropriated, yet for the purpose of coming to an adjustment which will secure the passage of this bill at this late hour of the session the House managers have agreed that the appropriation for this purpose shall be increased by the sum of $250,000.

I desire to say that if there was ample time in which to perfect this and other appropriation bills during this session I think that this concession should not be made. But for the purpose of avoiding the necessity—not desirable either on the score of public quiet, the interests of business, or the interest of economy—for a called session of Congress, in order to avoid that, the conferees on the part of the House have consented to this concession, making the appropriation for that purpose $9,250,000.

This makes a deficiency for the Post-Office Department for the coming year $2,939,725, the smallest deficiency in the revenues of the Post-Office Department that has occurred for many years. That is a better showing than has been presented to Congress for a number of years. I now call the previous question on agreeing to the report of the committee of conference.

Mr. BUCKNER. I desire to inquire of the gentleman from Indiana

[Mr. HOLMAN]—I did not hear distinctly his statement upon that part of the report—what has been done by the conference committee in regard to the subsidies for steamship lines?

Mr. HOLMAN. The Senate has receded from both its amendments granting subsidies, and so the committee have reported to the House. The only matter involved in this report is the amount paid to railroad companies, which is increased from $9,000,000 to $9,250,000. I now call the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDITION OF APPROPRIATION BILLS.

Mr. HOLMAN. I desire to say that there are two appropriation bills still remaining to be acted upon, the sundry civil appropriation bill and the Army appropriation bill. It is believed, at least the hope is indulged, that within two hours the conference committee of the two Houses may be able to agree on the sundry civil appropriation bill and will be able to report it to the two Houses. It, is, therefore very desirable that the House remain in session.

MISSISSIPPI LEVEES.

Mr. ELLIS. I move to suspend the rules and pass House bill No. 3430, to repair and rebuild the levees of the Mississippi River, and to reclaim the alluvial lands thereof, to improve its navigation, and promote and protect its commerce.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $4,202,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of repairing and rebuilding the levees of the Mississippi River, thereby reclaiming from inundation by its waters the alluvial lands of its delta, deepening its channel for commercial purposes, closing its crevasses, and thereby protecting and promoting its commerce, as follows, to-wit:

Seventy-five thousand dollars in the State of Illinois.

Five hundred thousand dollars in the State of Missouri.

One hundred thousand dollars in the State of Tennessee.

One million two hundred and eighty thousand dollars in the State of Arkansas.

Four hundred and forty-seven thousand dollars in the State of Mississippi.

One million eight hundred thousand dollars in the State of Louisiana.

SEC. 2. That the Chief of Engineers of the United States Army, under the direction of the Secretary of War, shall have sole and exclusive direction of the work to be performed, and the expenditures to be made under the provisions of this act; that as soon as practicable after the passage of this act, and after proper advertisement by the Secretary of War, upon estimates to be furnished by the Chief of Engineers, the work herein provided for shall be let to the lowest bidder or bidders, in such sections and quantities as the Chief of Engineers may deem proper; that such contractors or bidders, before they enter upon their contracts, shall furnish bond, with good and solvent sureties, in favor of the United States, in an amount equal to one-third of their entire contract, for the faithful performance of the work contracted for; and in no case shall the full amount agreed upon be paid to any contractor; and until his entire contract is performed and the work done under it surveyed and accepted by the Chief Engineer, or some officer designated by him, 20 per cent. of said entire amount shall be retained; after which survey and acceptance the residue of 20 per cent. shall be paid to said contractor.

SEC. 3. That all estimates required, and all surveys, plans, and locations of said levees, and for their construction, shall be made by the Chief of Engineers, or under his direction by such engineers of the corps as he may designate, or by such citizen civil engineers as he may see fit to employ.

SEC. 4. That no portion of the moneys herein appropriated shall ever be applied to the payment of any debts or obligations incurred by any State or other local levee company or corporation or authority, nor for compensation for any work other than that performed under the provisions of this act, nor for any other purpose than that contemplated and provided for herein.

SEC. 5. That on or before the 1st day of January, 1877, the Secretary of War shall submit to Congress a full and complete report of the manner in which the work contemplated by this act has been performed, and in what manner the moneys herein appropriated have been expended.

Mr. HOLMAN. I move that the House take a recess for one hour.

Mr. SAYLER. I hope that will not be done.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. HOLMAN, Mr. CLYMER, and Mr. FOSTER as the conferees on the part of the House in the further conference between the two Houses on the legislative, executive, and judicial appropriation bill.

ENROLLED BILLS SIGNED.

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

An act (S. No. 1128) to extend for two years the act establishing the board of commissioners of claims and the acts relating thereto.

Mr. BAKER, of Indiana, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4476) to provide for the appointment of official short-hand reporters in and for the courts of the United States.

WITHDRAWAL OF PAPERS.

Leave for withdrawal of papers was granted in the following cases, no adverse reports having been made:

To Mr. WILLIAMS, of Michigan, in the case of W. A. Rease; and

To Mr. SAYLER, in the case of Dr. Tumbleby.

RECESS.

The question then recurring on the motion of Mr. HOLMAN that the House take a recess for one hour, it was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title, with an amendment in which the concurrence of the House was requested:

A bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1003) for the relief of Benjamin P. Runkle, late a major on the retired list of the United States Army; and

A bill (S. No. 1127) for the relief of J. B. McCullough.

LEVEES OF THE MISSISSIPPI.

The question then recurred on the motion of Mr. ELLIS to suspend the rules and pass the bill to repair and rebuild the levees of the Mississippi River, and to reclaim the alluvial lands thereon, to improve its navigation, and promote and protect its commerce.

Mr. HOLMAN called for the yeas and nays on agreeing to the motion; and they were ordered.

Mr. MILLS. I desire to know the question we are to vote upon.

The SPEAKER. It is a bill appropriating $4,200,000 to repair and improve the levees of the Mississippi River.

Mr. ELLIS. This appropriation is to be divided between six States.

The question was taken; and there were—yeas 72, nays 113, not voting 105; as follows:

YEAS—Messrs. Ainsworth, Ashe, Belford, Boone, Bradford, Buckner, Buttz, William P. Caldwell, Carr, John B. Clarke of Kentucky, Cook, Culberson, Darrall, Dunnell, Ellis, Evans, Finley, Forney, Franklin, Gause, Gibson, Glover, Goode, Gunter, Haralson, Hatcher, Hays, Hoge, Hooker, House, Hubbell, Hyman, Thomas L. Jones, Kelley, Lamar, Levy, Lynch, McCrary, Mills, Money, Nash, Oliver, O'Neill, Packer, Payne, William A. Phillips, Powell, Purman, Rainey, Riddle, Rusk, Sayler, Schleicher, Siemons, Smalls, William E. Smith, Stone, Terry, Thomas, Throckmorton, Tufts, Alexander S. Wallace, John W. Wallace, Warren, Watterson, G. Wiley Wells, Whitthorne, Wike, Willard, Willis, Wilshire, and Young—72.

NAYS—Messrs. Abbott, Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bell, Blair, Blount, Bradley, Horatio C. Burchard, Burleigh, Candler, Cason, Caswell, Chittenden, Clymer, Cochrane, Collins, Conger, Cutler, Danford, Davis, Davy, De Bolt, Denison, Dobbins, Durham, Eames, Felton, Field, Fort, Freeman, Frye, Fuller, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Haymond, Hendee, Henderson, Holman, Hopkins, Hoskins, Humphreys, Hunter, Joyce, Kehr, Franklin Landers, George M. Landers, Lapham, Lawrence, Le Moyne, Lynde, Magoon, MacDougall, McDill, Meade, Monroe, Morrison, Mutchler, Neal, New, Norton, O'Brien, Page, Phelps, John F. Philips, Pierce, Plaisted, Poppleton, Rea, John Reilly, James B. Reilly, William M. Robbins, Robinson, Sampson, Savage, Scales, Seelye, A. Herr Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stowell, Strait, Tarbox, Thompson, Martin I. Townsend, Washington Townsend, Turney, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Walsh, Warner, Whitehouse, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Jere N. Williams, William B. Williams, Benjamin Wilson, James Wilson, and Woodworth—113.

NOT VOTING—Messrs. Anderson, Atkins, Bagby, John H. Bagley, jr., Banks, Banning, Bass, Beebe, Blackburn, Bland, Bliss, Bright, John Young Brown, William R. Brown, Samuel D. Burchard, Cabell, John H. Caldwell, Campbell, Cannon, Cate, Caulfield, Chapin, John B. Clark, jr., of Missouri, Cowan, Cox, Crapo, Crounse, Dibrell, Douglas, Durand, Eden, Egbert, Faulkner, Flye, Foster, Garfield, Goodin, Hale, Robert Hamilton, Hancock, Hartridge, Hartzell, Hathorn, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hunton, Hurd, Hurlbut, Jenks, Frank Jones, Kasson, Kimball, King, Knott, Lane, Leavenworth, Lewis, Lord, Luttrell, Mackey, Maish, McFarland, McMahon, Metcalfe, Miller, Milliken, Morgan, Odell, Piper, Platt, Potter, Pratt, Reagan, Rice, John Robbins, Roberts, Miles Ross, Sobieski Ross, Schumaker, Sheakley, Singleton, Sinnickson, Stanton, Stephens, Swann, Teese, Thornburgh, Tucker, Van Vorhes, Waddell, Wait, Gilbert C. Walker, Walling, Ward, Erastus Wells, Wheeler, White, Whiting, Alan Wood, jr., Fernando Wood, Woodburn, and Yeates—105.

So the House refused to suspend the rules.

During the vote,

Mr. COCHRANE stated that his colleague, Mr. MAISH, was absent from the House on account of sickness.

Mr. WAITE stated that he was paired with Mr. CALDWELL, of Alabama, who would vote in the affirmative, while he would vote in the negative.

Mr. STONE said that his colleague, Mr. WELLS, was absent on a conference committee.

Mr. SAYLER. I move to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The vote was then announced as above recorded.

AMENDMENT OF THE RULES.

Mr. SAYLER. I desire at this time to call up the privileged report which I had the honor on yesterday to submit from the Committee on Rules. It is not necessary, I presume, the report should be read again at this time. It is simply an amendment to the twenty-second rule of the House, giving to the Clerk of the House, pending the election of a Speaker, the same power that is vested in the Speaker of the House.

I do not propose to-night to discuss with my colleague from Ohio [Mr. GARFIELD] the question of the independence of one Congress of another, nor do I propose to discuss with him the other question as to the right of each Congress to make its own rules. Certainly in the latter proposition I fully agree with him. I have only to say, however, that almost without exception, from the beginning of our Government until the present time, Congress has been organized by the

Clerk presiding during the pendency of the election of a Speaker. There have been very few exceptions to this rule, and so far as the enforcement of the rules is concerned the one hundred and forty-seventh rule provides these rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered; and whatever may be the power of each Congress, the custom has been to consider the rules of the previous Congress the rules of the existing Congress, unless some action to the contrary is taken by that Congress.

And without discussing the matter any further, I will only direct to my colleague from Ohio the *argumentum ad hominem;* I will quote himself against himself. When the gentleman who now occupies the chair proposed at the beginning of the Forty-fourth Congress a resolution providing the rules of the Forty-third Congress should remain in force as the rules of the Forty-fourth Congress, the gentleman from Ohio, [Mr. GARFIELD,] my colleague, rose to a point of order, and his point of order was, "I object to the resolution under the existing rules, which are our rules without a declaration of this sort."

Now, Mr. Speaker, the second rule of the House——

Mr. HALE rose.

Mr. SAYLER. I do not dispute the proposition. I am arguing the custom.

Mr. HALE. Let me ask the gentleman a question. If the custom is as he believes and as he says, what is the special need of legislation on this point?

Mr. SAYLER. I will explain to the gentleman; that is what I am coming to. I only wished to get rid of the other proposition with which the proposition of the committee was embarrassed yesterday. The second rule of the House refers to the powers and duties of the Speaker, that he shall preserve order and decorum; and in order that he might be enabled to carry out that rule, it was found necessary, in 1861, to amend the twenty-second rule by adding these words: "It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings," adding to those words, in 1860, these words: "to aid in the enforcement of order under the direction of the Speaker."

The one hundred and forty-sixth rule provides that all elections of officers of the House, including the Speaker, shall be conducted in accordance with these rules, so far as the same are applicable; and pending the election of a Speaker the Clerk shall preserve order and decorum. Now, precisely the same necessity which existed to amend the twenty-second rule, by placing the Sergeant-at-Arms as an executive officer under the direction of the Speaker, in order to enable him to comply with the second rule, it seems to me, renders it important we should also place the Sergeant-at-Arms under the direction of the Clerk, in order that he may discharge during this time precisely the same duties which are imposed upon the Speaker.

Mr. HALE. The point I am getting at is this: the Clerk has always presided at the organization of the House, and what is the special need now of passing any law or resolution which gives to him any additional power? The organizatien of the next House will proceed as the organization heretofore. Why then pass any additional law?

Mr. CANNON, of Illinois. The confusion is so great in this Hall that I cannot hear a word of what is going on.

Mr. SAYLER. I will answer the question of the gentleman from Maine with pleasure. On several different occasions in the organization of the House there has arisen very great confusion. Once the House was not organized during a period of nine weeks and scenes by no means creditable to the American Congress were enacted during that period. In the organization of the Thirty-first Congress, in the organization of the Thirty-fourth Congress, in the organization of the Thirty-sixth Congress, there was the utmost disorder, and in the organization of the Forty-second Congress Mr. McPherson, a most efficient presiding officer, as my friend from Maine will certainly concede, bitterly complained that he had no power whatever under the rules to preserve order any further than to appeal to members. The gentleman from Michigan [Mr. CONGER] asked me yesterday if that was not enough. I think we have had some evidence within the last week that that is not enough. I think we have had evidence in our own experience within the last week that the man who presides over the deliberations of this body—if sometimes they can be called deliberations—needs to have at his command an officer armed with power to enforce the order of the House.

Mr. HALE. Does the gentleman propose to give to the Clerk any more power than is now given to the Speaker?

Mr. SAYLER. Not at all. The committee proposes to give to the Clerk pending the election of a Speaker, and at no other time, precisely the same power to preserve order as is now given to the Speaker all the time.

Mr. HALE. The gentleman has just referred to disorders that have ocurred here within the last few days. Now, during those disorders we have had an organized House—a Speaker. I do not see there is anything in what the gentleman proposes that provides a remedy or that giving to the Clerk any power additional to what he has now would do so.

Mr. SAYLER. We have had an organized House. We have had a Speaker, and he has had power to enforce order, and has done it well and faithfully. But if it had been the Clerk who was the presiding officer he would have had no power to order the Sergeant-at-Arms to shoulder the mace, which is the emblem of the Speaker's power. Now what we want is to give to the Clerk pending the election of Speaker the power to control the Sergeant-at-Arms for the enforcement of order.

Mr. CONGER. Does the gentleman not think that among the patriotic members of the next House there will be some gentlemen willing to shoulder the mace and bear it about the House?

Mr. SAYLER. They would have no authority to do so.

Mr. CONGER. Would they not volunteer?

Mr. SAYLER. They have no authority to volunteer. I have no doubt there would be a great many gentlemen willing to shoulder the mace or anything else.

Mr. LUTTRELL. I move that the gentleman from Michigan have that privilege.

Mr. SAYLER. I always appreciate the jests of my friend from Michigan, [Mr. CONGER,] but I ask the House to remember that this is serious business. The only proposition before the House is to add to the twenty-second rule, which makes it the duty of the Sergeant-at-Arms to aid in the enforcement of order under the direction of the Speaker, these words:

And pending the election of a Speaker under the direction of the Clerk.

Mr. COX. I suggest that the confusion is so great that nobody is hearing anything that is said.

Mr. SAYLER. I am willing to yield now to any gentleman who desires to speak.

Mr. CONGER. Does the gentleman propose to confine that privilege to members of the committee?

Mr. SAYLER. Not at all.

Mr. CONGER. Then I would like to have five or ten minutes.

Mr. SAYLER. I yield five minutes to the gentleman.

Mr. CONGER. Unless there is something hidden beneath this rule which gentlemen have not explained, some secret object connected with the organization of the next House, I am sure no reason has been adduced why gentlemen should dare to presume that the members-elect of the next House will need any further control as gentlemen, as men, as members, than gentlemen of this House or any preceding House. What is there in the character of the members-elect of the next House that warrants gentlemen in presuming that they must have unusual restraints placed upon them? I wish the committee would inform the House what there is in the character of the members-elect that requires the Clerk to have power to call upon the Sergeant-at-Arms; what there is that requires it to be necessary that the eagle should be taken down to perform this great duty and to be put up again when he has done it. Mr. Speaker, I will venture that the bird will be taken care of without the proposed change of the rules, and I hope my friend from Ohio will be there to see that it is.

Mr. HALE. Will the gentleman yield to me one moment?

Mr. SAYLER. Certainly.

Mr. HALE. I agree with the gentleman from Michigan [Mr. CONGER] that there is nothing in the apprehension of the future that calls for any additional power to be granted to the Clerk of the House. There is no reason to believe that in the organization of the next House any circumstances will arise that call for additional power.

The Clerk of the House is not a member of this body; he is not selected, as the Speaker is, from the floor, with the power that goes with the Speaker; he is simply a creature of the House. The gentleman from Ohio, well informed as he is upon parliamentary history, cannot have forgotten the memorable scenes upon the floor of the House of Representatives in the New Jersey case, where the Clerk of the House, a creature of the House, and of a former House, undertook to exercise certain powers, and when the House rose against him, and John Quincy Adams, then standing upon the floor of the House of Representatives, representing the sentiment of the body, rose above the Clerk, calling him a creature only of the body, and proceeded to put motions that the Clerk had declined to put. That was a memorable instance, and it shows that no additional powers should be given to the Clerk. We are asked to legislate for the future, and we cannot tell how this power may be abused. There is no reason now why this House should vote to lodge in the hands of the present Clerk, much as we may respect him personally, any additional powers over those that have been exercised by the Clerk in past Congresses. I protest against any action that lodges in the hands of that official any power that in the future may tend to hamper, control, and cripple the House of Representatives.

Mr. CONGER. The gentleman has occupied my time much better than I could have done myself; but I had some more remarks that I desired to submit.

Mr. SAYLER. I only desire to say, in reply to the gentleman from Maine, that the facts to which he refers occurred prior to the time when the law was enacted which authorized the Clerk of the House to make up the roll of members, and which gave him additional powers in the organization of the House of Representatives. I now yield ten minutes to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. BANKS. Mr. Speaker, I beg the attention of gentlemen of the House for a few minutes to the character of the proposition which has been made, and when the gentleman from Ohio [Mr. SAYLER] has ceased conversing with the gentlemen in his neighborhood I will go on.

Mr. Speaker, stripped of all the adventitious circumstances connected with the proposition made by the gentleman from Ohio representing the Committee on Rules, it means just exactly this, nothing

less and nothing more, that if there should be anything extraordinary and unprecedented in the organization of the next House there must be something extraordinary and unprecedented prepared to correct it. That is what it is, and nothing but that. I ask permission to repeat that the proposition which the gentleman from Ohio reports from the Committee on Rules is in substance and in spirit and in effect this: that if any extraordinary and unprecedented conduct should occur in the organization of the next House of Representatives, then there must be prepared in advance extraordinary and unprecedented legislation to prevent it.

Now, what I say to the honorable gentleman from Ohio [Mr. SAYLER] and what I say to the House of Representatives, in all good faith and not speaking as a partisan and not caring what may occur in the next House, is that this House has no right to assume either that extraordinary and unprecedented occurrences are to take place or that extraordinary and unprecedented legislation is required to correct the expected abuses. Gentlemen in this House have had no intimation from any source or from any quarter that any danger of this kind is impending or that any legislation of this kind is required.

Now, sir, let me say a word in regard to what has occurred heretofore on this very subject. I remember very well the organization of a House of Representatives which required nine weeks of time, beginning on the morning of the first Monday in December at twelve o'clock and ending nine weeks after at seven o'clock in the evening. That occurred when the House of Representatives was composed of the ablest men that the country ever knew. I speak with the highest respect of my associates in this House. I know and appreciate their powers, their comprehension of its duties, but I can say without reservation and without injustice to anybody that the House of Representatives to which I refer was stronger in its individual and in its associated power than any House of Representatives that I have ever known in the last twenty-five years. For those nine weeks the Clerk of the House was the presiding officer, and nobody else. It was a time when party feeling ran high. It was a time when the revolution through which we have passed had just shown itself. It was before the insane passions of the people of this country had been cooled by the sacrifice of the blood of more than a million and a half of the best men of the country, South and North. It was before sixteen States of the Union had been ravaged by flame and by the sword. It was before any of these dangers were either anticipated or believed possible, and when men in excitement such as we have not seen in this session, with determination and spirit that has been shown nowhere by anybody this session—when questions were presented men were ready with the bowie-knife and the revolver to defend their own rights and what they considered to be the rights of their people.

Mr. LANDERS, of Indiana. Will the gentleman from Masschusetts yield for a question?

Mr. BANKS. Not now; I have but ten minutes. In all those nine weeks Hon. John W. Forney, of Pennsylvania, who was Clerk of the House, had the power, without even the privileges that are accorded by the rule which has been read by the gentleman from Ohio, [Mr. SAYLER,] to suppress every disturbance and to control the House as it never has been controlled by a presiding officer either before or since. And he did this in virtue of his office and in the exercise of his power as Clerk of the House.

Now, does the gentleman from Ohio anticipate any such difficulty in the organization of the next House; has he any right to anticipate it; has any man, South or North, East or West, the right to discredit the next House upon any information we possess by the intention or the assumption that any impending difficulty or danger is likely to exist? No, sir, it does not exist, and therefore this legislation is not necessary. And I return again to the proposition that I laid down in the commencement of my remarks, that nothing but the assumption of the probability of extraordinary and unprecedented dangers can justify the enactment of extraordinary and unprecedented legislation to prevent them.

