setts, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, the petition of George Eldridge and 695 others, ship owners, masters, mariners, pilots, and underwriters, for the establishment of a light-house at Stage Harbor, Chatham, Massachusetts—to the Committee on Commerce.

By Mr. CUMMINGS: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the Committee of Ways and Means.

By Mr. DAVIS, of North Carolina: The petition of 140 citizens of Edgecombe County, North Carolina, that a court be established at Tarborough, in that State—to the Committee on the Judiciary.

By Mr. DEERING: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the Committee of Ways and Means.

By Mr. ELLSWOTH: The petition of the manufacturers of linen collars, &c., at Troy, New York, of similar import—to the same committee.

Also, the petition of R. Smith, publisher of the Gratiot County (Michigan) Journal, for the abolition of the duty on type—to the same committee.

By Mr. FINLEY: The petition of manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction of the rates of duty on linen fabrics—to the same committee.

By Mr. FOSTER: Three petitions from citizens of Ohio, for the amendment of the revenue laws relating to the manufacture of wines—to the same committee.

By Mr. FRANKLIN: The petition of A. G. Trumbull and 100 other citizens of Kansas, against any reduction of the duty on castor-oil—to the same committee.

By Mr. FRYE: The petitions of the Baptist church of Clinton, Massachusetts, and of the Pilgrim Congregational church of Southborough, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. HARDENBERGH: The petition of manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the Committee of Ways and Means.

Also, the petition of J. C. De La Vergne, relative to the duty on barley and malt—to the same committee.

Also, the petition of Joseph A. Dear, publisher of the Evening Journal, Jersey City, New Jersey, for the abolition of the duty on type—to the same committee.

By Mr. HARMER: The petition of the American Forestry Association and the Pennsylvania Fruit Growers' Society, relating to forest culture—to the Committee on Agriculture.

By Mr. HASKELL: The petition of D. L. Payne, for additional compensation for services rendered the House of Representatives in the Doorkeeper's department—to the Committee of Accounts.

By Mr. HENDERSON: The petition of Mercer & Smith, publishers of the Tribune, Princeton, Illinois, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. JONES, of New Hampshire: The petition of H. H. Metcalf, publisher of the State Press, Dover, New Hampshire, and of Hunter & Co., publishers of the Star Spangled Banner, Hinsdale, New Hampshire, of similar import—to the same committee.

Also, the petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction of the rates of duty on linen fabrics—to the same committee.

By Mr. JOYCE: The petition of the manufacturers of linen collars, &c., at Troy, New York, of similar import—to the same committee.

By Mr. LAPHAM: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, of similar import—to the same committee.

By Mr. LORING: The petition of Joseph Fuller, for a pension—to the Committee on Invalid Pensions.

By Mr. LYNDE: The petition of Fannie D. Strickland, of Milwaukee, Wisconsin, for the removal of her political disabilities—to the Committee of Elections.

Also, memorial of the Chamber of Commerce of Milwaukee, Wisconsin, for an appropriation to complete the breakwater and the entrance to the harbor of refuge in Sturgeon Bay—to the Committee on Commerce.

Also, the petition of J. B. Merrill and 35 others, vessel-owners, underwriters, and shippers, of Milwaukee, Wisconsin, for a coast-light and fog-signal at Racine Point, Wisconsin—to the same committee.

Also, the petition of Smith & Chandler and others, of Milwaukee, Wisconsin, relative to the tariff duty on sugar—to the Committee of Ways and Means.

By Mr. MAYHAM: The petition of manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction of the rates of duty on linen fabrics—to the Committee of Ways and Means.

By Mr. McKENZIE: A paper relating to the establishment of a post-route between Madisonville and Dalton, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: The petitions of Christian Feuchter, publisher of the Waechter am Ohio, Ironton, Ohio, and of John Combs, publisher of the Iron Era, Ironton, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. PATTERSON, of New York: The petition of George A. Simpson, publisher of the Oleon (New York) Times, of similar import—to the same committee.