Let me refer for a moment to what is the general principle of parliamentary law in regard to a presiding officer. It is laid down in Cushing's Manual of Parliamentary Practice, on page 152, concerning the personal deportment of members while the assembly is sitting. It refers to the rights and powers of presiding officers anywhere, whether in a Legislature, in a town-meeting, or any assemblage of citizens:

> For the purpose of obtaining and securing the observance of order and decorum among the members of a legislative assembly while they are sitting as such, the presiding officer is invested with authority to suspend all ordinary business until order is restored; and if order cannot be obtained in any other way to call men by their names, which is equivalent to a complaint against them.

By the announcement of the name of a member who is disturbing the assembly, a complaint is made against him, and he is for the moment under arrest. And the Clerk of the House, as every other presiding officer in a deliberative assembly, public or private, has in that power the privilege and the capacity of putting any member of that assembly under arrest; and he is authorized to call in the assistance of any peace officer that may be within his hearing, whether belonging to the assembly or whether connected with it or not, so it be that his mission and his duty is to preserve the peace. And every presiding officer has that right and that power.

Now, what is the power of the Clerk of this House? It is expressed in general terms on page 49 of Barclay's Manual:

> Pending the election of a Speaker, the Clerk shall preserve order and decorum, and shall decide all questions of order that may arise, subject to appeal to the House.

He is to "preserve order and decorum." In what way? By calling the Sergeant-at-Arms, an officer of the House of which the Clerk is the presiding officer, whose duty it is to preserve the peace. The Sergeant-at-Arms, in the organization of the House, is just as much subject to the order of the Clerk of the House as he is subject to the order of the Speaker after the House shall be organized. And if the Sergeant-at-Arms is not enough, the Clerk can call every police officer in the Capitol; and if the police officers in the Capitol are not enough, he can call the police officers of the city. Wherever there is a man vested with the authority to keep the peace under the Government of which the House of Representatives will then be a part, the Clerk of the House has the right to call in the aid of that man, if necessary.

[Here the hammer fell.]

Mr. BANKS. One moment more. With these powers in the hands of the Clerk; with these powers exercised for seventy-five years without any difficulty at all, and with the additional fact that no difficulties equal to those that have environed this House in the past will affect the next House, there is no reason for us to discredit in advance by such legislative proceedings as these the character of that House. And let me say this is not all that the gentleman from Ohio [Mr. SAYLER] proposes, if I correctly understand what is to be proposed. The force in the office of the Sergeant-at-Arms is to be increased; there are other Sergeant-at-Arms to be proposed to this House, as I understand it, after this shall be enacted. And I ask the gentleman if this extraordinary and unprecedented legislation is necessary to keep the peace of the next House? What is the danger that threatens that assembly, requiring us in the last moments of this session, when the Sabbath day is breaking upon us, to suspend all legislation connected with appropriations in order to secure the passage of such legislation as this?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its 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 on the bill (H. R. No. 4187) making appropriations for the service of the Post-Office Department for the year ending June 30, 1878.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and other purposes, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as the managers of the conference on the part of the Senate Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE.

AMENDMENT OF THE RULES.

The House resumed the consideration of the report from the Committee on Rules.

Mr. PHILLIPS, of Kansas. I wish to ask the gentleman from Ohio [Mr. SAYLER] a question. I ask the gentleman, who proposes to give to the Clerk power over the Sergeant-at-Arms, if he proposes to give him power over the Sergeant-at-Arms of this House, or what Sergeant-at-Arms? There is no Sergeant-at-Arms of the next House yet.

Mr. SAYLER. I will inform the gentleman very readily that the Sergeant-at-Arms of this House continues to be the Sergeant-at-Arms of the House until his successor is elected.

Mr. GARFIELD. I want to call attention for a moment to two points in regard to this proposition. In the first place, there are I believe, one hundred and fifty men of the present House who will not be members of the next House; and the proposition is that one hundred and fifty men who within less than twelve hours cease to be members of Congress, shall make a rule in advance to govern three hundred men who are to be here as members of the next Congress.

Mr. SAYLER. I will ask my colleague whether he did not at the opening of the present Congress, assert directly and explicitly that the rules of the former Congress continued to operate in the organization of a new House, and until revoked by that House?

Mr. GARFIELD. I will complete what I was about to say. Every House may determine the rules and proceedings of its own body.

Mr. BUCKNER. Nobody doubts that.

Mr. GARFIELD. Each House may punish its members for disorderly behavior; but no power is given to one House to determine the rules of any other. It has been always ruled here—has been so ruled by the present occupant of the Chair, as well as by his immediate predecessor—that the rules of a former House have no binding authority on us until we adopt them.

Now there is one other point to which I ask attention. No member of this House has any power over any other member, except the Speaker, who is elected by the House, and as our direct superior has power to command the Sergeant-at-Arms to keep order and even arrest an unruly member. But this proposition is to put into the hands of a Clerk, who is no member of the House, the power on his own motion to use the constabulary to control the members of the next House

In other words, a man not a member of the House directs another man not a member to restrain of their liberty members of a House that will assemble here in perhaps a few weeks. I for one will never consent by any act of mine to usurp, or allow any other man here to usurp, any authority over a House that is to succeed us. That House is to be an independent House of Representatives of the American Congress, and it is to keep order for itself, to make its own rules. If that House itself directs the Clerk to use the constabulary to preserve order, it may do so; but this House may not command anything in reference to the next.

I think it not only a menace but a dangerous confession for us here to make, that after more than eighty years of peace and order in the autonomy of the various Houses of Representatives, we are now to have a manufactured machine by which to run the new House before it can be consulted in regard to it. If you adopt this proposition it is a *brutum fulmen*. The next House is in no way bound to regard it. It is an irrelevant, frivolous impertinence that can only do harm and can have no power, if the next House chooses to assert its rights.

Mr. SAYLER. My colleague [Mr. GARFIELD] is certainly not given to the vice of consistency; and he makes a proposition here which is directly antagonistic to the proposition which I quoted from his own record in the beginning of the last session of Congress. I do not feel that I have occasion to make any further reply to him.

I am sorry that my republican friends have taken a scare at this proposition. I assure them that there is in this proposition to amend the rules no deep-laid scheme, no dynamite that is going to blow up the next Congress. It is simply a plain proposition in explicit terms to invest the temporary presiding officer of the House with the power which my friend from Massachusetts [Mr. BANKS] says that officer is already possessed of.

It is to me a matter of surprise that the gentleman from Massachusetts should first warn us of the great danger of conferring this extraordinary power, which could only be justified by an extrordinary occasion, and then in the next breath tell us that this officer is at any rate armed not only with this power but with the power to summon any officer of the peace to preserve order. Now, I do not think that he is armed with any such power. I only want that he shall be empowered to preserve order, and that the Sergeant-at-Arms shall be explicitly declared to be the executive officer who, pending the election of Speaker, shall, under the direction of the Clerk, assist in the preservation of order.

I demand the previous question.

On seconding the previous question there were—ayes 91, noes 73.

Mr. CONGER. I call for tellers.

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

The House divided; and the tellers reported—ayes 108, noes 75.

So the previous question was seconded.

The main question was ordered; which was upon agreeing to the report of the Committee on Rules.

Mr. TOWNSEND, of New York, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 9, not voting 143; as follows:

YEAS—Messrs. Abbott, Ainsworth Ashe, Atkins, John H. Bagley, jr., Banning, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Cook, Culberson, Cutler, Davis, De Bolt, Durham, Eden, Ellis, Faulkner, Felton, Field, Finley, Forney, Franklin, Gause, Gibson, Glover, Goode, Gunter, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Hill, Holman, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Le Moyne, Lynde, Mackey, McFarland, Meade, Mills, Money, Morrison, Mutchler, Neal, New, O'Brien, Payne, Phelps, John F. Philips, Poppleton, Powell, Purman, Rea, Reagan, James B. Reilly, John Reilly, Rice, Riddle, William M. Robbins, Roberts, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Warner, Warren, Watterson, Erastus Wells, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, Jere N. Williams, Willis, Benjamin Wilson, Yeates, and Young—138.

NAYS—Messrs. Adams, William H. Baker, Horatio C. Burchard, Cannon, Chittenden, Fort, Joyce, Lawrence, and Leavenworth—9.

NOT VOTING—Messrs. Anderson, Bagby, George A. Bagley, John H. Baker, Ballou, Banks, Bass, Belford, Blair, Bradley, William R. Brown, Burleigh, Buttz, Cabell, John H. Caldwell, Campbell, Carr, Cason, Caswell, Cate, Chapin, John B. Clark, jr., of Missouri, Conger, Cowan, Cox, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dibbrell, Dobbins, Douglas, Dunnell, Durand, Eames, Egbert, Evans, Flye, Foster, Freeman, Frye, Fuller, Garfield, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Benjamin W. Harris, Hartridge, Hathorn, Haymond, Hays, Hendee, Henderson, Goldsmith W. Hewitt, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Frank Jones, Kasson, Kelley, Kimball, King, Lapham, Levy, Lewis, Lord, Luttrell, Lynch, Magoon, Maish, MacDougall, McCrary, McDill, McMahon, Metcalfe, Miller, Milliken, Monroe, Morgan, Nash, Norton, Odell, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Rainey, John Robbins, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Schumaker, Seelye Smalls, A. Herr Smith, Stephens, Stowell, Strait, Swann, Thornburgh, Martin I Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, G. Wiley Wells, Wheeler White, Whitehouse, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—143.

So the report was adopted.

During the vote,

Mr. POPPLETON stated that his colleague, Mr. MCMAHON, had been called home suddenly by sickness in his family.

Mr. COCHRANE stated that his colleague, Mr. MAISH, was absent from the House on account of sickness, and that if present he would vote in the affirmative.

Mr. FORNEY stated that his colleague, Mr. CALDWELL, was paired with Mr. WAITE, who would vote in the negative, while his colleague would vote in the affirmative.

Mr. HAMILTON, of Indiana, stated that he was paired with his colleague, Mr. ROBINSON, who, if present, would vote in the negative, while he would vote in the affirmative.

Mr. PAGE moved the reading of the names be dispensed with.

Objection was made.

Mr. O'BRIEN stated that Mr. Cox had gone into the Senate on a mission of peace and good will in regard to the amnesty bill.

The vote was then announced as above recorded.

Mr. SPRINGER 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. CONGER. I move the tally-list be read over again.

The SPEAKER. It is not in order.

Mr. CONGER. I ask the roll-call be again read.

The SPEAKER. That is not the gentleman's privilege.

Mr. CONGER. I dispute the report of the Clerk.

The SPEAKER. The gentleman has not the right to dispute it.

Mr. CONGER. I have the tally here, which I obtained at the desk.

The SPEAKER. Then the gentleman was there in violation of the rules of the House.

Mr. CONGER. I was there nevertheless. I claim there were but 143 votes cast, and several gentlemen have kept it as carefully as could be.

The SPEAKER. The clerks assert that it is correct, and the Chair takes their tally.

Mr. CONGER. Have it read again.

The SPEAKER. Is there consent to having the roll-call read over?

Mr. O'BRIEN. I object. I know it is right.

LAKE GEORGE SHIP-CANAL, FLORIDA.

Mr. JONES, of Kentucky. I move to suspend the rules and pass the bill (H. R. No. 4456) to authorize William A. Dorner and others to construct a ship-canal at the head of Lake George, Florida.

The bill was read as follows:

That William A. Dorner, of Macon, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct a ship-canal at the south end of Lake George, in Volusia County, Florida, at the point known as Volusia Bar; and for that purpose he may construct in the river or lake such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as he may in the prosecution of said work deem necessary; and to protect his said works, he may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of the river or lake: *Provided*, That unless the construction of the proposed work shall be substantially commenced within six months from the date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said ship-canal shall be null and void; and unless the said Dorner and his associates shall secure a navigable depth of seven feet of water through said ship-canal within one year after the date of the approval of this act, Congress may revoke the privileges herein granted.

SEC. 2. That in no case shall the Government of the United States be liable for any losses incurred by said Dorner and his associates in the performance of the work herein mentioned.

SEC. 3. That when a channel seven feet in depth and not less than sixty feet in width shall be obtained, said Dorner and his associates shall have full power to collect the following rates of tolls, to wit: For each steamboat, sea-vessel, barge, or keel-boat, ten cents per ton, United States measurement; for each flatboat, $2; for each raft of timber, plank, or other lumber, $2 for each sixty feet in length, not exceeding twenty feet wide.

SEC. 4. That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, or who shall neglect or refuse to pay the tolls as specified in section 3, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and, if found guilty, he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

SEC. 5. That Congress shall have the right to purchase said ship-canal from said Dorner and his associates at any time after ten years from its completion, at its actual cost-price, with interest added at the rate of 5 per cent.

SEC. 6. That this act shall take effect and be in force from and after its passage.

The House divided; and there were ayes 41, noes not counted.

So the House refused to suspend the rules, two-thirds not voting in favor thereof.

LAW OF DOWER.

Mr. LAWRENCE. I submit the following report from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2043) entitled "An act to improve the law in relation to dower in the District of Columbia," after full and free conference thereon, beg leave to report as follows:

The House recedes from its disagreement to the amendments of the Senate, and agree to the same.

WILLIAM LAWRENCE,
WILLIAM P. LYNDE,
SCOTT LORD,
Managers on the part of the House.

GEORGE S. WRIGHT,
JOHN W. STEVENSON,
Managers on the part of the Senate.

The report was adopted.

Mr. LAWRENCE moved to reconsider the vote by which the con-

ference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS.

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

An act (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin; and

An act (H. R. No. 4475) removing the political disabilities of Joel S. Kennard, of Savannah, Georgia.

WITHDRAWAL OF PAPERS.

On motion of Mr. SCHLEICHER, by unanimous consent, leave was given to withdraw from the files of the House papers on the following pending bills, there being no adverse report thereon:

The bill for the relief of William Vance and brother;

The bill for the relief of Grandison Ruby;

The bill for the relief of the heirs of Ben. Edwards; and

The bill for the relief of Stephen Powers.

On motion of Mr. WARREN, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Bernard S. Swart.

ELECTORAL VOTE OF OREGON.

Mr. PAGE. I move that the rules be suspended and that the resolution which I send to the desk be adopted.

The Clerk read as follows:

Resolved, That this House condemns the recent attempt to defeat the will of the people of Oregon by the refusal of the governor of that State to certify the election of an elector having a majority of the legal votes fairly cast and issuing a commission to a defeated candidate. And the House also condemns and denounces the corrupt use of money to aid in this outrage, and especially the payment of $3,000 to one Cronin, the defeated elector, for his part in the infamous transaction.

Mr. SPRINGER. I would like to hear that resolution again read.

The resolution was again read.

Mr. SPRINGER. Will the gentleman allow me to put into the resolution a condemnation of the offered sale or the consummated sale of the electoral vote of the State of Louisiana for $200,000?

The SPEAKER. Debate is not in order.

Mr. O'BRIEN. I desire to make a parliamentary inquiry. I wish to inquire of the gentleman from California [Mr. PAGE] how much money Wells did get.

Mr. SPRINGER. That is a disputed question. He is not yet paid. He is to get it after the inauguration.

Mr. WILSON, of West Virginia. I desire to make a parliamentary inquiry. Is it competent to move to indefinitely postpone that resolution.

The SPEAKER. It is not; the gentleman from California having moved to suspend the rules and pass the resolution.

The House divided on the question of suspending the rules, and there were ayes—78, noes 95.

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

The yeas and nays were ordered.

PENSION BILLS PASSED.

The SPEAKER. Pending the call of the roll on the resolution of the gentleman from California the Chair asks that by unanimous consent the House should now act on a number of pension bills which the Committee on Pensions desires to have passed. Unless they are passed immediateiy they cannot be signed and become law.

Mr. CONGER. Will that interfere with the call of the roll?

The SPEAKER. The Chair will order the roll to be called immediately on these pension bills being disposed of.

Mr. CONGER. With that understanding I make no objection.

The following pension bills were, by unanimous consent, read three times, and passed:

The bill (S. No. 210) granting a pension to Austin R. Mills;

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

The bill (S. No. 816) granting a pension to Laura M. Knowlton;

The bill (S. No. 1123) granting a pension to M. F. Woodard, mother of George R. Woodard;

The bill (S. No. 1152) granting a pension to Amasa J. Finch;

The bill (S. No. 535) granting a pension to Armstead Goodlow;

The bill (S. No. 1118) granting a pension to Mrs. Amy King;

The bill (S. No. 750) granting a pension to T. B. Murdock;

The bill (S. No. 792) granting a pension to Peter Harder;

The bill (S. No. 883) granting a pension to William H. Oliver;

The bill (S. No. 980) granting a pension to Irena Garrett;

The bill (S. No. 813) for an increase of pension to Laurence P. N. Landrum;

The bill (S. No. 832) for an increase of pension to Helen M. Stansbury;

The bill (S. No. 882) granting a pension to Stilman E. Dix, of Hampton, Virginia;

The bill (S. No. 767) granting a pension to Theodore Gardner;

The bill (S. No. 737) granting a pension to Harrison H. Doods;

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

The bill (H. R. No. 3544) granting a pension to Julia A. Roberts;

The bill (H. R. No. 3216) grantign a pension to Mrs. Eliza A. Semple;

The substitute (H. R. No. 4702) for the bill (H. R. No. 4076) granting a pension to Apolime A. Blair;

The bill (H. R. No. 4703) granting a pension to George McCoy;

The bill (H. R. No. 4704) for the relief of Joseph W. Gass, *alias* Calvin Halstead;

The bill (H. R. No. 4705) granting a pension to Harriet G. Edwards;

The bill (H. R. No. 4706) granting an increase of pension to Mrs. Louisa Merrill;

The bill (H. R. No. 3321) to amend the act entitled "An act granting pensions to the widows, children, dependent mothers and fathers or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;"

The bill (H. R. No. 4340) granting a pension to Isabella Cassidy;

The substitute (H. R. No. 4707) for a bill increasing the pension of Mrs. Maria B. Craig;

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

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

The bill (S. No. 35) equalizing the pensions of certain officers in the Navy.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4418) to pay William L. Scruggs, late minister at Bogota, from October 10 to November 21, 1876.

ELECTORAL VOTE OF OREGON.

The SPEAKER. The Clerk will now call the roll on the motion of the gentleman from California [Mr. PAGE] to suspend the rules and adopt the resolution which has been read and upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 87, nays 90, not voting 113; as follows:

YEAS—Messrs. Adams, George A. Bagley, Ballon, Banks, Belford, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Buttz, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Denison, Dunnell, Eames, Evans, Flye, Fort, Foster, Freeman, Frye, Haralson, Hathorn, Henderson, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Kimball, Lapham, Lawrence, Leavenworth, Le Moyne, Lynch, Lynde, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stowell, Strait, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Willard, Andrew Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth,—87.

NAYS—Messrs. Abbott, Ainsworth, Ashe, Atkins, John H. Bagley, jr., Beebe, Blackburn, Boone, Bradford, Bright, Buckner, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Culberson, Davis, Durham, Felton, Finley, Forney, Franklin, Goode, Gunter, Hardenbergh, John T. Harris, Hartzell, Hatcher, Abram S. Hewitt, Holman, House, Humphreys, Hunton, Hurd, Thomas L. Jones, Knott, Lamar, Franklin Landers, George M. Landers, McMahon, Meade, Mills, Money, Morrison, Mutchler, New, O'Brien, Payne, Phelps, John F. Philips, Poppleton, Reagan, James B. Reilly, Rice, Riddle, William M. Robbins, Sayler, Scales, Schleicher, Sheakley, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Walling, Warner, Erastus Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, Jere N. Williams, Benjamin Wilson, Yeates, and Young—90.

NOT VOTING—Messrs. Anderson, Bagby, John H. Baker, William H. Baker, Banning, Bass, Bell, Bland, Bliss, Blount, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, Campbell, Carr, Cate, Chapin, Cochrane, Cook, Cowan, Cox, Cutler, Darrall, De Bolt, Dibbrell, Dobbins, Douglas, Durand, Eden, Egbert, Ellis, Faulkner, Field, Fuller, Garfield, Gause, Gibson, Glover, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hartridge, Haymond, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hooker, Hopkins, Hoskins, Jenks, Frank Jones, Kehr, King, Lane, Levy, Lewis, Lord, Luttrell, Mackey, Maish, McFarland, Metcalfe, Milliken, Morgan, Nash, Neal, Odell, Piper, Potter, Powell, Purman, Rea, John Reilly, John Robbins, Roberts, Miles Ross, Savage, Schumaker, Singleton, Stanton, Stephens, Stevenson, Swann, Teese, Van Vorhes, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Watterson, Wheeler, Whiting, Whitthorne, Charles G. Williams, James Williams, Willis, Wilshire, Fernando Wood, and Woodburn—113.

So (two-thirds not voting in favor thereof) the rules were not suspended.

UNION PACIFIC AND CENTRAL PACIFIC RAILROADS.

Mr. FORT. I ask unanimous consent, on behalf of my colleague [Mr. WHITING,] to have a joint resolution in relation to the Union Pacific and Central Pacific Railroads printed in the RECORD.

There was no objection, and leave was granted.

The joint resolution is as follows:

Joint resolution in relation to the Union Pacific and Central Pacific Railroad Companies.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared unlawful for the Union Pacific Railroad Company or for the Central Pacific Railroad Company to declare or pay over any dividend whatsoever upon the capital stock of said railroad companies so long as there remains due and unpaid any interest upon any of the mortgage bonds of said companies, and so long as the interest upon the bonds loaned to the said railroad companies by the Government of the United States to aid in and secure the construction of the same shall remain unadjusted by the said railroad companies.

ENROLLED BILL SIGNED.

Mr. HARRISON, 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 signed the same:

An act (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of Virginia.

WITHDRAWAL OF PAPERS.

On motion of Mr. POWELL, leave was granted to withdraw from the files of the House the papers in the case of Zebulon Vincent, no adverse report having been made.

NATIONAL MUSEUM.

Mr. CLYMER. I ask unanimous consent that the bill (S. No. 1252) for the erection of a fire-proof building for a national museum be taken from the Speaker's table and passed.