By Mr. PHILLIPS: The petitions of E. N. Emmons, publisher of the Washington County (Kansas) Sun, and of S. S. Printz, publisher of the Junction City (Kansas) Union, of similar import—to the same committee.

By Mr. ROBINSON, of Massachusetts: The petitions of G. M. Fisk & Co., publishers of the Palmer (Massachusetts) Journal, and of Rockwell & Hill, publishers of the Valley Gleaner, Lee, Massachusetts, of similar import—to the same committee.

Also, the petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. SAMPSON: The petition of editors and publishers of newspapers in Iowa, for the abolition of the duty on type—to the same committee.

By Mr. SAPP: The petition of G. W. Grinnell and 165 other citizens of Anderson County, Iowa, for the passage of House bill No. 699, entitled "A bill to restore certain lands in Iowa to settlement under the homestead laws, and for other purposes"—to the Committee on Public Lands.

Also, the petition of Powers & Kennedy, publishers of the Review, Villisca, Iowa, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SAYLER: The petition of Walter Baker, of Ilion, New York, for the extension of his patent for an improved manufacture of hoes—to the Committee on Patents.

By Mr. STARIN: The petitions of Ernst Knaur, publisher of the Deutscher Anzeiger, Schenectady, New York; of A. A. Marlette, publisher of the Evening Star and Weekly Reflector, Schenectady, New York; of George W. Marlette, publisher of the Schenectady (New York) Gazette; of Paul & Ritchie, publishers of the Daily and Weekly Saratogian, Saratoga Springs, New York; and of Horace L. Greene, publisher of the Mohawk Valley Register, Fort Plain, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. STEPHENS, of Georgia: Papers relating to the claim of William H. De Groat—to the Committee of Claims.

By Mr. STONE, of Michigan: The petition of Joy A. Dickey, publisher of the Grand River Echo, Muir, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. THROCKMORTON: The petitions of A. L. Darnall, publisher of the Patriot, Sherman; of R. C. Buckner, of the Texas Baptist, Dallas; of R. W. Roberson, of the Decatur Tribune; and of C. M. Bailey & Co., of the Hesperian, Gainesville, Texas, for the abolition of the duty on type—to the same committee.

Also, memorials of the delegations of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Indian tribes, for the establishment of a mail-route from Coffeeville, Kansas, to Tishomingo, the capital of the Chickasaw Nation—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND, of New York: The petition of paper-makers of Troy, New York, against a reduction of the duties on paper—to the Committee of Ways and Means.

Also, the petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. TUCKER: The petition of citizens of Nelson and Rockbridge Counties, Virginia, for a post-route between Massie's Mills and Midway, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON: The petition of Benjamin Whitman, publisher of the Observer, Erie, Pennsylvania, and of F. A. Crandall, publisher of the Sunday and Erie Gazette, Erie, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WILLIAMS, of Wisconsin: Memorial of the State Agricultural and Horticultural Societies of Wisconsin, for legislation promotive of forest culture and tree planting—to the Committee on Agriculture.

By Mr. WILLIS, of Kentucky: The petition of W. W. Rowlett, publisher of the Oldham Era, La Grange, Kentucky, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, papers relating to the claim of Brannin, Summers & Co.—to the same committee.

IN SENATE.

THURSDAY, *February* 28, 1878.

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

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bill and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 2108) for the relief of William A. Hammond, late Surgeon-General of the Army;

A joint resolution (H. R. No. 78) granting the use of artillery, tents, &c., at the national soldiers and sailors' reunion to be held at Marietta, Ohio; and

A joint resolution (H. R. No. 82) providing for issuing arms and ammunition to the Territory of Idaho, under the act approved July 3, 1876.

THE HOG CHOLERA.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 20th instant, a report of the Commissioner of Agriculture relative to the disease prevailing among swine, &c.; which, on motion of Mr. COCKRELL, was ordered to lie upon the table and be printed.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 5,000 additional copies of the message of the President relative to the disease among swine.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented the memorial of citizens of Topeka, Kansas, praying Congress to pass such laws as will compel the Union Pacific Railroad Company to perform its statutory contracts with the Government of the United States and the people of Kansas; which was referred to the Committee on the Judiciary.