The Clerk read the bill, as follows:

Be it enacted, &c., That for a fire-proof building for the use of the national museum, three hundred feet square, to be erected under the direction and supervision of the regents of the Smithsonian Institution, in accordance with the plan of Major-General M. C. Meigs, now on file with the Joint Committee on Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of $250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than thirty feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Mr. THROCKMORTON. I object.

Mr. CLYMER. I move that the rules be suspended and the bill passed, and I ask unanimous consent to make a brief statement in regard to it.

Mr. MILLS. I object.

The question was taken on the motion to suspend the rules and pass the bill; and on a division there were—ayes 71, noes 41; not two-thirds voting in the affirmative.

Mr. CLYMER. I call for tellers.

Tellers were ordered; and Mr. CLYMER and Mr. THROCKMORTON were appointed.

The House divided; and the tellers reported—ayes 106, noes 42

Mr. VANCE, of Ohio. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 72, not voting 119; as follows:

YEAS—Messrs. Abbott, Adams, John H. Bagley, jr., Ballon, Banks, Belford, Bell, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Candler, Cannon, Caswell, Caulfield, John B. Clark, jr., of Missouri, Clymer, Conger, Crapo, Crounse, Cutler, Danford, Davy, Denison, Eames, Evans, Flye, Foster, Freeman, Frye, Garfield, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Abram S. Hewitt, Hill, Hoge, Hopkins, Hubbell, Hurlbut, Hyman, Joyce, Kasson, Kelley, Kimball, Lamar, Lynch, Mackey, Magoon, MacDougall, McCrary, Miller, Money, Monroe, Morgan, Nash, O'Brien, O'Neill, Page, Wilham A. Phillips, Platt, Pratt, Purman, Rainey, John Reilly, James B. Reilly, William M. Robbins, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stone, Stowell, Strait, Tarbox, Terry, Martin I. Townsend, Washington Townsend, Waddell, John W. Wallace, Watterson, G. Wiley Wells, White, Whitehouse, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, Woodworth, Yeates, and Young—99.

NAYS—Messrs. Ainsworth, Beebe, Bland, Blount, Boone, Buckner, John H. Caldwell, William P. Caldwell, Campbell, John B. Clarke of Kentucky, Cochrane, Collins, Culberson, Davis, Durham, Ellis, Felton, Finley, Forney, Fort, Franklin, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, John T. Harris, Harrison, Hartzell, Hatcher, Hays, Hooker, House, Humphreys, Jenks, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Lawrence, Le Moyne, Levy, Lynde, Meade, Mills, Morrison, Mutchler, Neal, New, Payne, John F. Philips, Poppleton, Rea, Reagan, Rice, Riddle, Miles Ross, Scales, Singleton, Slemons, Southard, Sparks, Springer, Stenger, Stevenson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Walling, Warner, Whitthorne, Wike, Jere N. Williams, and Benjamin Wilson—72.

NOT VOTING—Messrs. Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Banning, Bass, Blackburn, Bradford, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Buttz, Cabell, Carr, Cason, Cate, Chapin, Chittenden, Cook, Cowan, Cox, Darrall, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eden, Egbert, Faulkner, Field, Fuller, Gause, Gibson, Robert Hamilton, Henry R. Harris, Hartridge, Henkle, Goldsmith W. Hewitt, Hoar, Holman, Hoskins, Hunter, Hunton, Hurd, Frank Jones, Kehr, King, Lane, Lapham, Leavenworth, Lewis, Lord, Luttrell, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Norton, Odell, Oliver, Packer, Phelps, Pierce, Piper, Plaisted, Potter, Powell, John Robbins, Roberts, Sobieski Ross, Savage, Sayler, Schleicher, Schumaker, Sheakley, William E. Smith, Stanton, Stephens, Swann, Teese, Thompson, Thornburgh, Tufts, Van Vorhes, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whiting, Wigginton, Willard, Willis, Wilshire, and Fernando Wood—119.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll,

Mr. COCHRANE said: I desire to announce again that my colleague, Mr. MAISH, is absent on account of sickness.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 4616) making appropriations for the naval service for the year ending June 30, 1878, and for other purposes; and

An act (H. R. No. 4188) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1878, and for other purposes.

Mr. POPPLETON, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3833) for the relief of John N. Hall.

CONGRATULATIONS FROM THE IRISH PEOPLE.

Mr. CAULFIELD. Mr. Speaker, at the beginning of this session a congratulatory address from the people of Ireland to the people of the United States on the celebration of the centennial anniversary of our Independence was presented to this House and referred to the Committee on Foreign Affairs. I have looked anxiously for the report of that committee; but I apprehend the extraordinary press of business before that committee, and the confusion in legislation caused by the unprecedented condition of affairs resulting from the presidential election, has prevented the committee from reporting. I think such an address at such a period in our history, from a people whose cordial love for this Government and admiration for our institutions has been so unmistakably manifested from the beginning to the end of our centennial existence, should not be allowed to pass beyond the period of this session without its merited recognition and acknowledgment. Disclaiming, therefore, the least reflection on the Committee of Foreign Affairs, I offer the preamble and resolutions I send to the Clerk's desk, and ask for their adoption.

The Clerk read as follows:

Whereas the people of Ireland, at a meeting held in the city of Dublin July 4, 1876, representing all sections of that country, adopted with unanimity a congratulatory address to the people of the United States on the celebration of the centennial anniversary of American Independence;

And whereas from the infancy of this Republic down to the present time the generous people of Ireland, who are allied to us by the ties of kindred and sympathy, have proven our friends in time of need, especially during the war of our independence, for which they twice received the thanks of the Continental Congress, and also of our embassador to France, the illustrious Franklin, in 1778;

And whereas at a crisis memorable in the annals of the war of the Revolution, when our brave soldiers under the command of Washington at Valley Forge were suffering the vicissitudes of poverty and distress from want of stores and clothing, they were succored by the patriotic and munificent contribution of nearly a million of dollars generously tendered by twenty-seven of Ireland's sons in Philadelphia;

And whereas by their fervent loyalty in peace and patient sacrifices in war on every field from Lexington to Appomattox, evidenced by their heroic conduct in the van of battle, our fellow-citizens of Irish nationality have ever been among the foremost to contend for the triumph of liberty and self-government;

And whereas, with a view to the appropriate reception and acknowledgment of the address of the people of Ireland, it has been presented to the House of Representatives of the American Congress: Therefore,

Be it resolved, by the House of Representatives, That the people of the United States of America accept the congratulations of the people of Ireland, with a profound acknowledgment and grateful recognition of the cordial sympathy always entertained and manifested toward themselves and their institutions, from the first struggle for freedom of our infant nation to the present time; and sincerely hope that the example of this republic will spread its benign influence among the nations of the earth until the principles of self government shall be firmly established, and descend, as a sacred heritage, to all future generations.

Mr. O'BRIEN. Mr. Speaker, this Congress should not adjourn without a cordial reception and acknowledgment of the address of the Irish people tendered to the American people on the occasion of the centennial anniversary of our nation's independence.

No nation in the world has afforded deeper sympathy with us during our career as a republic. From the dawn of freedom on this continent the sons of Ireland were distinguished for their noble zeal in behalf of the principles of liberty. By centuries of suffering from every form of tyranny and despotism and unparalleled sacrifices on behalf of self-government, the people of Ireland had become illustrious; and when our first struggles for the rights of the colonies began, Ireland's sympathies were extended to America and Ireland's sons were foremost in the contest, by sea and land, contending for our independence.

There is no field, whether in the peaceful departments of letters, the arts, and sciences, or on the bloody field of war, where America, during our first century's career has achieved fame and triumph, but that a full share of the laurels crowned the brows of the sons of Ireland. To-day, the greetings of Ireland are responded to by millions of American citizens of Irish nativity whose love of our country and devotion to its interests stand unsurpassed. Let every American whose pride in his country's greatness is an inspiration of patriotism remember that the principles which have made us the foremost nation in the world have been cherished for centuries by the people of Ireland, and that though bound by the iron despotism of British power, they have never failed to contribute to our glory and prosperity.

Ireland in chains and America free are kindred nations, bound together by the inseparable ties of blood and the tenderest sympathies which could make two separate nations friends. Brothers, though in adversity, they rejoice in our success and bid us Godspeed for the centuries to come. Let us, Mr. Speaker, accept their congratulations, and in the hope that the day of liberty may soon dawn for the oppressed of every clime we will give renewed courage, hope, and life to a brave and chivalrous people. Therefore, if necessary, Mr. Speaker, I move to suspend the rules and pass the preamble and resolutions.

The preamble and resolutions were unanimously adopted.

PROCEEDS OF PUBLIC LANDS FOR EDUCATION.

Mr. WHITE. I move to suspend the rules, so as to discharge the Committee of the Whole on the state of the Union from the further consideration of and the House to pass House bill No. 748, to apply the proceeds of sales of public lands to the education of the people. This bill was reported from the Committee on Education and Labor, and I hope it will receive the favorable consideration of the House.

The bill was read, as follows:

A bill to apply the proceeds of sales of public lands to the education of the people.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the net proceeds of the public lands are hereby forever consecrated and set apart for the education of the people: *Provided*, That this act shall not have any effect to repeal, impair, or suspend any law now

authorizing the pre-emption of public lands or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain or interfere with granting bounty lands.

SEC. 2. That the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sales or other disposition of the public lands of the United States, including all fees received at the general and district land offices during such year, and the amount of expenditures during said year, incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said officers for said years, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands as aforesaid after deducting such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion to the several States and Territories and to the District of Columbia, upon the basis of population of the said States and Territories between the ages of five and twenty-one years, the net proceeds of sales of public lands for the previous year: *Provided*, That after five years one half of said net proceeds and after ten years the whole of the same shall be set apart as an educational fund, which said fund shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin, the interest on such educational fund only to be appropriated as above provided: *And provided further*, That for the first ten years the distribution of said net proceeds and the interest on said fund to and among the several States, Territories, and District of Columbia shall be made according to the numbers of their respective population, of ten years old and upward, who cannot read and write, as shown from time to time by the last preceding published census of the United States.

SEC. 4. That the first appointment under this act shall be made on or before the 31st day of July, 1876, and each of said States and Territories shall be entitled to receive its distributive share of each apportionment, to be paid by the Secretary of the Treasury to its treasurer or other officer authorized by its law to receive the same, whenever thereafter it shall file with the Secretary of the Treasury a certified copy of the law of such State or Territory accepting the provisions of this act and undertaking that the funds provided by the same, whenever paid over to it as above provided, shall be faithfully applied to the free education of all its children between the ages of six and sixteen years. The distributive share of the District of Columbia shall from time to time be paid over to the commission of said District created by act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," or other officer or officers provided by law, and shall be applied in the same manner as above provided for the States and Territories.

SEC. 5. That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such appointment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature or otherwise received for the purpose of maintaining a system of free public schools. And if any State or Territory shall misapply, or allow to be misapplied or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated, shall have been replaced by such State or Territory, and applied as herein required; and until such report shall have been made; and all apportionments so forfeited and withheld shall be added to and become part of the principal of the educational fund hereby created.

SEC. 6. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States of the percentage of the net proceeds of the sales of the public lands within their respective limits, as provided in section 3689 of the Revised Statutes of the United States.

Mr. O'BRIEN. I object to the passage of the bill.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves to suspend the rules and pass the bill.

Mr. WHITE. It is a bill to distribute the proceeds of the sales of public lands for educational purposes according to the illiteracy of the people; and I can tell you, gentlemen, that the South needs a great deal of assistance on that ground.

The question was taken upon suspending the rules and passing the bill; and upon a division there were—ayes 9, noes 141.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. WHITE. I ask consent to have printed in the RECORD as a portion of the debates some remarks upon this subject.

There was no objection, and leave was granted accordingly.

The remarks are as follows:

Mr. WHITE. Mr. Speaker, the bill proposes to distribute the proceeds of the sales of public lands to the school funds of the several States, and the distribution is to be made on the basis of illiteracy of the people. It would be very well for members to examine the report of the Commissioner of Education for the year 1872 and to reflect on the startling facts found there concerning the illiteracy of our whole people.

I need not remind members of the great necessity of a Government appropriation for the newly enfranchised citizens of the South; and I confess that it does seem to me that there is quite as much propriety in making the appropriation as the necessity, for it is urgent.

It is impossible for any one to exercise intelligently the rights and privileges of an American citizen, especially in the use of the elective franchise, without having at least a common-school education. Some of the Southern States make a discrimination in favor of the white children in the apportionment of the school fund. As an illustration I give the following:

STATE OF KENTUCKY, OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,
Frankfort, August 1, 1876.

To the Commissioners of Public Schools:

I furnish you with the following statement concerning the apportionment for the school year ending June 30, 1877:

White children	459,357
Increase	11,215
White, *per capita*	$1 90
Colored children	53,196
Increase	2,524
Colored, *per capita*	55 cents.

For your further information, I publish the letter of the State auditor.

H. A. M. HENDERSON,
Superintendent Public Instruction.

The above statement made by the superintendent of public instruction for the State of Kentucky shows that $1.90 *per capita* is given to the white children of Kentucky, while only 55 cents *per capita* are given to colored children of that State.

Now, Mr. Speaker, is it possible for the United States Government to guarantee a republican form of government to a State which tolerates such a state of things as this! I imagine that the support which most of the Southern States are able to give to their systems of public schools is hardly better than that of Kentucky. In Delaware there is one man in every five who can neither read nor write; in North Carolina one in three; and in Georgia there are fifty-seven in every one hundred who can neither read nor write.

The colored people are not the only illiterates who are to be benefited by the provisions of this bill. I regret to say that there are thousands and tens of thousands of white children and white men in this country who can neither read nor write. Since the money resulting from the sale of public lands is to be divided on the basis of illiteracy, of course it follows that white illiterates will receive proportionately with colored illiterates.

Should the bill become law, as it is just and right and humane that it should, then I predict that the necessity for Federal soldiers to protect and defend the rights of citizens which are conferred by the fifteenth amendment to the Constitution will rapidly disappear.

It is a disgrace to the nation and a sad comment on our free institutions that such a state of affairs could exist in our borders as would justify and make it necessary for this democratic House of Representatives in the Forty-fourth American Congress to pass the following resolution:

Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment of the Constitution of the United States, which is as follows:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

and whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof; and whereas it is asserted that the exercise of the right of suffrage is in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated; and whereas all citizens, without distinction of race, or class, or color, are entitled to the protection conferred by such article: Therefore,

Be it resolved by the House of Representatives, That all attempts by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case which has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death.

In conclusion, I desire to say, Mr. Speaker, that the bill which I have had read has been considered by the Committee on Education and Labor, to which I belong, and has been reported to this House for favorable action. For some time past I have tried to get the floor to present this bill. I ask the House to pass it now, even at this late hour of the last session of the Congress.

ALEXANDER & CO.

Mr. BRIGHT. I move to suspend the rules and put upon its passage the bill (H. R. No. 361) for the relief of Alexander & Co. for the loss of whisky by the negligence of the Government. This bill is now on the Private Calendar. The case is one of peculiar merit and very great hardship. I hope the bill will be passed.

The bill was read. It directs the Treasurer of the United States to pay to Alexander & Co. $3,000 in full satisfaction of their claim against the Government for loss of whisky seized for taxes, a large part of such whisky being lost by the negligence of the officers of the Government while the whisky was in their possession.

The motion to suspend the rules was not agreed to.

J. B. M'CULLOUGH.

Mr. GOODE. I move to suspend the rules to take up and pass the bill (S. No. 1127) for the relief of J. B. McCullough.

The bill was read. It directs the proper accounting officers of the Treasury to pay to J. B. McCullough, of Petersburgh, Virginia, $328.87 for rent of property occupied under contract by the United States, for which vouchers were given to McCullough.

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

The report was read.

The motion of Mr. GOODE was agreed to, (two-thirds voting in favor thereof,) and the bill was passed.

REMOVAL OF POLITICAL DISABILITIES.

The SPEAKER. The Chair desires to lay before the House two bills from the Senate for the removal of political disabilities.

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

A bill (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina;

A bill (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas.

Mr. CONGER. Do petitions accompany these bills?

The SPEAKER. The bills have been passed by the Senate; and the Chair is informed by the Clerk that the Senate makes it a rule to retain the petitions on file. If there be no objection, these bills will be regarded as passed.

There was no objection.

WILLIAM WHEELER HUBBELL.

Mr. WHITTHORNE. I move to suspend the rules and pass Senate bill No. 667, which was read last night, there being then a single objection which is now withdrawn.

The motion to suspend the rules was agreed to; and the bill (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making, or use, or vending of his patent explosive shell fuses and percussion exploders by the United States, was passed.

WAR CLAIMS.

Mr. EDEN. I move to suspend the rules so as to concur in the amendments of the Senate to the bill (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871. These amendments do not change the bill essentially in any particular.

The motion was agreed to; and the amendments of the Senate were concurred in.

LOUIS PETOSKI.

The SPEAKER. There are three bills the consideration of which was consented to last night, and which the Chair will lay before the House. The first is the bill (S. No. 920) to authorize Louis Petoski, of Michigan, to enter a certain tract of land which embraces his home and improvements.

Mr. SAYLER. It is not necessary to read the bill. It has been passed by the Senate and approved by the Committee on Public Lands of this House.

There being no objection, the bill was passed.

SALE OF TIMBER LANDS.

The SPEAKER. The next bill to the consideration of which consent was given last night is the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States.

Mr. SAYLER. This bill has received the favorable consideration of the Committee on Public Lands and should be passed.

Mr. WALLING. I say that this bill has not received the approval of the Committee on Public Lands.

Mr. SAYLER. My colleague on the committee, the gentleman from Kansas, [Mr. GOODIN,] is here and will verify my statement. My colleague [Mr. WALLING] is mistaken. That is all.

Mr. WALLING. This bill was referred to a subcommittee of the Committee on Public Lands, of which I am chairman. It has no business to be here.

The SPEAKER. The gentleman from Ohio [Mr. SAYLER] moves to suspend the rules, so as to bring the bill before the House and pass it.

The bill was read, as follows:

Be it enacted, &c., That the surveyed public lands of the United States within the States of California and Oregon and in Washington Territory not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person, corporation, or association of persons, and in all other territories of the United States not exceeding forty acres to any one person, corporation, or association of persons, at the minimum price of $2.50 per acre: *Provided*, That nothing herein contained shall defeat or impair any *bona fide* claim under any law of the United States, or authorize the sale of any mining claim or the improvements of any *bona fide* settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July 26, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act, and all patents granted shall be subject to any vested and accrued water rights or rights to ditches or reservoirs used in connection with such water rights as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation and valuable chiefly for its timber; that it is uninhabited, contains no mining or other improvements, except for ditch or canal purposes where any such do exist, save such as were made by or belonged to the applicant, nor, as deponent verily believes, any deposit of gold, silver, cinnabar copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith, to appropriate it to his own exclusive use and benefit, and not for sale; and that he has not, directly or indirectly, made any agreement or contract in any way or manner with any person or persons whatsoever by which the title which he might acquire from the Government of the United States, or any right in said land or the timber thereon, should inure in whole or in part to the benefit of any person except himself; nor has deponent executed any mortgage or other instrument upon said land, or any part thereof, by or under which or any proceedings thereunder the title may be vested in any other person, which statement must be verified by the oath of the applicant before the register or receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands and all rights and title to the same, and any grant or conveyance which he may have made except in the hands of *bona fide* purchasers shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice in some conspicuous place of such application, embracing a description of the land by legal subdivisions in his office for a period of sixty days, and shall furnish the applicant a copy of the same for publication at the expense of such applicant in a newspaper published nearest the location of the premises for a like period of time, and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid, was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied, and without improvements other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal, and of the truth of the statement required to be made of the matter contained in the second section of this act, and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver as provided for in case of mining claims in the twelfth section of the act approved May 10, 1872, the applicant may be permitted to enter said tract, and on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object in writing to the issuance of a patent of lands so claimed by him, stating the nature of his claim thereto, and evidence shall be taken and the merits of said objection shall be determined by the officers of the Land Office, subject to appeal as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Mr. PAGE. I move to suspend the rules and pass that bill.

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

Mr. PAGE. A similar bill was passed in the Forty-third Congress, and failed for want of time in the Senate.

Mr. MORRISON. It is a pernicious species of legislation, and ought not to pass.

Mr. PAGE. That is untrue. There are as honest men in this House as you are.

Mr. WALLING. That bill was referred to the Committee on Public Lands, and by that committee referred to a subcommittee. It requires an appropriation of money to carry it out, and it is one of those bills which must be carried out——

The SPEAKER. The pending motion is the motion to suspend the rules.

Mr. WALLING. Then the first motion must be to discharge the committee from its further consideration.

The SPEAKER. That is the motion, and pass the bill.

Mr. WALLING. I wish to move an amendment to the bill.

The SPEAKER. The motion to suspend the rules is not amendable.

Mr. WALLING. It has been already referred to a subcommittee and I have been instructed to report an amendment.

The SPEAKER. The gentleman has no right to move an amendment when the motion is to suspend the rules and pass the bill.

Mr. BUCKNER. Is it in order to lay the bill on the table?

The SPEAKER. It is not. The pending motion is on the motion to suspend the rules and pass the bill.

Mr. HOLMAN. I object to the bill.

The House refused to suspend the rules, two-thirds not voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (H. R. No. 4313) to remove the political disabilities of Charles L. Scott, of Alabama.

It further announced the passage of a concurrent resolution that fifteen hundred copies of the report of the monetary commission created by joint resolution of August 15, 1876, together with accompanying evidence and documents, be printed for the use of the Senate, and thirty-five hundred be printed for the use of the House of Representatives; in which concurrence was requested.

It further announced that the Senate still further insisted on its amendment to the bill (H. R. No. 4691) making appropriation for the support of the Army, &c., disagreed to by the House of Representatives, and asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS as the managers of said conference on its part.

It further announced that the Senate further insisted on its amendments numbered 76 and 77 to the bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes, disagreed to by the House, and agreed to the further conference asked for by the House on the disagreeing votes of the two Houses, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS as managers of said conference on its part.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HOLMAN. I rise to submit the report of the conference of the two Houses on the legislative, executive, and judicial appropriation bill.

The Clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes, having met, after full and free conference, report that they are unable to agree thereon.

WM. S. HOLMAN,
HIESTER CLYMER,
CHAS. FOSTER,
Managers on the part of the House.

WM. B. ALLISON,
HENRY G. DAVIS,
WM. WINDOM,
Managers on the part of the Senate.

Mr. HOLMAN. This is the third report made to the House and Senate of the inability of the conferees to agree on the question at issue between the two Houses on that bill, that is, as to the President's salary. The House, of course, understands that all the other provisions of this House have been agreed to by the two Houses except this one question of the salary of the President. The House still insists that the salary of the President shall be fixed at $25,000, while the Senate want it to remain at $50,000.

I take occasion to suggest there are but three modes of disposing of this question: One is a further conference on the bill, the adoption of this report, the discharge of the committee, and agreeing to the further conference asked by the Senate on the disagreeing votes on the bill; or by our receding, which, of course, at once passes the bill; or by the House adhering to its disagreement, which results in the failure of the bill unless the Senate should recede. I take that to be the condition of the measure.

Mr. LAMAR. The question I wish to ask is this: Suppose the House adheres to its own provision, what will be the effect upon the salary of the President? Does it not stay as it is, and will not that produce the same result as if we recede?

Mr. HOLMAN. On the spur of the moment, as I have not had an opportunity to discuss the question specially, I should be compelled to say, if that bill passes now, it would reduce the salary of the President from the inauguration into the presidential office of its incoming incumbent. I take it to-day is not to be computed as any part of the incoming President's term of office.

Mr. GARFIELD. Suppose it does not pass; what will be the President's salary?

Mr. HOLMAN. If the law does not pass the President's salary is fixed at $50,000.

But, if the bill passes now, I hold it does affect the presidential salary from and after the 4th day of March. There is no possible question about that. The salary of the President would be reduced from and after the expiration of the present presidential term. And I hold, further, that if this Congress should remain in session until twelve o'clock to-morrow, Monday, the passing of the bill would have the same effect.

Mr. TOWNSEND, of New York. That is not a supposable case.

Mr. GARFIELD. I desire to be allowed just a single sentence. Any bill that President Grant may sign will fix the future salary. That marks the boundary of the terms.

Mr. EDEN. Suppose the bill fails on account of a disagreement between the House and the Senate, and we have an extra session. I ask the gentleman from Indiana what will be the amount we will have to appropriate under the law as it will then exist?

Mr. HOLMAN. O, of course, if this bill fails the presidential salary remains at $50,000 per annum. That is very clear.

For the purpose of testing the sense of the House I again move that the House insist on its disagreement to the amendment of the Senate touching the President's salary, and ask for a further conference. I do not call the previous question at this moment, in order to give an opportunity to any gentleman who may wish to make another motion, either that the House adhere or that the House recede, to submit it.

Mr. CLYMER. I wish to say one word, and I feel impelled to do so by a sense of duty as a member of the Committee on Appropriations. This is the third report from conference committees on this bill. It seems to be evident from our failures heretofore that we will meet with no better success in the future, considering the temper of the Senate as represented by its conferees. If by insisting we could obtain the legislation that this House seems to desire, I would continue to insist. But if we cannot obtain that legislation it would not be the part of wisdom for us to lose this bill and gain nothing by it, because if we lose the bill the salary of the incoming President inevitably becomes $50,000 per annum for his whole term.

Hence we can gain nothing by insisting, and I believe it would be the part of wisdom on the part of this House, considering all the circumstances, not to insist but to recede.

Mr. GARFIELD. Make that motion.

Mr. CLYMER. I say to my friends on this side of the House that that is the part of wisdom. We can do nothing better.

Mr. GARFIELD. I make that motion, that the House recede from its disagreement to the amendments of the Senate touching the President's salary.

Mr. HOLMAN. And now both motions being before the House I call the previous question.

The SPEAKER. There cannot be two motions of that character before the House at the same time.

Mr. HOLMAN. Both motions may be pending at the same time.

The SPEAKER. The motion to recede takes precedence of the motion to insist.

Mr. HOLMAN. But both motions are pending.

Mr. GARFIELD. O, no.

The SPEAKER. That is not worth while contending about.

Mr. HOLMAN. I call the previous question.

The SPEAKER. The Chair thinks it is not necessary to waste time by calling the previous question. There seems to be no objection to taking the vote immediately.

The question being taken on Mr. GARFIELD'S motion, on a division by sound, the Speaker stated that in the judgement of the Chair the "ayes" had it.

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

The question being taken on ordering the yeas and nays, there were—ayes 16, noes 131; the affirmative not being one-fifth of the whole vote.

Mr. HOLMAN. I ask for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 16, not one-fifth of a quorum.

Mr. HOLMAN. Then the House backs down.

So tellers on the yeas and nays were refused, the yeas and nays were refused, and the motion was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the House receded from its disagreement to the Senate amendment; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

S. K. DONAVIN AND R. W. HUNTER.

Mr. CRAPO. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That S. K. Donavin, deputy sergeant-at-arms, and R. W. Hunter, clerk of the House special committee to investigate the recent election in Louisiana, be allowed the sum of $360 each, to be paid out of the contingent fund of the House.

Mr. HOLMAN. I wish to inquire whether this appropriation is recommended by the Committee of Accounts.

Mr. CRAPO. It has the approval of the special committee to investigate the Louisiana election.

Mr. HOLMAN. I understand that these parties have been paid already for all the services they rendered.

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

ESTATE OF REAR-ADMIRAL DAHLGREN.

Mr. WILLIS. I move that the rules be suspended, and that the bill (H. R. No. 4471) authorizing a settlement of the claim of the estate of the late Rear-Admiral John A. Dahlgren be passed.

The bill was read.

Mr. CONGER. I would ask that the report of the committee in this case be read, so that the House may understand it.

The Clerk read the report, as follows:

The late Rear-Admiral Dahlgren, having devoted the vigor of his manhood to scientific investigation for the perfection of naval ordnance, when not at sea in active service, had no opportunity for the accumulation of wealth, and left to his family but a small estate. Since his untimely decease his widow, who became the administratrix of his estate, has petitioned Congress to recognize in some measure his claims upon his country by allowing a reasonable compensation for the use and transfer of his patents for the casting, finish, and mounting of naval ordnance.

The justice of this claim has been passed upon and admitted by several committees of the Senate and House, who had the same under consideration, but every bill heretofore framed for relief of the petitioner, without encountering any considerable opposition, has failed, by some untoward event, to become a law.

The said Admiral Dahlgren, during his life-time, after many years of thought, labor, and experiment, took out three letters-patent for improvements in cast-iron ordnance and one for rifled projectiles. The great merit of these inventions as to ordnance is not only readily perceptible to an intelligent mind upon an inspection thereof, but has been vindicated by more than fifteen years of constant and almost exclusive use by the United States for the armament of vessels and shore defenses. During the late war every decisive naval victory achieved by the Union forces can be traced, in a great measure, to the superiority of the Dahlgren gun. Of these guns the United States have manufactured more than four thousand, and have now on hand, serviceable and in use, over three thousand, besides having permitted the governments of Italy, Russia, France, and Japan to make and use them without royalty to the inventor. Every officer of rank and distinction in our Navy has testified to the great value of these guns. Du Pont, Rodgers, Alden, Wise, Porter, and many others have give written certificates as to their excellency and superiority. Yet neither the inventor nor his widow and orphans have ever received at the hands of this Government any pecuniary remuneration therefor.

It is universally admitted that where a person, while in the public service, patents an invention, the utility of which has been demonstrated, it is proper for the Government, in case of need of such patent, to purchase the same at a reasonable price; but some deny that the Government should pay for the use thereof while the holder of the patent is in the employment of the State, receiving a fixed salary. If it is right for the Government to buy the patent itself held by a public employé, it is also right to pay for the use of such when it has never become such purchaser. The implied promise to pay in the latter has the same sanction in law and reason as the express promise in the former case. When a question of this kind was undergoing an investigation, the Judge-Advocate-General gave a well-considered opinion in favor of the patentee's right to receive a reasonable compensation for the use of his patent by the Government, notwithstanding he was, at the time of his invention, in the public service. Among other things, he said:

"In such a case, the Government, if desiring to secure a permanent property in the invention, should not be unwilling to remunerate the inventor in such a sum as—considering how far it may have itself contributed to the result—may be just and reasonable. If an opposite view, indeed, should prevail, the inventive talent of public operatives, instead of being stimulated, would be discouraged, or if exerted at all, would be placed, in the first instance, at the command of private individuals or companies, with whom, perhaps, in the end the Government would be forced to contract at a greatly advanced price."

But this is no longer an open question, as it has been passed upon by the courts in favor of such patentees in several cases; and the precedent for such compensation has been set by the Government in others.

The committee have reported a substitute for the original bill, and recommend the passage thereof.

Mr. HOLMAN. I trust the House will not pass a bill of this importance at this late hour of the session.

The SPEAKER. The House can always protect itself by voting down the motion to suspend the rules.

The question was taken on Mr. WILLIS's motion; and on a division there were ayes 23, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I submit a report from the committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The Clerk read the report, 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. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, having met, after full and free conference, they are unable to agree.

J. D. C. ATKINS,
ERASTUS WELLS,
CHAS. FOSTER,
Managers on the part of the House.

JAS. G. BLAINE,
WM. A. WALLACE,
W. B. ALLISON,
Managers on the part of the Senate.

Mr. ATKINS. It may be expected that I shall make an explanation of the result of the conference. There are two points of difference between the two Houses. The first is the reduction of the force and the other is the fifth section of the bill. I do not believe that the House and the Senate can agree upon the reduction of the force, nor do I believe that they can agree upon the fifth section. That, however, is a question for the House to determine.

Mr. O'BRIEN. What is the fifth section?

Mr. ATKINS. The fifth section imposes a restriction upon the appropriation for maintenance of the Army, so that it shall not be used in supporting either the Packard or the Nicholls government in Louisiana or in supporting the government of any State.

Mr. THORNBURGH. It is an amendment to the Constitution on an appropriation bill.

Mr. ATKINS. I move that the House further insist on its disagreement to the amendments of the Senate, and ask a further conference on the disagreeing votes of the two Houses thereon.

Mr. O'BRIEN. What is the use of another conference if they cannot agree?

Mr. ATKINS. I say that I do not believe that they can agree, but still I think that another conference should be had.

The question was taken on Mr. ATKINS's motion, and on a division there were ayes 100, noes not counted.

So the motion was agreed to.

SUIT AGAINST THE SERGEANT-AT-ARMS.

Mr. KNOTT. I move to suspend the rules and pass the following resolution:

Resolved, That the Sergeant-at-Arms of the House be hereby authorized to retain counsel in the cause in which Hallet Kilbourne is plaintiff and John G. Thompson and others are defendants, for the purpose of prosecuting or defending, as the case may be, the cause aforesaid in the Supreme Court of the United States.

Mr. HOLMAN. The case has not gone to the Supreme Court. I hope the gentleman from Kentucky will explain the matter. I am sure that the case has not gone to the Supreme Court.

Mr. KNOTT. I object to the gentleman from Indiana debating my motion, and call for a vote upon it.

Mr. HOLMAN. Then I trust that the House will not suspend the rules.

Mr. KNOTT. I object to debate by the gentleman from Indiana.

Mr. CAULFIELD. The gentleman from Indiana is obstructing legislation.

Mr. HOLMAN. This is a piece of unwarrantable extravagance.

The question was taken on Mr. KNOTT's motion, and on a division there were ayes 98, noes not counted.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

Mr. MONEY obtained the floor.

Mr. HOLMAN. I rise to what I believe to be a privileged motion, and it is that the House take a recess.

Mr. TUCKER. That is not a privileged motion unless the gentleman has obtained the floor.

The SPEAKER. The Chair recognizes the gentleman from Mississippi.

PAY OF PAGES.

Mr. MONEY. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House, in paying the pages for the month of March, as directed by resolution passed February 28, 1877, shall include all those employed and authorized to be paid for the months of December, 1876, and January and February, 1877.

Mr. HOLMAN. Does that come from the Committee of Accounts?

The SPEAKER. It does not. The gentleman from Mississippi [Mr. MONEY] moves to suspend the rules and pass the resolution.

Mr. HOLMAN. I trust that the resolution will not be adopted.

The question was taken; and upon a division there were—ayes 102, noes 16.

No further count being called for, (and two-thirds voting in the affirmative,) the rules were suspended and the resolution adopted.

REFUNDING COTTON TAX.

Mr. WELLS, of Mississippi. I move to suspend the rules so as to pass House bill No. 1341, to refund certain taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, and 1868, and to create a perpetual common free-school fund, and for other purposes.

The bill was read.

Mr. HOLMAN. How much is involved in that bill?

A MEMBER. Over $68,000,000.

Mr. MILLS. There are millions in it. [Laughter.]

Mr. HOLMAN. That is entirely too modest.

The question was taken upon the motion to suspend the rules and passing the bill, and it was not agreed to; two-thirds not voting in the affirmative.

EMPLOYÉS UNDER DOORKEEPER OF THE HOUSE.

Mr. MILLS. I move to suspend the rules and pass the resolution which I send to the Clerk's desk, and I ask for it the vote of every gentleman in this House. It is to prevent the Doorkeeper from removing employés under him during vacation, as he has done heretofore.

The Clerk read the resolution, as follows:

Resolved, That employés now under the Doorkeeper of the House shall not be removed from their places before the commencement of the Forty-fifth Congress, and the Doorkeeper of the House is hereby prohibited from removing any of said employés.

The rules were not suspended, two-thirds not voting in favor thereof.

Mr. MILLS said subsequently: I do not think the House understood my resolution; I think that gentlemen voted under a misapprehension. I move to reconsider the vote on the resolution.

The SPEAKER. It is not in order to reconsider a vote on a motion to suspend the rules.

WILLIAM H. SMITH.

Mr. CAULFIELD. I move to supend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That William H Smith be paid out of the contingent fund of the House the sum of $3.00 per day as messenger in the library of the House, from and including the 4th of March 1877, and until otherwise ordered.

The motion to suspend the rules and pass the resolution was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to move that the House now take a recess. The Chair certainly can see that legislation is not conducted with any great degree of intelligence at this hour of the night.

Mr. TUCKER. The gentleman is out of order in casting such an imputation upon this House.

Mr. HOLMAN. I move that the House take a recess until eight o'clock to-morrow morning.

Mr. WADDELL. I move to amend that motion so as to make it ten o'clock.

The SPEAKER. If the House now takes a recess until ten o'clock to-morrow morning it will not be possible for the necessary business of the session to be concluded between ten and twelve o'clock.

Mr. SPRINGER. I move to take a recess until six o'clock.

Mr. WADDELL. I ask the Chair to submit my motion to the House.

The motion of Mr. WADDELL, to take a recess until ten o'clock, was not agreed to.

A. M. GAROUTTE.

Mr. WILSON, of Iowa. I move to suspend the rules so as to pass Senate bill No. 949, for the relief A. M. Garoutte, late captain and assistant quartermaster in the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to A. M. Garoutte, late captain and assistant quartermaster United States Army, $1,544.15, in full for the amount refunded by said Garoutte to H. Hurdle, by order of General Boyd, in the year 1865, and of hotel bills paid by him for clerks and auctioneer while making sale of personal property of the United States at various places in the State of North Carolina in 1865 and 1866, and for amount of fine wrongfully imposed upon him by a court-martial in August, 1866, and paid by him; and for all sums which would have been due to him for military services in his said capacity if he had been honorably discharged on the 14th of August, 1866.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and required to cause to be issued to the said Garoutte, late captain and assistant quartermaster, an honorable discharge to take effect from the 14th day of August, 1866.

The question was taken upon the motion of Mr. WILSON; and upon a division there were—ayes 86, noes 32.

Mr. MILLS. Let us have the yeas and nays on that.

The question was taken upon ordering the yeas and nays; and there were 26 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. O'BRIEN. Before the yeas and nays are called, I move that the House now take a recess until nine o'clock to-morrow morning.

Mr. WILSON. That motion certainly is not in order.

The question was taken; and there were—yeas 127, nays 35, not voting 128; as follows:

YEAS—Messrs. Abbott, Adams, Ainsworth, Ballou, Banks, Blackburn, Blair, Bland, Bliss, Bradley, Bright, William R. Brown, Buckner, Horatio C. Burchard, Burleigh, John H. Caldwell, Campbell, Caswell, Chittenden, Cochrane, Conger, Danford, Denison, Dunnell, Durham, Eames, Eden, Ellis, Flye, Forney, Fort, Foster, Freeman, Frye, Garfield, Gause, Goodin, Haralson, Benjamin W. Harris, Hartzell, Hathorn, Haymond, Hendee, Henderson, Henkle, Hoge, Hooker, House, Hubbell, Hyman, Thomas L. Jones, Kasson, Kehr, Kimball, Lamar, Lane, Lawrence, Leavenworth, Le Moyne, Lynch, Lynde, Mackey, MacDougall, McCrary, McDill, Meade, Miller, Mills, Morrison, Mutchler, Nash, Neal, New, Norton, Oliver, O'Neill, Packer, Page, Payne, Pierce, Pratt, Rainey, James B. Reilly, John Reilly, Rice, Riddle, Sobieski Ross, Rusk, Sampson, Sayler, Schleicher, Sheakley, Singleton, Slemons, Smalls, A. Herr Smith, Stone, Strait, Tarbox, Thomas, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, John L. Vance, Robert B. Vance, Waddell, Waldron, Alexander S. Wallace, John W. Wallace, Warren, Watterson, G. Wiley Wells, Whitthorne, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Jere N. Williams, James Wilson, Alan Wood, jr., Woodburn, Woodworth, and Yeates—127.

NAYS—Messrs. Ashe, Atkins, Boone, Bradford, John Young Brown, Samuel D. Burchard, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Collins, Culberson, Cutler, Davis, De Bolt, Egbert, Franklin, Glover, Goode, Andrew H. Hamilton, John T. Harris, Harrison, Hatcher, Holman, Humphreys, Jenks, Joyce, Knott, Money, John F. Philips, William A. Phillips, William M. Robbins, Miles Ross, Sparks, Stenger, Stevenson, and Terry—35.

NOT VOTING—Messrs. Anderson, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bass, Beebe, Belford, Bell, Blount, Buttz, Cabell, William P. Caldwell, Candler, Cannon, Carr, Cason, Cate, Caulfield, Chapin, Clymer, Cook, Cowan, Cox, Crapo, Crounse, Darrall, Davy, Dibrell, Dobbins, Douglas, Durand, Evans, Faulkner, Felton, Field, Finley, Fuller, Gibson, Gunter, Hale, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, Hartridge, Hays, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hopkins, Hoskins, Hunter, Hunton, Hurd, Hurlbut, Frank Jones, Kelley, King, Franklin Landers, George M. Landers, Lapham, Levy, Lewis, Lord, Luttrell, Magoon, Maish, McFarland, McMahon, Metcalfe, Milliken, Monroe, Morgan, O'Brien, Odell, Phelps, Piper, Plaisted, Platt, Poppleton, Potter, Powell, Purman, Rea, Reagan, John Robbins, Roberts, Robinson, Savage, Scales, Schumaker, Seelye, Sinnickson, William E. Smith, Southard, Springer, Stanton, Stephens, Stowell, Swann, Teese, Tucker, Turney, Van Vorhes, Wait, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warner, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wigginton, Willard, William B. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, and Young—128.

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

During the vote,

Mr. WILSON, of West Virginia, stated that his colleague, Mr. FAULKNER, had left the House an hour or two ago on account of indisposition.

The vote was then announced as above recorded.

MESSENGERS OF HOUSE POST-OFFICE.

Mr. TERRY. I move to suspend the rules and pass the following resolution, which simply proposes to place the messengers in the House post-office on the same footing as those in the Senate.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House the sum of $250 to each of the eight messengers employed during the present session in the House post-office, the same being for the months of April, May, and June, 1877, at the rate of $1,000 per annum each.

Mr. FORT. That has not been considered by the Committee of Accounts.

Mr. WHITE. Has that been referred to any committee? It seems to me we are paying a great many employés of this House, especially as this is a House so much for reform.

Mr. TERRY. It simply places the messengers of the House post-office on the same footing with those in the Senate.

The House refused to suspend the rules, two-thirds not voting in favor thereof.

COMPILATION OF QUESTIONS OF ORDER.

Mr. WILSON, of Iowa. I ask unanimous consent to report from the Committee on Rules for present consideration the following resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the questions of order decided in the House of Representatives, compiled by the journal clerk, under the resolution of August 15, 1876, be printed and indexed under the direction of the journal clerk for the use of the Committee on Rules.

There being no objection the resolution was adopted.

ARMY APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill, Mr. ATKINS, Mr. ABBOTT, and Mr. FOSTER.

And then, on motion of Mr. HOLMAN, at two o'clock and thirty-five minutes a. m., (March 4th,) the House took a recess until eight o'clock a. m.

AFTER THE RECESS.

The recess having expired the House re-assembled at eight o'clock a. m., (Sunday, March 4.)

JULIUS S. BOHRER.

Mr. STEVENSON. I ask that by unanimous consent the bill (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy, be taken from the Speaker's table and be put upon its passage. This bill has passed the Senate unanimously, and has the approval of the committees of both Houses.

Mr. ROBERTS. I hope the bill will pass.

The bill was read. The preamble recites that Julius S. Bohrer, master in the naval service of the United States, after twenty-five years' faithful service, during which time he received the most terrible bodily injuries while in the discharge of his duties, was illegally dismissed the service by the Secretary of the Navy, December 30, 1865. It further recites that the said Julius S. Bohrer, after the said illegal dismissal by the said Secretary of the Navy, did make most frequent and persistent application to the then President and honorable Secretary of the Navy, as required by law, to obtain a court-martial, the which was always denied him until May 23, 1876, when a general court-martial was ordered for him by the President of the United States and honorable Secretary of the Navy, which general court-martial declared, after a most rigid and exhaustive trial, on June 2, 1876, that the said Julius S. Bohrer was innocent of all and every charge and specification of court of inquiry of 1865; and the Secretary of the Navy, by General Order No. 210, on June 5, 1876, so declared, and that the action of the Secretary of the Navy was in consequence null and void.