Mr. ALLISON. I present a joint resolution of the General Assembly of the State of Iowa, and I ask that it be read.

The PRESIDENT *pro tempore*. The joint resolution will be read, if there be no objection.

The Chief Clerk read as follows:

Joint resolution instructing our Senators and Representatives in Congress to vote against the bill for the limitation of the transportation of live stock unless shipped in patent cars.

Whereas there has been a bill introduced in Congress virtually compelling shippers to use particular kinds of cars, which, in our judgment, would greatly obstruct shipments of live stock: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested to vote against and use their influence to prevent the passage of the bill now pending in Congress known as the bill for the limitation of the transportation of live stock unless shipped in patent cars.

Resolved, That the secretary of state be instructed to forward as soon as practicable a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. ALLISON. I do not know what committee has charge of that subject; I think the Committee on Agriculture, perhaps. This matter relates to the shipment of live stock.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Agriculture, if there be no objection.

Mr. DENNIS presented the petition of R. W. Mason, John Meagher, and others, citizens of Allegany County, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the petition of H. R. Pitts and others, citizens of Maryland, praying for the erection of a life-saving station at Ocean City, Worcester County, Maryland; which was referred to the Committee on Commerce.

Mr. RANDOLPH presented the memorial of C. H. Hough and others, residents along the coast of New Jersey and its immediate vicinity, and the memorial of William S. Sprague and others, residing near the coast of New Jersey, remonstrating against the passage of the bill (S. No. 777) to organize a life-saving and coast-guard service; which were ordered to lie on the table.

He also presented the petition of the North Jersey Iron Company, of Port Oram and Chester, Morris County, New Jersey, praying for a reduction of the duty on pig-iron; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of C. N. McIntyre and others, citizens of Colorado, and the petition of R. E. Scott and others, of La Plata County, Colorado, praying the passage of a law dividing the State of Colorado into judicial districts and providing for the times and places of holding terms of the United States courts therein; which were referred to the Committee on the Judiciary.

Mr. HOWE. I present the petition of a meeting of citizens of Red Cedar, Wisconsin, on the subject of the liquor traffic. I move that it lie on the table.

The motion was agreed to.

Mr. McPHERSON presented the memorial of Jacob Keine and others, citizens residing on the coast of New Jersey, and the memorial of Benjamin D. Pearce and others, residents along the coast of New Jersey and its immediate vicinity, remonstrating against the passage of the bill (S. No. 777) to organize a life-saving and coast-guard service; which were ordered to lie upon the table.

Mr. DORSEY presented the petition of Margaret A. Spencer, of Mobile, Alabama, praying compensation for certain losses sustained by her during the Creek Indian war of 1812 and 1813; which was referred to the Committee on Claims.

Mr. CONKLING presented the petition of Charles M. Scott, pilot, of New Orleans, submitting certain amendments to the Revised Statutes of the United States relating to the employment of certain aliens as engineers and pilots; which was referred to the Committee on Commerce.

He also presented the memorial of William Orr and others, workingmen of Troy, New York, engaged in the manufacture of paper, remonstrating against a reduction of the duties on foreign imports, and against the reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance,

He also presented the petition of Sanford & Robinson and others, manufacturers of linen collars, linen cuffs, and shirts, of Troy, New York, praying for a reduction of the rates of duty on linen fabrics to a single and uniform rate of duty; which was referred to the Committee on Finance.

He also presented the petition of Stephen Darbonnier, of Berkshire, Tioga County, New York, praying that the change in the relative market value of gold and silver be recognized, that new relative weights be established, and that the weight of a silver dollar be fixed at 425 grains of standard silver, the weight of a gold dollar at a corresponding market value or 24½ grains, and that the gold in the Treasury be recoined before resumption of specie payments; which was referred to the Committee on Finance.

VACANCIES IN PENSION AGENCIES.