The bill therefore authorizes and directs the Secretary of the Treasury to pay to the said Julius S. Bohrer, his executors or assigns, the full amount of his yearly salary, with interest on same for each and every year from December 30, 1865, to June 5, 1876, out of any moneys in the Treasury of the United States not otherwise appropriated; the act to take effect from the date of its passage.

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

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

The latter motion was agreed to.

DISTRICT POLICE DEPARTMENT.

Mr. LE MOYNE, by unanimous consent, from the committee to investigate the police department of the District of Columbia, submitted a report in writing, and moved that the committee be discharged and that the report be printed in the RECORD.

There was no objection, and it was so ordered. The report is as follows:

This committee was directed by the resolution authorizing its appointment to inquire whether the members of the board of police commissioners for the District of Columbia had used or attempted to use any members of said police force for corrupt or improper purposes connected with any investigation of Congress or with a view of injuring or disgracing any member of Congress, or had attempted to interfere with the administration of law in the courts of the District, and whether said police organization had been used for any improper or corrupt purpose.

Under this resolution they have considered it within the proper limits of their authority to inquire whether the police organization has been used for any improper purposes by any one; and under this direction your committee has taken whatever testimony they could get showing the management and uses of said police by the police commissioners or by any one.

On the same day when this resolution was adopted a bill was passed by the House unanimously, and it was also passed by the Senate, abolishing the board of police commissioners. As the testimony which could be given was probably to be had from members of the force it was hoped that this bill would speedily become a law, and the subordinates might testify without fear of discharge, but for some reason this was prevented and some of the witnesses refused to testify, claiming that their testimony would be used against them.

So far as this testimony affects the character and conduct of the members of the board of police commissioners it is proper to say that it only affects the character and conduct of one of said commissioners; that one is Mr. William J. Murtagh, who it appears has for many years been the president of said board.

The testimony shows that in March, 1872, an investigation into the management of the Navy Department was being made by a committee appointed by this House. That Mr. Charles A. Dana, of New York, appeared before said committee as a witness. His intention to come to Washington appears to have been known to Mr. Murtagh, who was then the president of the board of police commissioners, and in advance of Mr. Dana's arrival Murtagh sent a written request to the superintendent of police asking that two policemen be detailed, to act in citizens' clothes, under the direction of Mr. Murtagh. These policemen went to the office of the National Republican newspaper for their orders. They were told to meet Mr. Dana at the depot, and, as they express it, to "shadow" him while he was in Washington City, and to report to Mr. Murtagh at the Republican office. Two of the detectives were also engaged at the same time at the same work. One of them went as far as Philadelphia with Mr. Dana, pointing him out to officers to whom they had telegraphed, and who arrested Mr. Dana on an information for libel. Mr. Dana was closely watched like a criminal for several days while he was in Washington and reports made to Mr. Murtagh of his movements. The object alleged for shadowing Mr. Dana here was that inasmuch as Mr. Dana was assailing the Navy Department in his newspaper, it was considered desirable to know from whom he was getting information, or, as the witnesses expressed it, "with whom he connected in Washington."

There is no testimony tending to show that the Secretary of the Navy was interested in this prosecution of Mr. Dana. One of the witnesses, a policeman named Clarvoe, swears that Mr. Murtagh wished him to secure witnesses who could prove at Philadelphia Mr. Dana's proprietorship of the New York Sun. He secured a man named Sargent, then an employé in the Treasury Department. Sargent says that the same day he went to Philadelphia for this purpose "I strolled along with Mr. Murtagh and went up to the Navy Department with him. I was never there but the one time with Mr. Murtagh. We then saw the Secretary of Navy." But when the witness is asked whether he received any instructions from the Secretary of Navy, or what conversations took place in the presence of the Secretary, he declines to answer.

His instructions, however, were to go to Philadelphia and see Mr. Cattell or Mr. Kemble, which he did, and he was sent to an attorney, &c. This refusal to answer may be prompted by a disposition, as the witness supposes, to protect the Secretary, or it may be from exactly the opposite motive and may be an attempt to insinuate what he could not prove. The Secretary himself would know the truth of the matter, and testifies that he had no knowledge of it. (November 3.)

This use of the police was evidently not a public service, or made for any proper purpose. To the contrary it would seem not only proper but necessary that an examination or investigation into the management of any Department of the Government should at all times be facilitated, and it was highly improper in either the commissioner of police or any one else to use the police force, largely paid out of the funds of the General Government, for the purpose of preventing investigation, acting as spies upon witnesses or to bring to punishment any one furnishing information in regard to the management of the affairs of the people.

It was said by one of the detectives that he had been telegraphed to by the police at Philadelphia about Mr. Dana; that his arrest was desired. If there was any sufficient charge against him there, he could have been got at any time from New York, and some other time and occasion would have been more proper than when he was summoned to the national capital as a witness.

That this improper use of the police was made is not denied by Mr. Murtagh himself; he only says he had entirely forgotten that it was ever done, from which we might infer that such use was not unusual.

But the more serious charge is the attempt made by the president of the police board to influence or control the official conduct of a member of this House who was in charge of another investigation into the affairs of the Navy Department.

The superintendent of the police says:

"About the 1st of July last Mr. Murtagh came to my office and requested that some attention be paid to Mr. WHITTHORNE, who was chairman of the committee that was investigating the affairs of the Navy Department. Mr. Murtagh stated that that investigation was being pursued in a very severe manner; that there was an anxiety prevailing in regard to that investigation, and that he wished to have Mr. WHITTHORNE watched to see what his habits were, with whom he communicated, and he suggested that possibly he was visiting houses not proper for a person to visit. He wished me to put detectives at work; that if we should find Mr. WHITTHORNE visiting any houses of prostitution or such places we should *raid* the house and send an officer of the police with a posse to take charge of the house and arrest all parties there; a report by the Naval Committee was to be made in a few days; after the arrests were made the parties were to be taken to the police station and detained there and the reporters of the National Republican, of which Mr. Murtagh was editor and proprietor, were to be notified. They were to come to the station-house, see the parties, and write up the report or not as they deemed proper. In a week or ten days Murtagh came again to inquire what had been done; he pressed the matter quite strongly. He spoke of the anxiety which prevailed at the Naval Department in regard to the investigation, and he urged in very strong language to have something done to carry out his project. I think in a day or two Murtagh called to know what progress had been made. He stated that it was then anticipated that the Committee on Naval Affairs would report on the third day after that, and *that something must be done before that report was made, that something must be accomplished or that it would be no use to carry the matter any further.* He called three or four times more before the committee did finally report. At one or two of these interviews Murtagh desired that reports by the officer, in writing, should be made, which were to be shown at the Navy Department to show that something was being accomplished. It was suggested by Murtagh that if Mr. WHITTHORNE could not be found in such a house a woman should be employed by whom he could be taken to a house of that kind."

This is the testimony of the superintendent of police.

James A. McDevitt, one of the detectives, says:

"In July last he was informed by Richards that Murtagh wanted Mr. WHITTHORNE, chairman of House Committee on Naval Affairs, watched, and also if a woman could be employed to get him into a house of prostitution, and raid the premises and have him brought to the station, and while in that condition it might be observed by the reporters, with a view of holding it over his head that it might influence his action in said committee. Sometime afterward I was brought into the presence of Mr. Murtagh by Richards. Murtagh was urging that something should be done in this matter; he was anxious that it should be hurried up, and he said he would be responsible for whatever money was expended."

George O. Miller, another of the detectives, says:

"In July last, during the investigation of the Navy Department, Major Richards told me that Murtagh wanted me to shadow Mr. WHITTHORNE to see if he went into any improper place and to have him arrested. I declined to engage in that business. The next afternoon Richards was standing on the stoop with Murtagh; as I passed out Murtagh said, 'I want you to attend to that matter.'"

These witnesses confirm the statement of Richards, but on the main charge, that the plan for influencing a member of this House in the discharge of his official duty was devised and attempted by Murtagh, there is really no conflict of testimony or even denial of the charge, unless Murtagh's own testimony might be considered a denial. This can scarcely be claimed, as it more nearly resembles a confession. When he was called as a witness to give his version of the matter, he says:

"During the naval investigation I was informed that certain statements had been made in reference to myself to be reported on by the committee. I asked Major Richards if he knew a member of Congress named WHITTHORNE. I said I had heard a great many stories about him and about his visiting houses of prostitution, and I would like to know something about him. At the second interview I asked him if he would not get all the information he could for me. At the next interview—I think I had four interviews with him—I think McDevitt was present and the matter was talked over in a general way. During the conversation I said if this man [WHITTHORNE] was attacking other people, and at the head of an investigation like this, and visited these places nightly, he ought to be raided."

This is the best statement on his own behalf that Mr. Murtagh can make after the charge had been made by the other witnesses whose testimony has been mentioned, and he does not claim to have any very accurate recollection on the subject; for example, he says:

Question. Is that all you can remember about it?

Answer. If you ask me questions I might remember something.

Q. Was anything said of making reports of what was found out?

A. I think not.

Q. Anything said about making written reports?

A. I think not, sir.

Q. Was anything said at that time about the method of Mr. WHITTHORNE's attack on the Navy Department?

A. No, sir; I do not remember anything of the kind.

Q. What is your best recollection about it?

A. I have told you *it passed out of my mind*, and it requires considerable effort for me to remember anything about it.

* * * * * * *

Q. Did you inform Major Richards that it was desired on the part of Secretary Robeson or any person connected with the Navy Department?

A. No, sir; on the contrary, I was in the Secretary's office one day and had a casual conversation with him and I asked him if he knew what sort of a man Mr. WHITTHORNE was? He smiled, as much as to say he had some impressions about him. "Well," said I, "he ought to be shown up." "Well," said he, "I do not want it to be done *while I am here*, because they will say I did it."

Secretary Robeson having been called as a witness, says that he does not recollect such a conversation, though it may have been had. As Mr. Murtagh swears that it did take place it is to be presumed that he testified truly, and the Secretary appears not to have denounced the plan or suggestion, but only to have expressed anxiety that it should not be charged to him; he was anxious, not to prevent this thing from being done, but to avoid any responsibility for it. But whether Murtagh engaged in this enterprise solely for his own gratification or was influenced by a desire or expectation of pleasing the Secretary of the Navy—and he seems to have resented investigation into the Navy Department—it is certain that, regardless of the obligations of his official position and of his dignity of a man, he urged upon the men whose positions he controlled to commit an outrage for the purpose of influencing or controlling the official conduct of the chairman of an important committee of the House.

If anything had been done as requested, your committee is of opinion that it would have been a gross breach of the privileges of the House of Representatives. That nothing was attempted is due solely to the fact that the sense of decency and propriety was stronger in the superintendent and subordinates than in the president of the board. If the subordinates had been as unscrupulous as the president, any member of Congress could be disgraced and punished without fault; for men who would consider this use of the police legitimate would not hesitate to manufacture a scandal. From the evidence taken by your committee, it appears that the office of police commissioner is useless. Mr. Murtagh, who has been the president of this board for many years, says this police board selected the officers and controlled the force. Yet he claims that the police force is unreliable, inefficient, and dishonest, and that his newspaper articles were more efficient in suppressing crime in the District than his acts as police commissioner. If this be true, it only shows either that the office of commissioner was badly filled or that it is useless; perhaps both. As for the reasons stated no crime or breach of privilege has been committed, your committee only recommend the adoption of the following resolution, and that the committee be discharged:

Resolved, That as the Federal Government is required to pay a considerable portion of the expenses of the police force of the District, it should only be used for public service. That William J. Murtagh, late president of the board of police, in attempting to use the police force to disgrace or influence the official conduct of a member of Congress, has shown himself unworthy to hold any office under the Government.

J. V. LE MOYNE.
C. W. MILLIKEN.
MILTON A. CANDLER.

THOMAS DUGAN.

Mr. HENKLE. I ask unanimous consent to offer the following resolution:

Resolved, That the Clerk of the House be directed to pay to Thomas Dugan, out of the contingent fund of the House of Representatives, two months' pay, at the rate of $60 per month, for services rendered as laborer in the Doorkeeper's department.

Mr. WHITE. Has this resolution received the approval of the Committee of Accounts?

Mr. HENKLE. It has not been formally before the Committee of Accounts; but I wish to say that this old man has rendered service; there is no provision for his pay, and if this resolution be not adopted he will receive nothing for two months' service which he has rendered.

Mr. WHITE. I did not hear the gentleman's reply to my question whether this resolution has been considered by the Committee of Accounts?

The SPEAKER. Does the chairman of the Committee of Accounts approve of this resolution?

Mr. ROBERTS. I do. I have no doubt it is correct.

The resolution was adopted.

HENRY S. FRENCH.

Mr. WHITTHORNE. I ask that by unanimous consent the bill (H. R. No. 473) for the relief of Henry S. French, of Nashville, Tennessee, be now considered and passed.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read. It provides that the claim of Henry S. French, of Nashville, Tennessee, against the United States, for re-imbursement for certain cotton alleged by him to have been taken by agents of the United States in the year 1864, at or near Jonesborough, in the State of Georgia, be referred to the Court of Claims under the rules and regulations of said court; which court shall have jurisdiction to hear and determine and render judgment upon said claim for such amount as shall be found to have been the actual value of the cotton so taken.

Mr. SPRINGER. I wish to ask the gentleman from Tennessee if he can give us an estimate of the value of the cotton taken.

Mr. WHITTHORNE. I cannot state precisely the value. The amount is small. This bill was considered by the Committee on War Claims in the Forty-third Congress and is reported favorably by the same committee in this Congress.

Mr. SPRINGER. Since the gentleman informs me that but a small amount is involved and the bill has the approval of the committee, I make no objection.

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

PAY OF EMPLOYÉS OF THE HOUSE.

Mr. ROBERTS. I am instructed by the Committee of Accounts to report the following resolution:

Resolved, That there be paid to William Tudge, out of the contingent fund of the House, $300, in addition to what he has received, for his services in the post-office of the House of Representatives, the same making his compensation equal to the other employés in the same service.

Mr. WHITE. Has this received the approval of the Committee of Accounts?

Mr. ROBERTS. It is reported unanimously by that committee.

The resolution was adopted.

Mr. ROBERTS. I am also instructed by the Committee of Accounts to report the following resolution. It is for the payment of the colored boys who have served us all faithfully during the session of Congress.

The Clerk read as follows:

Resolved, That the Clerk of this House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to John Douglas, Jereßiah Smith, William H. Hall, Lewis Russell, Charles Carter, James A. Savoy, John H. Shaw, J. Cook Mickens, Washington Powell, Wilson Grice, John Berry, James Hall, Robert Coates, Henry Lewis, D. L. Bruce, and Richard Shaw, each, laborers' pay, at the rate of $720 per annum, during this session, deducting such sums as may have already been paid them.

The resolution was adopted.

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

Resolved, That the Clerk of the House be, and he is hereby, directed to pay out of the contingent fund the sum of $240 to William Deegan, a disabled Union soldier, for services under the Doorkeeper for the period of three months ending March 10, 1877, at the rate of $1,000 per year.

Mr. ROBERTS also, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That any deficiency in the regular appropriation to pay the employés of this House be paid out of the contingent fund.

Mr. ROBERTS also, by unanimous consent, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House pay, and he is hereby authorized and directed to pay, out of the contingent fund, to George C. Ellison, chief engineer of the House of Representatives, to indemnify him for moneys expended by him and incurred by him in and about certain legal proceedings in defending the title and retaining the possession of certain property belonging to the National Government in his custody as an officer of this House, under and by direction of the officers of this House.

Mr. ROBERTS also, by unanimous consent, reported from the Committee of Accounts the following resolution; which was read, considered, and agreed to:

Resolved, That Henry A. Olcott be paid out of the contingent fund of the House the sum of $3.60 per day for services as messenger in the office of the Clerk of the House, from and including the 1st day of January ultimo, until otherwise ordered by the House.

Mr. SPRINGER. The chairman of the Committee of Accounts allows also to be offered the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to Frank S. Donnelly the sum of $193.60, out of the contingent fund of the House, for his services as messenger during the present session.

The resolution was adopted.

TAX UPON SAVINGS-BANK DEPOSITS.

Mr. HAYMOND. I ask that by unanimous consent the bill (H. R. No. 3877) relating to the tax on deposits in savings-banks be now put upon its passage. It has the unanimous indorsement of the Committee on Banking and Currency. They have given the bill careful consideration and believe it ought to be passed.

The SPEAKER. The bill will be read for information.

The bill was read.

Mr. VANCE, of Ohio. I object.

HANS C. PETERSEN.

Mr. STRAIT. I ask unanimous consent to take from the Calendar the bill of the Senate (S. No. 709) for the relief of Hans. C. Petersen, and that the same be put upon its passage.

Mr. HAMILTON, of Indiana. I object.

The SPEAKER. As the objection comes from a member of the Committee on Enrolled Bills, the Chair desires to say that this bill has already been engrossed by the Senate.

Mr. HAMILTON, of Indiana. I object, at this stage of the session, to all bills that I know nothing about.

Mr. STRAIT. I move, then, to suspend the rules and pass the bill.

Mr. HOOKER. O, no, you cannot do that; for there is no quorum present.

Mr. STRAIT. I withdraw the motion.

Subsequently Mr. HAMILTON, of Indiana, withdrew his objection, and, no further objection being made, the bill was passed.

ERASTUS T. BUSSELL.

Mr. VANCE, of North Carolina. I ask unanimous consent that the bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a "combined rubber and spiral steel spring" be passed.

The SPEAKER. Is there objection?

Mr. HOLMAN. We do not know whether it is proper to object to that bill or not. I would like to know what the patent is for.

Mr. VANCE, of North Carolina. It is for a "combined rubber and spiral steel spring." It is a meritorious case.

No objection being made, the bill was passed.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, 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 signed the same:

A bill (H. R. No. 4472) making appropriation for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes.

PEREZ DICKINSON.

Mr. HOUSE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 811) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, Tennessee.

The bill has passed the Senate, and is recommended by the committee of the House.

Mr. HOLMAN. I move that the House take a recess until nine o'clock.

Mr. HOUSE. Is that motion in order while the House is considering this bill?

The SPEAKER. The House cannot take a recess until a quorum is present.

Mr. SAVAGE. I object to the bill.

Mr. HOLMAN. I object to legislation of this kind on Sunday morning after the vast body of legislation which was passed last night.

Mr. TOWNSEND, of New York. I do not understand that this is Sunday morning. It is yesterday.

Mr. HOLMAN. We should only pass those bills which are indispensable for the public service on this day.

Mr. DAVIS. That is right.

Mr. HOLMAN. I object imperatively to any bill which is not required by the public service.

Mr. HOUSE. A bill requiring the Government to pay to a man money that it owes him is indispensable to the public service

Mr. HOLMAN. I do not know anything in favor of that bill.

Mr. HOUSE. You do not know anything against it.

Mr. HOLMAN. I object.

Mr. HOUSE. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will state that there is not a quorum present, and it will be useless to put that motion.

Mr. HOUSE. Then I do not insist upon it.

ORDER OF BUSINESS.

Mr. FENN. I desire to take up a Senate bill.

Mr. POPPLETON. I object.

Mr. FENN. If the gentleman will yield to me a moment to state the facts, I am sure he will allow the bill referred to to be taken up.

Mr. POPPLETON. No, sir; I object to all bills.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the House of the following title:

A bill (H. R. No. 2043) in relation to dower in the District of Columbia.

The message further announced that the Senate further insisted upon the amendments to the bill (H. R. No. 4671) making appropriations for the support of the Army and asked a further conference on the disagreeing votes of the two Houses, and had appointed Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS as conferees on the part of the Senate.

CREEK ORPHAN FUND.

The SPEAKER laid before the House a report from the Committee on Indian Affairs, in relation to the Creek orphan fund, recommending the passage of the accompanying bill; which was recommitted to the committee, and ordered to be printed.

REPORT OF MONETARY COMMISSION.

The SPEAKER also laid before the House the following concurrent resolution from the Senate, passed March 3, 1877:

Resolved by the Senate, (*the House of Representatives concurring*,) That 1,500 copies of the report of the monetary commission created by joint resolution of August 15, 1876, together with the accompanying evidence and documents, be printed for the use of the Senate, and 3,500 copies for the use of the House of Representatives.

Mr. VANCE, of Ohio. I move to concur in the resolution of the Senate.

The resolution of the Senate was concurred in.

COUNTING THE ELECTORAL VOTE.

Mr. FINLEY, by unanimous consent, presented a concurrent resolution of the Legislature of the State of Florida, embodying a memorial to Congress relative to the counting of the electoral vote; which was ordered to be printed in the RECORD.

The resolution is as follows:

Concurrent resolution embodying a memorial to Congress relative to the counting of the electoral vote.

Resolved by the assembly, (*the Senate concurring*,) That Hon. CHARLES W. JONES be requested to present the following memorial to the Senate of the United States, and that Hon. JESSE J. FINLEY be requested to present the same to the House of Representatives of the United States:

The people of the State of Florida, represented in the senate and assembly, memorializing the honorable Senate and House of Representatives of the United States, respectfully represent that the final counting of the four electoral votes of Florida for Rutherford B. Hayes and William A. Wheeler, when the said votes had been actually and honestly cast for Samuel J. Tilden and Thomas A. Hendricks is a grievance of such magnitude to your memorialists that in their

view this appeal is not only fully warranted, but cogently demanded by the voice of duty. Your memorialists hold themselves to be justified in treating as established and unquestionable the fact that the said electoral votes were diverted from their true course and employed to defeat the end which they had been set forth to accomplish, because the knowledge of this fact has been communicated to your honorable bodies by solemn acts of all departments of the government of Florida. While it is true that the executive branch of said government had previously averred the contrary, it has been made known to your honorable bodies, and is rapidly becoming known throughout the civilized world, that according to the highest judicial authority of the State that averment is false.