Mr. CONKLING. Mr. President, while presenting petitions I venture to ask the permission of the Senate for a moment to refer to a paper which is not a petition, but which relates to a matter that the Senate yesterday was occupied with. In the course of the debate upon the pension agency bill one or two Senators (perhaps I shall be sufficiently explicit if I refer to myself) alluded with some surprise to the fact that Charles R. Coster, who some time ago was appointed pension agent, had never qualified to hold that office. Mr. Coster came here this morning, came to me, and brought with him a bond which I have in my hand. It is signed by a large number of men known not only to me but to other Senators. The obligors of this bond represent a great sum of money. It is a well-conditioned bond. The penalty is $250,000. It was drawn I am told by the district attorney of the United States for the southern district of New York, General Woodford. It is a copy I am told of the bond under which the subtreasurer of New York Mr. Hillhouse, the custodian of the greatest sum of money of all the business of the country, administers his place. The justifications are in the sum of $500,000, and the obligors justify by saying that they possess the respective amounts given of unincumbered property. This bond was perfected on the 21st of February, and it was tendered by telegraph, I believe. It was objected to on the ground that the justification should be upon unincumbered real property, not merely upon unincumbered property; and some other requirement was made which perhaps I had better not attempt to state, for I may not be exact in stating it. The bond having been refused, Mr. Coster up to this time has not been able to present a bond conforming to the requirement made upon him, which requirement as he understands is one never made of any other pension agent, or as far as he knows of any other bonded officer of the Government. We can all understand that in all times, perhaps easiest in these times, that a justification by a number of men selected not merely because they are peculiarly situated,—a justification upon unincumbered real estate alone, is rather a rigorous requirement.

But, Mr. President, I have discharged a duty toward Colonel Coster in presenting this bond, and I think also, perhaps incidentally, I discharge a duty to myself, in vindicating somewhat the confidence I felt yesterday that it could not be possible that a change of the law was necessary in order to effectuate the public service in that pension business now.

REPORTS OF COMMITTEES.

Mr. CHAFFEE, from the Committtee on Territories, to whom was referred the bill (S. No. 144) to establish the Territory of Lincoln, and to provide a temporary government therefor, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. BUTLER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1892) for the relief of Mrs. Amanda Rains, of Illinois, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. No. 451) for the relief of James C. McBurney, trustee, &c., asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1074) to authorize the construction of a bridge across the Missouri River, at or near Glasgow, Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 511) authorizing the Arkansas River Transfer Railway Company to construct a bridge across the Arkansas River, reported it with an amendment.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 814) to refer the record of the proceedings of

the naval court of inquiry as evidence in the case of the collision of the schooner Flight with the United States steamer Tallapoosa before the Court of Claims, reported it without amendment.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2860) changing the times of holding terms of the district court for the district of West Virginia, to report the same favorably. It only changes the time, and does not provide for any new place, and the committee are informed that it is agreeable to the bar and the district judge of that State as it is to one of the Senators of that State who spoke to me about it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SARGENT. The bill (S. No. 769) for the relief of the sufferers by the loss of the dredge-boat McAllister was referred on February 18 to the Committee on Naval Affairs. The committee are informed by a letter from the Secretary of the Navy that the dredge-boat McAllister referred to in this bill was not under the orders of the Navy Department. The naval officers say they believe it was under the orders of the War Department. This being so, I am instructed by the Committee on Naval Affairs to report the bill back and ask to be discharged from its consideration and that it be referred to the Committee on Military Affairs, and I move that the letter in question be referred with the bill.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HILL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 829) for the relief of the legal representatives of J. G. Gilmer and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 830) for the relief of Francis O. Wyse; which was read twice by its title, and, together with the papers on the files relating to the case, referred to the Committee on Military Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 835) to provide for the construction of a bridge across the Missouri River at Decatur, Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 831) for the establishment of a certain post-route in the State of Oregon; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 832) for the relief of William S. Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 833) for the relief of James E. Macklin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 834) for the relief of Mrs. Margaret A. Spencer; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN.

On motion of Mr. BAILEY, it was

Ordered, That A. J. Tynes, of Tennessee, have leave to withdraw his petition and papers, on leaving copies with the Secretary.

LOSS OF THE HURON.

Mr. WHYTE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate copies of any letters, documents, or statements in writing relating to the conduct of the navigating officer of the United States steamer Huron at the time of its loss, other than those contained in the record of the court of inquiry in relation to the wreck of that steamer, heretofore transmitted to the Senate.

ADJOURNMENT TO MONDAY.

Mr. WINDOM. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to; there being on a division—ayes 28, noes 14.

Mr. ALLISON subsequently said: I move to reconsider the vote by which we agreed to adjourn over to Monday. I merely enter the motion now.

Mr. EDMUNDS and others. Oh, do not enter the motion.

Mr. ALLISON. I have entered it.

MILITIA OF THE STATES.

Mr. DAVIS, of West Virginia. Mr. President, early in the present session, upon my motion, the Senate adopted a resolution calling upon the Secretary of War for certain information relating to the militia of the States. That information has been received and printed and now lies upon the table. I ask that it be taken up for the purpose of submitting a few remarks and then having it referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the communication referred to is now before the Senate.

Mr. DAVIS, of West Virginia. Article 1, section 8, of the Constitution provides that—

Congress shall have power * * * to provide for calling forth the militia to execute the laws of the Union, &c.

The Constitution in the same section also empowers Congress to provide for organizing, arming, and disciplining the militia of the States. Article 2 of the amendments of the Constitution is as follows:

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

In my judgement no question has been before Congress at this session which deserves more attention, and which perhaps more deserves to be acted upon at once than this, from the fact that according to the report of the Adjutant-General there are now about four million militia in the States fit and ready for organization, and that only about ninety thousand are organized.

Mr. COKE. Will the Senator allow me a moment?

Mr. DAVIS, of West Virginia. Certainly.

Mr. COKE. I will state that the matter covered by the report now before the Senate in response to the resolution submitted by the Senator from West Virginia has already been before the Committee on Military Affairs and a bill has been reported from that committee which is now upon the Calendar awaiting its turn. I suggest to the Senator from West Virginia that the bill covers the whole ground and that action upon this communication is unnecessary.

Mr. DAVIS, of West Virginia. I was aware of the bill which was introduced by the Senator.

Mr. MAXEY. The Calendar shows order of business No. 59, Senate bill No. 104, amending section 1661, title 16, (The Militia,) of the Revised Statutes of the United States. It was on the 4th of February, 1878, reported from the Committee on Military Affairs by me with amendments, accompanied by a written report, which was ordered to be printed. The bill is now on the Calendar and covers exactly the same ground that is covered by the report from the War Department.

Mr. DAVIS, of West Virginia. I am glad the Senators from Texas have called the attention of the Senate and of the country to the bill now pending. As to myself I was fully aware of the condition of the bill, but I have given this subject perhaps a little more attention than I give to general subjects. I am aware that the Committee on Military Affairs have already reported a bill recommending that $1,000,000 instead of $200,000 be appropriated among the States for the purpose of organizing, arming, disciplining, &c., the militia. But the purpose for which I rose this morning was to have the documents now lying upon the table properly referred to the Military Committee. Of course that committee has had full access to them as they have been printed, but I hope neither of the Senators from Texas will think that I am trenching specially upon their ground because they had early moved in this matter and had introduced a bill upon the subject. My intention is to aid them as far as I can, and to throw nothing in their way whatever. Another friend now suggests to me that my remarks would be more in place when that comes up, but I choose just now, as I introduced the resolution calling for this information early in the session and as the information lies upon the table, to call the attention of the Senate to the facts relating to the militia. I shall be with those Senators whenever the bill comes up in aiding its passage.

Mr. President, as early as 1808 the present militia law of the States was passed by Congress and it remains upon the statutes to-day as it then passed. By it $200,000 was divided among the States for the purpose of (in the words of the Constitution) organizing, arming, and disciplining the militia of the different States. We have to-day fully five times the population that we had in 1808, and the wealth of the country is probably ten or fifteen times greater than it was at that time, yet the same amount for this purpose remains upon the statute-book appropriated for the forty or fifty million of people that was appropriated for the eight million of the people.