Your memorialists may be forced to admit that there is no remedy for the specific wrong of which they herein complain, but they implore the early and earnest attention of your honorable bodies to the vices or defects in the Constitution or laws of the United States by reason of which such a wrong became possible. If it is true that under the Federal Constitution an exigency may arise in which one fraudulent act performed, or one mistake committed by a majority of a canvassing board, must necessarily defeat the will of the American people and determine the occupancy of the highest position open to human ambition, your memorialists fear that the great instrument which they have been accustomed to regard as the unapproachable masterpiece of statesmanship will become an object of derision and scorn.

Your memorialists venture to express the hope that the wisdom which characterizes your honorable bodies will be speedily applied to the devising of some expedient whereby it shall be made certain that the nation will never again prove utterly impotent to protect itself against the illegal action of a board of canvassers. And your memorialists will ever pray, &c.

Adopted by the assembly, February 12, 1877.

Adopted by the senate, February 13, 1877.

STATE OF FLORIDA,
Office Secretary of State, ss:

I, William D. Bloxham, secretary of state, do hereby certify that the foregoing is a correct transcript of the original now on file in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 26th day of February, A. D. 1877.

[SEAL.] W. D. BLOXHAM,
Secretary of State.

PAY OF A COMMITTEE CLERK.

Mr. MACDOUGALL. I ask unanimous consent to offer the following resolution:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay to the clerk of the Committee on Military Affairs of the Forty-fourth Congress, out of the contingent fund of the House of Representatives, the same compensation which is now allowed by law, for the term of sixty days after the adjournment of the Forty-fourth Congress.

Mr. HUNTON. I object.

COMPENSATION TO CERTAIN LAND-OWNERS.

Mr. TARBOX. I move to take from the Speaker's table the amendments of the Senate to the bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842. This bill has passed both branches. The amendments of the Senate are merely technical, and I ask that they be concurred in.

There being no objection, the amendments were concurred in.

EMPLOYÉS IN DOORKEEPER'S DEPARTMENT.

Mr. BOONE. I ask unanimous consent to have adopted at the present time the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That Robert Coats be paid out of the contingent fund of the House the sum of $210 for services rendered as a laborer in the Doorkeeper's department from August 15, 1876, to the 1st day of December, 1876; and that James Hall be paid out of the contingent ——

Mr. EDEN, (interrupting.) On behalf of the gentleman from Indiana, [Mr. HOLMAN,] who has been called out to sign a conference report, I object.

RECESS.

Mr. HOLMAN, (having returned to the Hall.) I move that the House take a recess for half an hour, to enable the clerks to get up with the public business. They must have this time or we cannot get our bills through.

Mr. WHITE. Would it not be in order to pass an additional appropriation to hire some new clerks so as to catch up with the business?

Mr. HOOKER. I move to amend the motion of the gentleman from Indiana so as to take a recess till ten o'clock.

Mr. HOLMAN. That will be too late. But we may as well take a recess till nine o'clock. We can do nothing until that hour.

The question being taken on the amendment of Mr. HOOKER, it was not agreed to.

Mr. KNOTT. I move to amend the motion of the gentleman from Indiana so as to say half past nine o'clock instead of nine.

Mr. HOLMAN. That will do no harm.

The amendment of Mr. KNOTT was agreed to; and the motion of Mr. HOLMAN, as amended, was adopted.

The House accordingly (at eight o'clock and thirty-five minutes a. m.) took a recess till half past nine o'clock.

The recess having expired, the House re-assembled at half past nine o'clock a. m., and was called to order by Mr. COX, as Speaker *pro tempore*.

THANKS TO THE SPEAKER.

Mr. BANKS. Mr. Speaker, the business of the House presses upon us; its sessions are long and laborious; the air we breathe is unwholesome, and gentlemen are anxious—how well I know it—to throw off the burden of official position and escape to the clearer and sweeter atmosphere of home. But there is one duty to which I am sure the House can give its attention for a moment with satisfaction. It is the appropriate and customary acknowledgment of our obligations to the honorable Speaker for the assistance he has rendered us in the discharge of the important and arduous legislative labors of this session.

Few of us, I think, estimate justly the difficulties inseparably connected with this high office. Its duties seem light and easy as they are rapidly performed from day to day in our presence; but when, occasionally, we make an experiment for ourselves, we realize how very far short of the truth is our estimate of its perplexities and cares. In no office of the Government are official duties more responsible or difficult, in none are greater rectitude and attention required, and in none is there more of that imperceptible mingling of routine and regulation, of ministerial and judicial functions, of which we have recently heard so much, than is constantly demanded of the Speaker of this House in the supervision and direction of its daily business.

The close of the last session brought us to a sad and solemn though not unexpected event which called for an expression of our appreciation of the national importance of this position and of the indissoluble bonds of respect and affection that connect the members of the House with its presiding officer, and it became later a pleasant duty on two subsequent occasions to attest our confidence and make our acknowledgments in this regard to others than the present occupant of the chair, [Messrs. COX and SAYLER,] who succeeded temporarily the estimable and honored officer whose name will be honored among the eminent men who preceded him and whose untimely decease the House does not and will not cease to mourn. And as we are now about to return to separate and distant homes—bearing with us, I trust, the good wishes of all for all—it is an act not less of duty than of grace to make our official and final acknowledgments to him who is now the presiding officer of the assembly.

I send to the Chair a resolution expressing my own and the views of my associates on this side of the Chamber, trusting that it may receive the approval of all members of the House and be placed upon its Journals as an expression of respect, made with unanimity and sincerity, for the honorable Speaker of the House of Representatives.

The Clerk read as follows:

Resolved, That the thanks of this House be, and hereby are, tendered to Hon. SAMUEL J. RANDALL, Speaker, for the prompt, efficient, and impartial discharge of the duties of his office during the present arduous and important session of the Forty-fourth Congress.

Mr. HOLMAN. Mr. Speaker, I desire to second the resolution which has been submitted by the gentleman from Massachusetts, [Mr. BANKS,] and to add a single word to what he has so well said. I have for some years occupied a seat upon this floor. Considering the new, unusual, and embarrassing questions that have arisen during the present session of Congress, the trying position which our Speaker has occupied, I think it is proper for me to say that the resolution which has been read expresses more nearly than has ordinarily been the case, however proper on former occasions, the just compliments which the House should pay to a faithful and efficient presiding officer whose duties have been performed impartially and well. The value of the services of a public officer occupying so important a position, can be judged somewhat by the embarrassments which surround the public service in times of great excitement and perhaps of great public peril. I therefore, with very great satisfaction, second the resolution of the gentleman from Massachusetts.

Mr. WILSON, of Iowa. We have heard from the older members of this House. I would like to say one word, being one of the youngest members of this House.

A new Speaker begins with understood equality between him and members on the floor. Respect is won as aptness to administer the rules is manifested. When ordinary business is being transacted no special tact is necessary; but when great pecuniary or political interests are being discussed, the mettle of a presiding officer is tested.

No Speaker of the American Congress has ever been required to guide in deliberations where such interests were at stake as those which have agitated us for the past month, during which the greatest parliamentary contest of the century has taken place. If gentlemen of the majority have been restive under restraint, they must remember that rules are for the protection of the minority; and if gentlemen of the minority expected greater privileges, they must conclude that no Speaker can supplement the want of votes.

Mr. Speaker RANDALL has been compelled to decide during the last month on questions where the rules gave no light; and now, after a survey of the intensely exciting debates, we must admit that the Speaker has done his part exceedingly well; and in future, when we calmly consider the fearful storms through which we have been safely guided, we will again in our hearts thank Mr. RANDALL, who arose to sublime heights when occasion required.

The resolution was unanimously adopted.

Mr. BANKS. I move that the resolution be entered upon the Journal of the House.

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

THOMAS E. MALEY.

Mr. THROCKMORTON. I ask unanimous consent that Senate bill No. 1111 for the relief of Thomas E. Maley be taken from the Speaker's table, and passed at this time.

The bill provides that Thomas E. Maley, who was on December 15, 1870, duly retired from the active service and placed upon the list of retired officers of the Army, with the full rank and pay of lieutenant-colonel, on account of wounds received in battle while performing the duties of lieutenant-colonel in the command of eight companies of his regiment, shall be excepted and relieved from the operation of the act of Congress entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875, solely because the injuries received by him in battle were more severe, dangerous, and disabling, and more fully incapacitating and disqualifying him for any service than the loss of an arm or a leg, or the permanent disability of an arm or a leg by resection; and he is hereby restored upon the list of the retired officers of the Army with the full rank of lieutenant-colonel held by him at the date of his retirement, March 3, 1875, with the pay of such rank from the date of the passage of this act, and that he shall hold and receive the rank and pay of a lieutenant-colonel upon the list of retired officers of the Army.

Mr. WALLING. I object to that bill; we have had too much military already.

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

Mr. WALLING subsequently said: I objected, not from any captious spirit, but because I thought the bill was objectionable. I have since examined it, and I am satisfied that it is a meritorious bill and should be passed; accordingly, I withdraw my objection.

No further objection being made, the bill was passed.

GEORGE A. ARMES.

Mr. GARFIELD. I desire to withdraw the objection I made last evening to the bill (S. No. 407) to authorize the restoration of George A. Armes, to the rank of captain.

There being no further objection, the bill was read three times and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills and joint resolution, without amendment:

An act (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late private in the Thirty-third Regiment, New York Volunteer Infantry;

An act (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas;

An act (H. R. No. 1244) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers;

An act (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Iowa;

An act (H. R. No. 1566) granting a pension to Elizabeth D. Stoner;

An act (H. R. No. 3277) granting a pension to Kate Louise Roy; and

A joint resolution (H. R. No. 161) authorizing the Secretary of State to publish the history of the several surveys and scientific expeditions by the United States during the present century.

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

An act (S. No. 1289) for the relief of E. N. Horsford; and

An act (S. No. 844) for the relief of Nathaniel P. Harbin, of Georgia.

It further announced that Mr. HEREFORD had been appointed a manager on the part of the Senate on the conference on the disagreeing votes of the two Houses on the bill (S. No. 472) changing the time of holding the terms of the district court for the district of West Virginia, in place of Mr. CAPERTON.

ENROLLED BILLS.

Mr. BAKER, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 35) equalizing pensions of certain officers in the Navy;

An act (S. No. 210) granting a pension to Austin R. Mills;

An act (S. No. 407) to authorize the restoration of George A. Armes to the rank of captain;

An act (S. No. 535) granting a pension to Armstead Goodlow;

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

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

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

An act (S. No. 737) granting a pension to Harrison H. Dodds;

An act (S. No. 750) granting a pension to T. B. Murdock;

An act (S. No. 767) granting a pension to Theodore Gardner;

An act (S. No. 792) granting a pension to Peter Harder;

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

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

An act (S. No. 816) granting a pension to Laura M. Knowlton;

An act (S. No. 832) to increase the pension of Helen M. Stansbury;

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

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

An act (S. No. 980) granting a pension to Irena Garrett;

An act (S. No. 1118) granting a pension to Mrs. Amy King;

An act (S. No. 1123) granting a pension to Marsilvia F. Woodard, mother of George R. Woodard; and

An act (S. No. 1152) granting a pension to Amasa J. Finch.

Mr. POPPLETON also, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3628) establishing post-roads, and for other purposes; and

An act (H. R. No. 4433) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I send to the Clerk's desk a report from the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. No. 4691) making appropriation for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, having met, after full and free conference have to report to their respective Houses as follows:

That they are unable to agree.

JOHN D. C. ATKINS,
J. G. ABBOTT,
CHARLES FOSTER,
Managers on the part of the House.

J. G. BLAINE,
WILLIAM B. ALLISON,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. ATKINS. Mr. Speaker, it is proper for me to say the committee of conference, as the report indicates, have made no progress whatever. We could not even agree on the minor matter of the reduction of the salary of the General of the Army. We were not able to agree upon a small matter like that, while upon the great question of the reduction of force we were utterly unable to agree. Although, sir, (if it be not improper for me to make such a remark, and if it is I hope I will be checked in the progress of making it,) although the House conferees were willing to concede something on the subject of force, yet no indication of concession whatever was made on the part of the Senate conferees on that subject; none whatever.

As to the restrictive clause contained in the fifth section of the bill, they were still more implacable. I have to say, so far as I am concerned, that I have taken my position, and I shall not yield on the subject of the reduction of the force; that is, I will not yield to any increase of the Army over 20,000 men. Nor will I yield the fifth section at all.

Now, if this House chooses to have another conference committee and if it thinks this restrictive clause should be stricken from the bill and we should yield, I hope some indication will be given in some manner by which I at least will be relieved from further service on this conference committee. For myself, I want to say here and now (and gentlemen will pardon me for it) that I am somewhat incredulous. I am not ready to take as solemn pledges the little rumors floating through this Hall, through this Federal capital, and around through the country of the intended peace policy of the gentleman who is about to assume the reins of government. I for one, sir——

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption by that body of the report of the conference committee on the disagreeing votes of the two Houses on the sundry civil appropriation bill.

ARMY APPROPRIATION BILL.

Mr. ATKINS. There is nothing in this fifth section of the bill which in my judgment militates against the Constitution of the country in any way whatever. There is nothing in it which prevents the preservation of the peace. Why, sir, is not the Army to-day in Louisiana? Have we not dual governments in the State of Louisiana? Does anybody suppose the non-use of the Army in the State of Louisiana would not be in the way of peace? This proposition simply proposes that the Army shall not be used for the purpose of setting up a rotten-borough government in the State of Louisiana over the wishes and sentiments of the masses and the sovereignty of that State. That is all this section amounts to. It means nothing more.

I shall not detain the House further, Mr. Speaker. There is but a single issue, and that is whether the Army shall be kept in this country as a political engine. That is all the issue there is in it: whether or not the Army shall turn out State governments and erect rotten-borough governments; whether it shall control elections. I think the Army was designed by the framers of the Constitution to repel foreign invasion and suppress insurrection. I did not know the offices of the Army were to build up political power in this country for one party or the other.

There is but a single issue, and I for one am in favor of this House doing as the House of Commons does in England—hold its hands upon the Army. The House has got its hands upon the purse-strings,

and the House should hold the Army, as the House of Commons in England holds the army now.

Mr. DUNNELL. I ask the gentleman to yield to me for a moment.

Mr. ATKINS. I decline to yield. The army in England is a yearly establishment. It is within the province of the House of Commons of England to withhold the appropriations and let the army fall at the end of any fiscal year.

Now I want to say so far as I am concerned that I am in favor of retaining the Army of this country for legitimate purposes. I would not cut this Army down one man below what is necessary for those purposes. But if we cannot have an Army bill without appropriating money to support an army for the purpose of keeping up carpet-bag governments over the will of the people, I, for one, must enter my demurrer here and now; and if it fall on that account it matters not to me. There is but a single issue involved here, and I hope gentlemen will at once make up their minds on this question. I yield to the gentleman from Pennsylvania, [Mr. JENKS.]

Mr. JENKS. This fifth section, which seems to be the main cause of quarrel between the two Houses, it seems to me to be not only our privilege but our duty to pass and to insist on, although it should cause such a disagreement between the two Houses as would prevent the passage of the Army appropriation bill altogether. The facts as they now exist are known to Congress. This provision applies only to the facts as they now exist, while Congress is in session. It refers to the rival governments of Francis T. Nicholls and S. B. Packard in the State of Louisiana.

Mr. HOLMAN. I rise to a question of order. The confusion is so great that we cannot hear the remarks of the gentleman from Pennsylvania.

The SPEAKER. This is a subject of great importance, of as great importance, perhaps, as any that has yet engaged the attention of the House. Order must be maintained.

Mr. CLYMER. I make the suggestion that in the closing hours of this Congress, when it is very important that we should intelligently transact our business, the rule with reference to admissions to the floor be rigidly and strictly enforced.

The SPEAKER. The gentleman might accomplish that object by moving to suspend the rules so that the Chair could revoke all privileges of the floor.

Mr. JAMES B. REILLY. I move that the rules be suspended so that the Speaker may enforce order in the way suggested.

Mr. ATKINS. If that motion takes me from the floor I object.

The SPEAKER. The gentleman will not be taken from the floor; but it is very essential that order be maintained during the remaining minutes of this Congress. The gentleman from Pennsylvania moves that the rule be suspended which authorizes admission to the floor of others than members, members-elect, and ex-members.

Mr. CONGER. I hope that for the first time that rule will not be suspended. It is the first time in eight years that I have known such a resolution to be offered here. I think we can get through the session without suspending that rule.

The SPEAKER. Perhaps the suggestion will be sufficient to enable the Chair to preserve order.

Mr. CLYMER. I suggest that it be left in the discretion of the Speaker. Let the Chair have this power if in his judgment it be necessary.

The SPEAKER. The Chair has no power to suspend a rule.

Mr. BANKS. If members of the House will remain in their seats and not talk I think there will be no trouble.

Mr. JENKS. I was proceeding to say that the state of facts to which we proposed to apply this provision of the act exists now, while Congress is in session. Congress is fully cognizant of the facts, and when Congress is in session and is cognizant of any given state of facts it is declared, by the fourth section of the fourth article of the Constitution, to be its privilege, and its privilege alone, to determine what shall be done with reference to those facts. I call the attention of the House to the language of that section:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Now, sir, it is not the President of the United States that shall guarantee to every State in the Union a republican form of government, but it is "the United States"—the United States represented by its whole legislative department. And it is the same power which is intrusted with the protecting of each State against invasion. In case of a foreign war, Congress, if it can be convened, is invariably convened to determine what shall be done; and if Congress is in session, it has always the potent voice as to what action shall be taken in reference to that. Then the next clause, without any change as to the power which shall decide, declares it to be the duty of the United States, on application of the Legislature, or of the executive when the Legislature cannot be convened, to protect each State against domestic violence; showing that even an executive of a State, if it be possible to convene the Legislature, shall not ask the United States to sustain himself or any one else in power; showing that the Legislature or rather the sovereignty, whoever represents it, shall exercise and control this power.

This being so, if Congress can be convened, the President has no right to send troops into any State either to sustain or overthrow a government. If an emergency should occur in which Congress could not convene, then the President might be justified in taking action in the matter. But when Congress can be convened, it is not only our duty but our privilege to decide the question. If it be objected that this is interjecting new matter into the appropriation bill it is our right and duty to insist, because upon this principle are founded all the liberties of all the people of the Anglo-Saxon race.

Mr. ATKINS. I now yield a few moments to the gentleman from Ohio, [Mr. FOSTER.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which he was directed to ask the concurrence of the House:

A bill (S. No. 1250) for the relief of Willis L. Foulke.

ARMY APPROPRIATION BILL.

Mr. FOSTER. The difference between the two Houses in regard to the Army appropriation bill is this: the Senate presents to the House precisely the bill of last session; I believe, in all respects the bill of last year. I believe, sir, that it is not only possible but probable that if this fifth section was out of the way, if there could be some agreement about that, we should have no difficulty in coming to an agreement as to the size of the Army. So that the simple question for the House now to consider is the fifth section, which relates to the use of troops in South Carolina, Louisiana, and other States.

Now, I want to say this to gentlemen on the other side of the House, that it must be plain to them that the march of events is such as to be convincing that the policy of the future Administration is in the line that they so much desire.

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

Mr. FOSTER. I decline to be interrupted just now.

Mr. ATKINS. I was courteous enough to yield the floor to the gentleman, and I supposed that he would be courteous enough to allow me to ask a question.

The SPEAKER. The gentleman from Ohio was a member of the conference and is entitled to be heard.

Mr. FOSTER. While I do not stand here to represent anybody or to speak for anybody, yet I want to ask gentlemen on the other side of the House, is it wise at this time, when all indications point to a change of administration in respect to the use made of troops in the States, now to force upon the Senate and upon this side of the House a proposition like that contained in the fifth section of the bill? I believe that there need be no apprehension on the part of gentlemen on the other side of the House on this subject.

Mr. COX. Then why not pass this section?

Mr. FOSTER. No gentleman on the other side of the House under ordinary circumstance would ask for the ingrafting on an appropriation bill a clause like this. In 1854, when the republicans undertook to do this thing in relation to the State of Kansas, if you will read the debates you will find that the democrats at that time had the advantage of the republicans in the argument on the constitutionality of this question.

The question is now presented to this House whether or not it will insist upon this provision and thus precipitate an extra session of Congress. That is just where we stand at this moment. We have left but about two hours of the session, or less than that, and that is the question presented for our consideration.

Mr. ATKINS. I wish to ask the gentleman from Ohio if he favors the policy of withdrawing the troops from South Carolina and Louisiana and allowing the people of those States to regulate their own affairs in their own way, subject to the Constitution of the United States?

Mr. FOSTER. I believe in the doctrine which I enunciated here the other day, that the flag should float over States, and not provinces; over freemen, not subjects.

Mr. ATKINS. I now yield for a few minutes to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. BANKS. It is too late, sir, for argument. I believe with the gentleman from Tennessee [Mr. ATKINS] that the pledges of men in office or out are of no account. But there are some suggestions which will certainly weigh with the House in the careful consideration of the report and bill before us.

In regard to what we should do upon the subject presented to the House by the gentleman from Tennessee, the first question should be: what is in our power? Now, I agree with him that the strength of the Army, the number of men and its equipment are within the control of Congress. If it chooses to say that the Army shall consist of twenty thousand men, or more or less, it can make it so. It can organize such an army as it pleases, and whatever the judgment of the committee of conference may be upon that subject, I am willing to receive it and accept it, as upon any other subject which is within the discretion and power of Congress. But there are some things which are not within the power of the two Houses of Congress, and among those is the command of the Army.

> The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

That is the language of the Constitution. (Section 2, article 2.) Congress has power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States. (Section 8, article 1.) Undoubtedly it has the same power in regard to the Regular Army of the United States; but its command is given to the President. It is the duty of the United States to "guarantee to every State in this Union a republican form of government," and "on application of the Legislature, or of the executive when the Legislature cannot be convened," to protect each of them against invasion and domestic violence. Whatever power is given in the Constitution for this purpose is given to Congress and the President, but the command of the Army is nevertheless in the President. That part of the Constitution cannot be changed by an act of Congress. And the fifth section of the bill is inoperative and of no account without the concurrence of the President or its approval by two-thirds of both Houses of Congress. This cannot now be obtained for the purposes proposed by this section of the Army bill, and therefore, whether the President be a democratic President or a republican President, or a democratic-republican President, if a State government by its Legislature or executive officers should apply for protection against invasion or domestic violence, whoever should be at the head of the Government would be bound by his oath to furnish it. Any legislation in contravention of these principles would be like the grinding of a hand-organ on the streets.

What is the use of legislation of this kind, then, which is impossible of execution at our order? It will involve the necessity of an extra session of Congress if the bill fails to pass the two Houses, or if it passes with the fifth section, and subject the members of the House to an expense of from $500 to $1,000, without effecting any good results whatever. I do not object to the House doing anything that is within the power of Congress.

If there be in the State of South Carolina or Louisiana or in any other State of the Republic an organized armed resistance to the government of the State, and that government calls upon the President of the United States, whoever he may be or whatever may be his politics or his partisan relations, he will use the Army for its protection. And whether the Army be paid or not, if there be a necessity to maintain in any State a republican form of government, or to protect it against invasion or domestic violence, the Army will be used for that purpose whoever may hold the office of President, and he will hold himself responsible to the examination afterward of Congress for his acts.

Now let me ask the members of the conference committee and the gentlemen of this House to consider this proposition; if we make the appropriations for the Army depend upon its use in conformity with the Constitution and the laws of the country, so far as the subject is within the control of the law-making power, what more can we do? I am sure that every member of the House, at least on this side, will be willing to accord to Congress so much power as that, and to sustain any report of the committee of conference based upon this view of the subject. I thank the gentleman for his courtesy.

Mr. ATKINS. I now yield three minutes to the gentleman from Ohio.

Mr. GARFIELD. I ask the attention of the House for a moment, and first on the question of the very right of this matter, without regard to any man or any administration. The chief, if not the summary, power with which the Executive of the nation is clothed for the purpose of preserving the public peace is the power of the Army and the Navy, of which he is commander-in-chief. No man can know in advance whether by foreign war, by domestic broils, or by insurrection in cities or States, that right arm of the Government will be needed, or where it will be needed to preserve the peace. But the Constitution makes it the sworn duty of the President of the United States to preserve the peace.

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

Mr. GARFIELD. Allow me to get through. It is proposed now to say, in advance, that in certain States of this Union there shall be no use of the Army under any conceivable circumstances connected with existing real or pretended State governments. Now, I desire to say that there never has been a law upon the national statute-book that assumes to prevent the President from performing his constitutional duty to preserve the public peace. Yet such a law it now is proposed to append to the appropriation bill for the support of the Army. Certainly there is no pending menace of usurpation which requires such a measure. It would dishonor any Congress to undertake to shackle any President by such a provision. It will especially dishonor this. So much for the law of the case.

In the next place, if gentlemen believe that they can accomplish any purpose in the direction of peace, in the direction of moderation, by putting a clog upon the incoming administration, they neither understand human nature nor the spirit of generosity that dwells in the hearts of men.

Mr. TUCKER. The gentleman utters a threat.

Mr. GARFIELD. Not at all; I am pointing out the unwisdom of your putting a threat into the law.

Let me say another thing in all frankness to gentlemen on the other side of this House. Ever since the close of the war both sections of the country have been to a great extent filled with mutual distrust. No doubt much of it is unjust, doubtless unjust on our part toward you, and in some measure unjust on your part toward us. But now when we are closing the life of this Congress, when we see evidences of a better understanding, of renewed efforts to bury the bitterness of the past, is it wise for you to insist upon a measure which, if adopted, will greatly increase the distrust which many of our people have felt toward you. It is wise to take such a course that men of suspicious minds will say that the men who were once in rebellion against the Government are determined to shackle the Executive, to shackle the Army, and to prevent them from keeping peace in case disturbances shall occur? Do you not run the risk of leading people to think you wish to break the public peace, and that by this measure you are preparing for disturbance?

I ask gentlemen who represent the Southern States whether they think that is a wise and prudent and magnanimous course, even if it were constitutional?

Mr. ELLIS. I do, certainly.

Mr. GARFIELD. But, coming back to the constitutional question, the passage of this clause in the Army bill is absolutely impossible. We cannot under any circumstances consent to do what we know to be unconstitutional and believe to be dishonorable.

An extra session of Congress, in the present excited state of the public mind, is greatly to be deplored. It will not be conducive to a restoration of good feeling; it will prolong the paralysis of business.

But the responsibility for all its evils must rest upon those who insist upon a departure from the Constitution and the traditions of the Government.

ENROLLED BILLS SIGNED.

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

An act (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making, or use, or vending of his patent explosive shell-fuses and percussion-exploders by the United States;

An act (S. No. 709) for the relief of Hans C. Petersen;

An act (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a "combined rubber and spiral steel spring;"

An act (S. No. 920) to authorize Louis Petosky, of Michigan, to enter a certain tract of land which embraces his home and improvements;

An act (S. No. 949) for the relief of A. M. Garoutte, late captain and assistant quartermaster United States Army;

An act (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy;

An act (S. No. 1127) for the relief of J. B. McCullough;

An act (S. No. 1292) to remove the political disabilities of John M. Haden, of Galveston, Texas; and

An act (S. No. 1293) to remove the political disabilities of Theophilus H. Holmes, of North Carolina.

ARMY APPROPRIATION BILL.

The House resumed the consideration of the report of the committee of conference on the Army appropriation bill.

Mr. ATKINS. I yield five minutes to the gentleman from New York, [Mr. FIELD.]

Mr. FIELD. Mr. Speaker, this is a question of principle. We have now arrived at the supreme moment when this House must show whether or no it will exercise its constitutional rights. To gentlemen of the South I say, now is your time to stand up; for if you do, your friends can say to you, "Lift up your heads, for your redemption draweth nigh."

Is this the time to give way, when our political opponents are about to set a falsehood in the forehead of this nation? No. It is our right to insist upon this provision. The constitutional argument against it is utterly untenable. The Constitution provides that "the United States," not the President, "shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence." Do gentlemen believe that the President is the one to exercise this power? I would ask my friend from Massachusetts [Mr. BANKS] whether he thinks that the President can march an army into Massachusetts to-morrow and declare that it has not a republican form of government, and therefore takes control of it? If he cannot, then we have a right to pass this proviso, because the two cases are in the same category. The President has no more right under the Constitution, without legislation by Congress, to interfere with the administration of a State government or to decide which is the rightfully chosen governor than he has to decide whether a State has a republican form of government.

Why, sir, gentlemen forget the constitutional history of this country. The Government was established under the Constitution in 1789, and no law to permit the President to interfere by armed force in a State was passed until 1795. President Washington went on for six years without the power to interfere with a State government. The law of 1795 was passed, if I mistake not, in consequence of the whisky insurrection in Pennsylvania. The power under consideration was then given to President Washington so far as to use

the militia; the power to use the Army was not given till years afterward. If there was no such power granted to the President during the first six years of the Government can we not take it away now?

We ought to take it away. What do we see? We see State governments set up and pulled down by our soldiers. We see, (for it is idle to attempt concealment of the truth)—we see the Army used to put down one party and to put up another. We have seen the Army used to elect a President. Everybody knows—in this Hall, at least, there is not a man so blind as not to see—that but for the use of the Federal troops in Florida and Louisiana you would not see the inauguration of the President who is to take the oath in an hour and a half from now.

Mr. Speaker, I appeal again to every member on this side of the House to stamp his condemnation once for all upon the monstrous doctrine that the President can use your Army as he pleases. It is your right, not his, to make rules for its government and regulation. We hold the purse-strings; control of them was given to us for this very purpose. Else why the provision that no appropriation for the Army shall be for a longer term than two years. No act of Congress can be passed that shall tie up the hands of this House.

Let us stand firm. [Here a burst of sunlight flashed over the ceiling.] Behold, the light cometh and the sun shines out gloriously; I accept the auspicious omen. [Applause.] Let us stand firm. The responsibility of an extra session will not rest with us. If the Senate choose to say to this House "The Army bill shall not be passed unless you give the President power to keep Packard and Chamberlain in office," then let us answer back, "Take that responsibility, if you dare." [Applause.]

Mr. ATKINS. I have just one remark to make. I want to say to the gentleman from Ohio [Mr. GARFIELD] that the southern members on this floor are in my opinion the peers of the gentleman in patriotism.

Mr. GARFIELD. Certainly; I do not deny it.

Mr. BANKS. Nobody questions it.

Mr. ATKINS. The language of the gentleman from Ohio, I think, was intended to convey the idea (although he did not say so distinctly) that there is lurking in the hearts of southern members on this floor a want of fealty to the Government.

Mr. GARFIELD. The gentleman will allow me to disclaim any such implication.

Mr. ATKINS. I am glad the gentleman makes the disclaimer, because I want to say here and now that I am for the flag——

Mr. GARFIELD. So am I.

Mr. ATKINS. I am for the Union; I am for the Constitution. Is the gentleman for the Constitution?

Mr. GARFIELD. Certainly I am.

Mr. ATKINS. Yes, according to his construction of it. The difference between us, however, is that I put upon it the construction that the Supreme Court of the United States has usually put upon it; but these late decisions of a part of the Supreme Court I do not know that I can subscribe to.

Now, Mr. Speaker, I move that the House further insist on its disagreement and ask a new conference with the Senate.

Mr. KASSON. Will the gentleman yield to me for a moment? [Cries of "O, no!"]

Several MEMBERS. Let us adhere, not insist.

Mr. SPRINGER. I move that the House adhere to its disagreement.

Mr. ATKINS. I hope the gentleman from Illinois [Mr. SPRINGER] will not insist upon that motion.

Mr. KASSON. Mr. Speaker, is it in order to move that the House recede?

The SPEAKER. It is.

Mr. KASSON. Then I make that motion, and wish five minutes to be heard on it.

The SPEAKER. The gentleman from Tennessee moves the House insist and ask for a further conference; and the gentleman from Iowa moves the House recede.

Mr. KASSON. I ask if, having made that motion, I am entitled to the floor.

The SPEAKER. The gentleman from Tennessee has demanded the previous question.

Mr. KASSON. Then I withdraw the motion to recede, and leave it to be decided on the gentleman's motion.

The previous question was seconded and the main question ordered; and under the operation thereof, Mr. ATKINS's motion was agreed to.

The SPEAKER announced as the conferees on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill, Mr. ATKINS, Mr. MORRISON, and Mr. FOSTER.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOLMAN. I rise to submit a privileged report. I submit the report of the conference committee of the two Houses on the sundry civil 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. 4680) making appropriation for the sundry civil expenses of the Government for the year ending June 30, 1878, 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 2, 5, 8, 9, 10, 13, 17, 19, 20, 21, 22, 23, 24, 36, 41, 43, 46, 47, 48, 49, 51, 53, 56, 59, 68, 73, 75, 79, 84, 85, 96, 110, and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 12, 14, 15, 16, 24, 25, 26, 27, 31, 32, 33, 34, 35, 37, 40, 44, 57, 65, 69, 70, 71, 76, 78, 80, 81, 82, 83, 86, 87, 89, 90, 91, 93, 94, 95, 97, 99, 100, 104, 113, 114, 116, 120, 125, 127, 128, and 129, and agree to the same.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "$1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 7, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "$2,650,000," and in line 22, page 4 of the bill, after the word "engineers" insert "cadets," and in line 1, page 5, after the word "departments" insert "instruction of cadets."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same, with an amendment as follows:

Strike out all after the paragraph proposed to be inserted, and insert in lieu thereof, "For the general purposes of the District of Columbia, to be expended by the commissioners of said District, $250,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 18, and agree to the same, with an amendment as follows:

Strike out "19" and insert in lieu thereof "18;" and strike out "500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 29 and 30, and agree to the same, with amendments respectively as follows:

In lieu of the sum proposed by 29, insert "$300,000;" and in amendment numbered 30, strike out in line 9, page 11, of the bill the word "13," and insert in lieu thereof the word "16;" and in the same line after the word "timbered," insert "and mountainous;" and after the word "mile," in line 10, add "and for township lines not exceeding $14, and for section lines not exceeding $10."

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 all inserted by said amendment, and strike out the amended paragraph and substitute therefor the following:

"For the Freedmen's Hospital and Asylum in Washington, District of Columbia, namely: For subsistence, $18,000; salaries and compensation as follows: surgeon, $1,400; one surgeon and dispensary clerk, $1,200; engineer, $720; matron, $216; nurses and cooks, $1,800; fuel and light, $3,000; clothing, $3,500; rent of hospital building, $2,000; medicines and medical supplies, $2,500; and miscellaneous expenses, $5,164; in all, $40,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same, with an amendment as follows:

Strike out "25" and insert "18."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 42, and agree to the same, with an amendment as follows: Strike out "2" and insert in lieu thereof "1," and strike out "500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same, with an amendment as follows: Strike out "100" and insert in lieu thereof "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 150, and agree to the same, with an amendment as follows: Strike out "100" and insert in lieu thereof "75;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 52, 54, 55, and 58, and agree to the same, with amendments respectively as follows: In 52, strike out "50" and insert "30;"

In 54, strike out "50" and insert "30;"

In 55, strike out "100" and insert "50;"

In 58, strike out "100" and insert "50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 60, 61, 62, and 63, and agree to the same, with amendments respectively as follows:

In 60 strike out "50" and insert "30;"

In 61 strike out "80" and insert "60;"

In 62 strike out "50" and insert "40;"

In 63 add at the end of the paragraph, "to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same, with an amendment as follows: Restore that portion of the paragraph proposed to be stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 66 and 67, and agree to the same, with amendments in effect respectively as follows: In lieu of the sum proposed by 66 insert "$250,000," and in lieu of the sum proposed by 67 insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 72 and 74, and agree to the same, with amendments respectively as follows: In 72 strike out the word "two" and insert "500," and in 74, strike out "100" and insert "75;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same, with an amendment as follows: Strike out "Daniel" and insert "Darrall;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 88, 92, and 98, and agree to the same, with amendments respectively as follows: Strike out in 88, line 5, "1877," and insert in lieu thereof "at the present session of Congress;" in 92, in line 1, strike out "5" and insert "3;" and in lines 8 and 9 strike out "25" and insert "18;" and in 98 strike out in line 7, "2," and insert "1;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 101 and 102, and agree to the same, with amendments respectively as follows: In 101, add at the end of the amendment "and the Chicago, Rock Island and Pacific Railroad Company is required to refund to the Treasury of the United States one-half of the said sum, and the Secretary of the Treasury is hereby directed to enforce this condition;" and in lieu of the sum proposed by 102 insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 103, 105, and 106, and agree to the same, with amendments respectively as follows:

In 103 strike out "80" and insert "50;"

In 105 strike out "25" and insert "10;"

In 106 strike out in line 3 "hereafter;" and at the end of the paragraph insert "prior to the 1st of February, 1878."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 107 108, 109, 111, and 112, and agree to the same, with amendments respectively as follows:

In 107 strike out "5" and insert "4;"

In 108, in lieu of the sum proposed, substitute "1,500;"

In 109 in lieu of the sum proposed insert "$1,500;"

In 111 strike out "3" and insert "2;"
In 112 strike out "6" and insert "4."
And the Senate agree to the same.
That the House recede from its disagreement to the amendments numbered 115, 117, and 119, and agree to the same, with amendments respectively as follows:
In 115 strike out "30" and insert "20;"
In 117 strike out "five" and insert "four;"
In lieu of the sum proposed in 119 substitute "22,500."
And the Senate agree to the same.
That the House recede from its disagreement to the amendments numbered 121 and 122, and agree to the same, with amendments respectively as follows:
In 121 strike out "20" and insert "15;"
In 122 strike out "40" and insert "20."
And the Senate agree to the same.
That the House recede from its disagreement to the amendment numbered 123, and agree to the same, with an amendment as follows: Strike out "300" and insert "200," and strike out "200" and insert "100;" and the Senate agree to the same.
That the House recede from its disagreement to amendment 126, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "2,500;" and the Senate agree to the same.

WILLIAM S. HOLMAN,
JOHN R. EDEN,
HENRY WALDRON,
Managers on the part of the House.
WILLIAM WINDOM,
WILLIAM A. WALLACE,
Managers on the part of the Senate.

Mr. HOLMAN. I desire to submit a few remarks explanatory of the concessions which have been made by the House upon this bill, but owing to the lateness of the hour I find it impossible to do so, and I therefore ask unanimous consent to have printed in the RECORD, as a part of the debates, some remarks upon the subject of this bill and of the expenditures generally.

There was no objection, and leave was granted.

The report of the committee of conference was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1200) for the relief of Almont Barnes;

A bill (H. R. No. 1479) granting a pension to Dalton Hinchman;

A bill (H. R. No. 1995) granting a pension to Charles H. Bugbee, late private in Company A, Third Vermont Volunteers;

A bill (H. R. No. 2237) granting a pension to Anson K. Young;

A bill (H. R. No. 3282) granting a pension to Sarah McCooey; and

A bill (H. R. No. 3989) for the relief of Catharine and Sophia Germain.

SIGNAL SERVICE.

Mr. SINGLETON. I submit a report from a committee of conference.

The Clerk read the report, 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. 731) to limit and fix the Signal Service, having met, after full and free conference, report that they are unable to agree.

OTHO R. SINGLETON,
JAMES H. BLOUNT,
JAMES WILSON,
Managers on the part of the House.
GEO. E. SPENCER,
JAMES CLAYTON,
Managers on the part of the Senate.

Mr. SINGLETON. I move that the conference committee be discharged from the further consideration of the bill.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MUTCHLER obtained the floor.

Mr. HOOKER. At the time when the business of the House was interrupted by the reports of the privileged committee of conference on the sundry civil bill the gentleman from Texas [Mr. THROCKMORTON] had the floor, and his bill was in progress of being read.

The SPEAKER. The Chair will recognize the gentleman hereafter.

EXTRA PAY TO CLERKS OF COMMITTEES.

Mr. MUTCHLER. I ask unanimous consent to offer the following resolution:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the several clerks of the House committees who are paid during the session only, a sum equal to one month's salary as extra compensation.

Mr. HOLMAN. I object to that.

Mr. MUTCHLER. I move to suspend the rules and adopt the resolution.

The question was taken; and on a division there were ayes 105, noes not counted.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

Mr. HOLMAN. I call attention to the fact that no quorum voted, but if this is the last of the long series of these measures I will not insist upon a further count.

EXTRA PAY TO DOORKEEPERS.

Mr. MUTCHLER. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to the laborers on the roll of the Doorkeeper of the House their salary in full for the month of March out of the fund already appropriated for that purpose.

The question being taken and two-thirds voting in favor thereof, the rules were suspended and the resolution was agreed to.

PATRICK DORAN.

Mr. MUTCHLER. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That the sum of $3.60 per day during the present session be paid out of the contingent fund of the House to Patrick Doran for services rendered by him as messenger to the Committee on Agriculture and other committees that have occupied the room of the said committee.

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

CLERK OF THE COMMITTEE OF ACCOUNTS.

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

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to the Committee of Accounts, for clerical services to be rendered during the coming recess, a sum equal to one month's salary, in addition to what may now be provided by law for committee clerks, the same to be paid out of the contingent fund of the House.

NATHANIEL S. CLARK.

Mr. WILSON, of West Virginia, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund of the House to Nathaniel S. Clark, for services rendered as messenger under the Doorkeeper of the House, from September 1 to December 4, 1876, a sum at the rate of $3.60 per day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. No. 4691) making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, had agreed to the further conference requested by the House, and had appointed as the managers of the conference on the part of the Senate, Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE.

The message further announced that the Senate had passed, without amendment, a bill of the following title:

A bill (H. R. No. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers.

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

A bill (H. R. No. 1082) for the relief of Henry H. Meade, late paymaster United States Army; and

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

ENROLLED BILL SIGNED.

Mr. BAKER, of Indiana, 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 signed the same:

An act (H. R. No. 1200) for the relief of Almont Barnes.

PEREZ DICKINSON.

Mr. HOUSE. I move to suspend the rules so as to take from the Speaker's table and pass at this time Senate bill No. 811, for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, Tennessee.

Mr. BURCHARD, of Illinois. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That there be, and hereby is, appropriated from the Treasury of the United States the sum of $38,476.80; and that the Secretary of the Treasury is directed to pay that sum to Perez Dickinson, the surviving partner of the firm of Cowan & Dickinson, of Knoxville, East Tennessee, in full compensation for two hundred and fifty-six bales of cotton belonging to them, and which was by them furnished and delivered to Major-General BURNSIDE, at his request, on the 17th and 18th days of November, 1863, and by him used in the fortifications for the defense of Knoxville, and the army under his command at the time of the assault by the forces under the command of General Longstreet, and the subsequent attack by him upon that city, and for other subsequent purposes it was used; and for which cotton they have never been paid anything, or received compensation, directly or indirectly, for any part thereof.

Mr. HOLMAN. That bill has been voted on once already and rejected.

The SPEAKER. The gentleman from Texas [Mr. HOUSE] moves to suspend the rules and pass the bill.

Mr. HOUSE. It has passed the Senate three times.

Mr. THORNBURGH. And it has never been reported against by any committee of this House.

The question was taken upon suspending the rules, and passing the bill; and upon a division there were—ayes 88, noes 22.

Mr. HOLMAN. I shall have to insist on a quorum to act on such a bill as this.

Tellers were ordered; and Mr. HOLMAN and Mr. HOUSE were appointed.

Mr. HOLMAN. I ask that the bill be again reported; I do not think it was understood.

The SPEAKER. That requires unanimous consent.

Mr. THORNBURGH and Mr. HOUSE objected.

The House again divided; and the tellers reported that there were—ayes 128, noes 21, two-thirds in the affirmative.

Before the result of the vote was announced,

Mr. HOLMAN said: I shall have to ask for the yeas and nays on this question.