There is another subject possibly to which attention ought to be called. Some States have got by some means or other contrary to the law of 1808 a great deal more than they are entitled to, while other States have not had as much as they are entitled to. For instance, I am told that the State of South Carolina, and it is shown in fact by the report of the ordnance officers, got in 1869 from the Department by order of the President about one hundred and twenty-four thousand dollars' worth of arms, a large portion of which never got into the State of South Carolina but were sold in the city of New York, where they were delivered to the agent of the State. I am not able to say whether the money was accounted for or not, but the fact is that instead of the State getting the benefit of a large portion of the arms they were there sold and the money was used for other State purposes, if not for individual purposes. That is one portion of the report probably to which special attention has not been called, and I think it needs attention. The State of South Carolina under the law of 1808 would not perhaps for thirty or forty years be entitled to another arm. There ought to be some provision made or some care taken of this matter.

It is not my intention to make any remarks further than simply to call attention to the fact that this branch of the service has long been neglected. We all know, as the Constitution says, that a well organized and disciplined militia is necessary to a free State. I believe if the militia of the State were well organized and equipped it would in a great measure aid in making necessary a less regular Army than we have now. In other words, so large an army as some people desire would not be necessary. In States where there have been riots the militia have done great and valuable service within the last year. In fact, they have done service that could not have been done by the

regular troops, because they could not have reached the place in time.

My object is accomplished by simply calling attention to these facts and asking now that the papers from the War Department relating to this matter be referred to the Committee on Military Affairs. I will make this additional remark, that the Secretary of War, the Adjutant-General, the Quartermaster-General, and the ordnance officer all recommend changes in the militia law, and that besides the appropriation of $200,000, which has annually been made since 1808, an additional appropriation be made.

The PRESIDENT *pro tempore*. The report from the Department will be referred to the Committee on Military Affairs, if there be no objection.

Mr. MAXEY. I do not see that the Executive Document No. 55, submitted by the Senator from West Virginia, would properly go to the Committee on Military Affairs, so far as it has bearing on section 1661, Revised Statutes, and I will state in a very few words my reason for this opinion. The Committee on Military Affairs had referred to it by order of the Senate the bill (S. No. 104) introduced by my colleague, [Mr. COKE.] The committee took that bill under consideration, opened a correspondence with the War Department, gathered all the information which the committee thought would throw light on the subject, to the end that the committee might act advisedly in making their report to the Senate. The bill was carefully considered in committee, amendments were then offered, discussed, considered, and adopted, and the bill as amended by the committee was reported to the Senate. The bill was placed upon the Calendar along with the report of the committee No. 56, and is now in possession of the Senate and on the Calendar, being order of business No. 59. Therefore, so far as the committee is concerned, the additional evidence which the Senator from West Virginia asks to be referred to the committee would not have any effect upon the committee so far as it may relate to this bill, because we are in accord with him as to this bill and there is no need, therefore, for re-referring the case to the Committee on Military Affairs.

Mr. DAVIS, of West Virginia. If my friend will allow me one minute I will say that I am aware that the committee have acted upon the subject and that the distinguished Senator from Texas [Mr. MAXEY] has made a very intelligent report. But at the same time the different officers of the Government have made certain recommendations as to changes in the law of 1808, not merely as to the amount to be appropriated. The committee probably did not take that subject into consideration, for the bill referred to does not contain such provisions as it is before us.

I will say one word further. The Senator has given this subject attention; and he moved in it, I will do him the justice to say, before I did; but here is the point to which I want to call my friend's attention: to-day there are certain requirements under the act of 1808 requiring so much powder, so many powder-horns, flint-locks, &c., to be carried by each man. That of course ought to be changed, because we have grown beyond all that. It was with a view to have such matters remedied that I asked to have the report referred.