The question was taken upon ordering the yeas and nays; and upon a division, there were—ayes 34, noes 120.

Before the result of the vote was announced,

Mr. TUCKER said: I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. TUCKER and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 43, noes 132.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. BURCHARD, of Illinois. I move to reconsider the vote by which the yeas and nays were ordered. The calling of the roll will probably carry us beyond twelve o'clock.

Mr. HOLMAN. Gentleman are very anxious to pass this bill without examination.

Mr. BLOUNT. It has been examined time and again.

Mr. HOLMAN. Not in this House.

Mr. BLOUNT. The gentleman knows all about it, and everybody else does.

The SPEAKER. The Chair thinks that the roll-call can be completed in twenty minutes, and the shortest way will be to call it.

The question was taken; and there were—yeas 142, nays 66, not voting 82; as follows:

YEAS—Messrs. Bagby, John H. Bagley, jr., Ballou, Banks, Blackburn, Bland, Bliss Blount, Boone, Bright, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cason, Caulfield, Chittenden, John B. Clarke of Kentucky, Clymer, Conger, Cook, Cox, Crapo, Danford, Darrall, Davis, Davy, Denison, Dobbins, Douglas, Dunnell, Durham, Eames, Egbert, Ellis, Evans, Felton, Finley, Forney, Fort, Freeman, Frye, Garfield, Gause, Gibson, Glover, Goode, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hendee, Henderson, Henkle, Hoar, Hoge, Hooker, House, Hubbell, Hunton, Hurlbut, Hyman, Thomas L. Jones, Kasson, Kelly, Kimball, Lamar, Lane, Lapham, Luttrell, Lynch, MacDougall, McDill, Mills, Money, Nash, Norton, O'Brien, Odell, Oliver, O'Neill, Page, Payne, Pierce, Platt, Rainey, Reagan, John Reilly, Riddle, William M. Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Scales, Seelye, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Stenger, Stone, Strait, Terry, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, John L. Vance, Robert B. Vance, Waddell, Wait, Alexander S. Wallace, John W. Wallace, Warren, Watterson, Erastus Wells, G. Wiley Wells, Whiting, Whitthorne, Wigginton, Andrew Williams, Alpheus S. Williams, James Williams, Jere N. Williams, William B. Williams, Willis, Wilshire, Woodburn, Woodworth, Yeates, and Young—142.

NAYS—Messrs. Ainsworth, Beebe, Bell, Bradford, Horatio C. Burchard, Burleigh, Carr, John B. Clark, jr., of Missouri, Cochrane, Collins, Culberson, Cutler, De Bolt, Franklin, Goodin, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Harrison, Hartzell, Haymond, Holman, Hopkins, Hoskins, Humphreys, Hunter, Jenks, Joyce, Kehr, Franklin Landers, George M. Landers, Lawrence, Le Moyne, Lynde, Mackey, Maish, Meade, Miller, Morgan, Mutchler, Neal, New, John F. Philips, William A. Phillips, Plaisted, Poppleton, Potter, Powell, James B. Reilly, Rice, John Robbins, Miles Ross, Savage, Southard, Sparks, Stevenson, Tarbox, Teese, Thompson, Turney, Walling, Walsh, Warner, Wike, Benjamin Wilson, and Alan Wood, jr.—66.

NOT VOTING—Messrs. Abbott, Adams, Anderson, Ashe, Atkins, George A. Bagley, John H. Baker, William H. Baker, Banning, Bass, Belford, Blair, Bradley, John Young Brown, William R. Brown, Samuel D. Burchard, Buttz, Campbell, Cannon, Caswell, Cate, Chapin, Cowan, Crounse, Dibrell, Durand, Eden, Faulkner, Field, Flye, Foster, Fuller, Gunter, Hale, Hays, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hurd, Frank Jones, King, Knott, Leavenworth, Levy, Lewis, Lord, Magoon, McCrary, McFarland, McMahon, Metcalfe, Milliken, Monroe, Morrison, Packer, Phelps, Piper, Pratt, Purman, Rea, Roberts, Sayler, Schleicher, Schumaker, Sheakley, Springer, Stanton, Stephens, Stowell, Swann, Van Vorhes, Waldron, Charles C. B. Walker, Gilbert C. Walker, Ward, Wheeler, White, Whitehouse, Willard, Charles G. Williams, James Wilson, and Fernando Wood—82.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, 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 signed the same:

An act (S. No. 1111) for the relief of Thomas E. Maley.

Mr. HAMILTON, of Indiana, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4397) for the relief of Francis M. Strong and Thomas Ross.

REVISED STATUTES FOR MEMBERS.

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

Resolved, That members of the Forty-Fourth Congress be entitled to one copy each of the Revised Statutes of the United States, the same as members of the Forty-Third Congress.

COMMISSION ON GOLD AND SILVER, ETC.

Mr. VANCE, of Ohio, from the Committee on Printing, reported back with a favorable recommendation the following resolution; which was read, considered, and concurred in.

Resolved by the Senate, (the House of Representatives concurring,) That the commission to inquire into the change which has taken place in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard in this country and of continuing greenbacks concurrently with the metallic standard, may report on or before the 15th of February, 1877, instead of on or before the 15th of January, 1876.

ELECTORAL COMMISSION.

Mr. VANCE, of Ohio, moved to suspend the rules and pass the following resolution:

Resolved, (the Senate concurring therein,) That there be printed 10,000 copies of the proceedings of the electoral commission, embracing all of said proceedings and briefs of counsel, together with proceedings of the joint convention regarding the State returns which were submitted to said joint convention; 7,500 copies for the use of the House, and 2,500 copies for the use of the Senate.

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

ARMY APPROPRIATION.

Mr. ATKINS. I rise in reference to a privileged report and will yield to the gentleman from Illinois, [Mr. MORRISON,] one of the conferees on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill.

Mr. MORRISON. I desire to report from the committee of conference on the Army appropriation bill that they have been unable to agree. There were several subjects on which they disagreed, but all might have been accommodated but one, and that the subject embraced in the fifth section of the bill, which relates to the use of the Army in Louisiana and South Carolina. That the House may know exactly the position of the House conferees I have written down the substance of what they insisted on and ask that it be read by the Clerk.

The Clerk read as follows:

The conferees on the part of the House, while not insisting on the letter of the fifth section of the Army bill, firmly maintain they will consent to the passage of no Army appropriation bill that shall not contain such restriction upon the President in regard to the use of the United States troops in Louisiana as will prevent him from installing and maintaining the Packard government.

Mr. BROWN, of Kentucky. Let me ask the gentleman from Illinois why is South Carolina omitted from that proposition?

Mr. MORRISON. The same principle obtains in refererence to South Carolina as in reference to Louisiana. We intended to include both.

The SPEAKER. It is not an official paper.

Mr. BROWN, of Kentucky. It was understood then to apply to both.

Mr. MORRISON. Yes, sir. I desire to say, Mr. Speaker, that the difference on this section of the bill was so radical as to make it impossible, in my opinion, to admit of any agreement on the subject. The Senate conferees insist that no restriction shall be placed upon the discretion of the President in the matter of the use of troops in Louisiana and South Carolina.

Mr. FOSTER. Or anywhere.

Mr. MORRISON. And with this statement I leave the question to the House.

Mr. FOSTER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MORRISON. I yield first to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, this is not new legislation. I have only one word to say. In the Kansas matter, years ago, the republicans made the precedent. In the famous difficulty as to the Army bill, led by Henry Winter Davis, there was a proviso which destroyed that bill, prohibiting the use of troops in Kansas because personal and and public liberty seemed to require it. But the time for argument is past. This bill has failed because force and fraud have made it impossible——

Mr. GARFIELD. O, bah!

Mr. COX. Yes, sir; force and fraud. And when I said fraud I did not point to you, as the country understands your relations. [Laughter and applause.]

Mr. FOSTER. I offer the following——

The SPEAKER. Nothing can be offered except under a suspension of the rules.

Mr. MORRISON. I make the motion that the House adhere to its disagreement, and on that demand the previous question.

The SPEAKER. The Chair will now hear the proposition of the gentleman from Ohio.

Mr. FOSTER. I send up to the Clerk's desk and ask to have read as part of my speech the following:

The Clerk read as follows:

Be it enacted, &c., That one-half of the sum appropriated by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes," approved July 24, 1876, being the sum of $12,993,583.95, is hereby appropriated for one-half of the fiscal year ending June 30, 1878, which sum shall be distributed among the various branches of said service as provided by this act.

Mr. FOSTER. That is a part of my remarks. I should like to be permitted to close them.

Mr. WALLING. I hope the gentleman will have the opportunity to do so, and not be interrupted.

MESSAGE FROM THE SENATE.

A message from the Senate, by one of its clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes, and

A bill (H. R. No. 4702) granting a pension to Apolime A. Blair.

ARMY APPROPRIATION BILL.

Mr. FOSTER. I will make the suggestion that the House agree to make the appropriation for three months—a quarter of a year.

Mr. MORRISON. No, sir.

Mr. BLACKBURN. No, sir; not for three days.

Mr. FOSTER. Then the responsibility must rest on you.

Mr. O'BRIEN. We will take the responsibility.

The SPEAKER. The question is on seconding the previous question on the motion of the gentleman from Illinois, [Mr. MORRISON,] that the House adhere to its disagreement with the Senate on the Army appropriation bill.

The question being taken, there were—ayes 151, noes 101.

So the previous question was seconded.

The main question was ordered.

Mr. HURLBUT. I ask for the yeas and nays on the motion of the gentleman from Illinois that the House adhere to its disagreement.

The yeas and nays were ordered.

PAY OF COMMITTEE CLERKS.

Mr. CAULFIELD. I move to suspend the rules and pass the following resolution heretofore reported favorably from the Committee on the Judiciary by Mr. KNOTT, namely:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, at the rate of $6 per day from July 1 to August 31, 1876, inclusive, to the clerks of the twenty-one committees designated by the Committee of Accounts as the committees for payment of clerks to which provision was made in the act of Congress approved August 15, 1876, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes," deducting therefrom any amount which the clerks of said committees respectively may have heretofore received during the time named.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. CROUNSE, by unanimous consent, from the Committee on Public Lands, to which was referred the bill (H. R. No. 3002) for the relief of settlers on certain lands in the State of California, reported the same, accompanied by a report in writing; which report was ordered to be printed, and with the bill laid on the table.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington July 9, 1872; and

A bill (H. R. No. 4702) granting a pension to Apolime A. Blair.

LEAVE TO PRINT.

Mr. WALLING, by unanimous consent, obtained, leave to have printed in the RECORD some remarks on the bill (H. R. No. 1191) to regulate the survey and sale of timber lands of the United States.

ORDER OF BUSINESS.

Mr. CASON. I ask consent to withdraw papers in the case of Emil Lloyd, there being no adverse report thereon.

Mr. CONGER. I object to any business except the call of the roll.

The Clerk (at thirteen minutes before twelve o'clock) proceeded to call the roll.

MESSAGE FROM THE SENATE.

While the roll was being called a message from the Senate was communicated by Mr. SYMPSON, one of its clerks, informing the House that the Senate had passed the following bill, without amendment:

A bill (H. R. No. 473) for the relief of Henry L. French, of Nashville, Tennessee.

ENROLLED BILL SIGNED.

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

An act (H. R. No. 4680) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes.

ADVERSE REPORTS.

Under the previous order of the House, authorizing adverse reports upon bills and petitions to be handed in at the Clerk's desk, reports were made as follows:

By Mr. JOHN REILLY, from the Committee on Military Affairs: A petition of the heirs of Benjamin Moore.

Also, a bill (H. R. No. 976) authorizing the Secretary of War to deliver to the city of Port Huron, Michigan, certain condemned cannon and balls for a soldiers' monument in Lakside Cemetery.

Also, a bill (H. R. No. 4316) donating condemned ordnance to Post 8, Grand Army of the Republic, Brattleborough, Vermont.

By Mr. BANNING, from the same committee: A petition of Benjamin Penny.

Also, a bill (H. R. No. 842) for the relief of John H. Ferry, late captain and assistant quartermaster of volunteers.

By Mr. A. S. WILLIAMS, from the same committee: A bill (H. R. No. 567) granting relief to Leverett H. Town.

Also, a bill (H. R. No. 1746) authorizing the Secretary of War to correct an Army officer's record.

Also, a bill (H. R. No. 2214) removing from the records of the War Department, in the office of the Adjutant-General, the charge of desertion standing against the name of Francis M. Strickland, of Company E, Twenty-sixth Indiana Volunteers.

Also, a bill (H. R. No. 3347) making an appropriation for the construction of a military post near the Ute Indian reservation in Colorado Territory.

Also, a bill (H. R. No. 3008) to provide for the construction of military roads in the Territory of Arizona.

By Mr. STRAIT, from the same committee: A bill (H. R. No. 3070) for the relief of Christopher W. Robertson.

Also, a bill (H. R. No. 2765) for the relief of John T. Castle, first lieutenant Company B, Forty-sixth Regiment, Indiana Volunteer Infantry.

Also, a bill (H. R. No. 2721) for the relief of John Hoffman.

Also, a bill (H. R. No. 3977) for the relief of Henry Freeman, late a veteran soldier.

Also, a bill (H. R. No. 1116) for the relief of the heirs of George Fisher.

Also, petitions of George L. Maloney, Jacob C. Hartmann, Mary Thornhill, Alexander M. Vinnedge, John M. Goodhue, Isaac R. Sutton, and Mrs. Allamirah Bronson.

By Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs: The petition of Mrs. General Van Cort.

Also, a bill (H. R. No. 2903) for the relief of James H. Linn, late acting first assistant engineer in charge of the Mississippi squadron, United States Navy.

The said bills and petitions were ordered to lie on the table, and the accompanying reports to be printed.

By Mr. O'BRIEN: From the Committee on Coinage, Weights, and Measures: A bill (H. R. No. 87) to establish a mint for the coinage of gold and silver at Saint Louis, in the State of Missouri.

Also, a bill (H. R. No. 173) to establish a branch mint of the United States at Omaha in the State of Nebraska.

Also, a bill (H. R. No. 244) to establish a branch of the mint of the United States at Cincinnati, Ohio.

Also, a bill (H. R. No. 275) to establish a branch of the mint of the United States at Saint Louis, Missouri.

Also, a bill (H. R. No. 397) to establish a coinage department in the United States assay office in the city of New York.

Also, a bill (H. R. No. 657) to provide for coinage at the branch mint at Denver, Colorado.

Also, a bill (H. R. No. 816) to establish a mint at Columbus in the State of Ohio.

Also, a bill (H. R. No. 907) to establish a mint for the coinage of gold and silver at Chicago, Illinois.

Also, a bill (H. R. No. 1254) to provide for the establishment of a branch mint of the United States at the city of Kansas in the State of Missouri.

Also, a bill (H. R. No. 2683) to establish an assay office at New Orleans, Louisiana.

The said bills were ordered to lie on the table.

ARMY APPROPRIATION BILL.

The Clerk proceeded with the call of the roll as far as the name of Mr. THOMAS L. JONES, of Kentucky. The votes recorded were—yeas 65, nays 43; as follows:

YEAS—Messrs. Ainsworth, Atkins, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Culberson, Davis, De Bolt, Durand, Durham, Eden, Ellis, Felton, Field, Finley, Forney, Franklin, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Hill, Hooker, Hopkins, House, Humphreys, Hunton, Jenks, Thomas L. Jones—65.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Belford, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Buttz, Cannon, Cason, Caswell, Chittenden, Collins, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dunnell, Eames, Flye, Fort, Foster, Freeman, Frye, Garfield, Hale, Haralson, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman—43.

VISITORS TO WEST POINT.

The call of the roll proceeded until five minutes before twelve o'clock, when

The SPEAKER said: The Chair desires to say it is a physical impossibility for the Clerk to complete the roll-call. The Chair desires to announce the appointment of the following gentlemen as visitors to West Point under the law: Mr. BANNING of Ohio, Mr. WALKER of Virginia, and Mr. PLATT of New York.

VALEDICTORY OF THE SPEAKER.

The SPEAKER. Gentlemen of the House of Representatives, the Speakership, always responsible, onerous, and full of embarrassments, has at this session imposed unusual and vexatious burdens. I have discharged the duties of the high position with unfaltering confidence in the candor and fairness of the House and a resolute purpose to do the right at every hazard.

For the first time in many years a democratic House of Representatives has occupied this Hall and responded with untiring industry to the universal sentiment for reform in Government and the re-establishment of peace throughout the Republic. Fraud and corruption have been exposed and made odious; the expenditures of administration have been enormously reduced; no new taxes have been levied, and every description of undue appropriation of the public money has been prevented. In this regard this House has met the public demand and expectation.

In respect to political events, the session has been one of the most critical in our history. The majority in this House, representing a majority of all the voters in the Union and a majority of the electors duly chosen at the recent election for President and Vice-President, has been made to choose between acquiescence in what we believe to be usurpation or reaching the right through civil commotion. The democratic party yielded temporary possession of the Administration, rather than entail upon the people civil war with all its attendant horrors. There are some who will condemn the permission we have given to the results of a law which was not administered in the spirit of its creation, nor, as we believe, according to the letter of its provisions. We have done all this in preference to the danger of anarchy and bloodshed. Time will surely remedy these wrongs, for there is in the American mind a desire to do justice. We must await that remedy. It must come, impatient as we shall be for its arrival. Until then we demand, as we have the right to demand, the reign of equal justice; that the sword shall cease to strike prostrate the governments of States; that the civil shall be superior to the military rule, and that the people shall be freed now and forever from the shackles of recent misgovernment. [Applause.]

I sincerely thank you one and all for your parting words of approval and shall ever cherish the same with the deepest sensibility. And now, with the wish that each and every member may safely return to his home, it only remains for me to declare that the constitutional limitation of the Forty-fourth Congress has been reached, and that this House stands adjourned without day. [Great applause.]

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: Joint resolution of the Indiana Legislature, for the equalization of pensions granted to soldiers of the war of 1861, to the Committee on Invalid Pensions.

By Mr. BLAND: Joint resolution of the Legislature of Missouri, recommending the repeal of the leaf-tobacco tax, to the Committee of Ways and Means.

By Mr. BROWN, of Kansas: Concurrent resolution of the Legislature of Kansas, favoring the election of United States Senators by the people, to the Committee on the Judiciary.

Also, concurrent resolution of the Legislature of Kansas, in favor of an allowance of time to the settlers on Osage trust lands to make payment therefor, to the Committee on Public Lands.

Also, concurrent resolution of the Legislature of Kansas, protesting against the removal of the Sioux Indians to the Indian Territory, to the Committee on Indian Affairs.

By Mr. EAMES; The petition of Joseph Endicote and others, of Rhode Island, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Joint resolution of the Legislature of Indiana, relating to soldiers' pensions, to the Committee on Invalid Pensions.

By Mr. GOODIN: Concurrent resolution of the Legislature of Kansas, favoring the election of United States Senators by the people, to the Committee on the Judiciary.

Also, concurrent resolution of the Legislature of Kansas, in favor of an allowance of time to the settlers on Osage trust lands to make payment therefor, to the Committee on Public Lands.

Also, concurrent resolutions of the Legislature of Kansas, protesting against the removal of the Sioux Indians to the Indian Terrritory, to the Committee on Indian Affairs.

Also, concurrent resolution of the Kansas Legislature, asking for a complete set of self-registering instruments for signal station for use of agricultural college, to the Committee on Appropriations.

Also, concurrent resolutions of the Legislature of Kansas, for the amendment of the pension laws, to the Committee on Invalid Pensions.

By Mr. HATCHER: Concurrent resolutions of the Legislature of Missouri, asking for the repeal of the tax on leaf-tobacco, to the Committee of Ways and Means.

By Mr. HOPKINS: Papers relating to the petition of W. A. Kenner, for a pension, to the Committee on Invalid Pensions.

By Mr. HUMPHREYS: Joint resolution of the Legislature of Indiana, relating to soldiers' pensions, to the same committee.

By Mr. JOYCE: The petition of Helen M. Slocum, for the removal of her political disabilities, to the Committee on the Judiciary.

Also, the petition of citizens of Vermont, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of M. L. Davis and others, for the passage of the national bond-note currency act, to the Committee on Banking and Currency.

By Mr. LEAVENWORTH: Remonstrance of the National Tobacco Association, against any change in the duty on cigars and tobacco, to the Committee of Ways and Means.

Also, remonstrance of the manufacturers of quinine against putting the same upon the free list, to the same committee.

Also, protest of color manfacturers, against the proposed change of the duties on colors, to the same committee.

Also, remonstrance of Powers & Weightman, against putting citric acid on the free list, to the same committee.

By Mr. LUTTRELL: The petition of the members of the Chamber of Commerce of Los Angeles, California, relative to harbor improvements, to the Committee on Commerce.

Also, the petition of Edward H. Nally, and other citizens of California, for a post-route, to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN; Concurrent resolution of the Legislature of Missouri, favoring the repeal of the special tax on leaf-tobacco, to the Committee of Ways and Means.

By Mr. PHILLIPS, of Kansas: Concurrent resolution of the Legislature of Kansas, asking that pensioners receive their pensions from the date of their disability, to the Committee on Invalid Pensions.

Also, concurrent resolution of the Legislature of Kansas, that a signal station be established for the agricultural college, Manhattan, Kansas, to the Committee on Military Affairs.

Also, the petition of citizens of Kansas for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. SEELYE: The petition of the Marshalltown (Iowa) Congregational Church for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. STONE, of Missouri: Concurrent resolutions of the Legislature of Missouri, relative to the special tax on leaf-tobacco, to the Committee of Ways and Means.

By Mr. STRAIT: The petition of Anna B. Underwood and others, of Minnesota, for a sixteenth amendment to the Constitution of the United States preventing the disfranchising of United States citizens on account of sex, to the Committee on the Judiciary.

By Mr. WILLARD: The petition of Joseph Post and others, of Westbury, Long Island, that Congress pass no law by which prostitution may be licensed in the District of Columbia, to the Committee for the District of Columbia.