Mr. MAXEY. Mr. President, in that connection, I beg to say that I have in my possession a bill to revise the law regulating the militia. That is one thing. This bill is distinct. The pending bill might be included in a general bill to revise the militia law, but this bill should be passed, in my judgment, without any incumbrance whatever. Therefore the Committee on Military Affairs through me reported this bill unanimously, to stand upon its merits without any connection whatever with the general revision of the militia law. Hence I say that I do not want this bill incumbered, nor does the Committee on Military Affairs want this bill, which is now in the possession of the Senate, attached to a bill which may be introduced and I think will be introduced for the revision of the militia law. This bill can be acted on promptly. The bill revising the militia law may take months before it is thoroughly digested in committee, debated and acted on in the Senate. There is no necessary connection between this bill and that, and therefore I think the proper course and policy, so far as this communication is concerned, as the Senate already has possession of the bill reported from the Committee on Military Affairs covering the point as to arms, is that, if referred to the Committee on Military Affairs, it shall be only as to its bearing on a bill to revise the militia laws.

Mr. DAVIS, of West Virginia. If the Senator, who is a member of the Military Committee, desires that course, I have no objection; but I was acting completely in the line of his committee. I made no move so far as the bill on the Calendar is concerned; I merely asked the reference of these papers to the Military Committee. They have not been referred to that committee yet. They belong there.

Mr. MAXEY. In connection with the revision of the militia law?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. MAXEY. I want to be understood. I do not want this reference to delay the bill pending.

Mr. DAVIS, of West Virginia. I agree with the Senator from Texas fully, but I believe at the same time that the law of 1808 needs revision, and for that purpose I ask that the information given by the different officers of the Government, several of them, be referred to the Committee on Military Affairs for their inspection.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the papers be referred to the Committee on Military Affairs.

The motion was agreed to.

RESOLUTIONS PASSED OVER.

The PRESIDENT *pro tempore*. If there be no further morning business the Secretary will call the resolutions on the Calendar in their order.

The CHIEF CLERK. The first resolution is a resolution submitted by Mr. VOORHEES, upon the subject of the maintenance of the financial credit of the Government.

Mr. ALLISON. Let that be passed over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

The CHIEF CLERK. The next is a resolution submitted by Mr. BUTLER, that the Committee on Privileges and Elections be instructed to inquire into and report upon certain allegations against him.

Mr. WHYTE. Let that be passed over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

THE SINKING FUND.

The CHIEF CLERK. The next is a resolution by Mr. BECK, in relation to the imposition of taxes for the purpose of creating a sinking fund for the extinguishment of the public debt.

Mr. BECK. Mr. President, a suggestion was made several times when I have called up that resolution that it would be improper to discuss it during the morning hour, considering the importance of the subject. I desired yesterday in the absence of the Senator from Vermont, and it was laid over because he was absent, to have it assigned for some early day. Suppose we say Monday next after the morning hour, at which time we can discuss it and have it referred to the committee, or acted on by the Senate, as in the judgment of the Senate may be deemed best. I shall ask to call it up on Monday unless there be objection.

Mr. ALLISON. Say Tuesday.

Mr. BECK. Very well; Tuesday morning will do.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that the resolution be made the special order for Tuesday.

Mr. MORRILL. I shall object to any special order at this stage of the session; but the Senator from Kentucky can give notice that he desires to call this up and submit some remarks on it either Monday morning or Tuesday morning, and I have no doubt the Senate will accord to him the privilege of discussing it at such length as he may see fit; and after he has made his remarks, then I should hope there would be unanimous consent to have it referred to the Committee on Finance, where it properly belongs.

Mr. BECK. I do not want to give consent that it shall go to the committee. I am willing the Senate shall act on it and send it there if they think in their judgment it ought to be referred. Is there any objection to its being assigned for Tuesday morning?

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that this resolution be made the special order for Tuesday next after the morning hour. Is there objection?

Mr. MORRILL. I object to all special orders.

The PRESIDENT *pro tempore*. The Chair will then put the question to the Senate.

The question being put, there were, on a division—ayes 23, noes 19.

The PRESIDENT *pro tempore*. Two-thirds not voting for the motion, the Senate does not make the resolution a special order. Does the Senator desire to proceed with the consideration of the resolution now?

Mr. BECK. It comes up now in the morning hour.

The PRESIDENT *pro tempore*. In the morning hour, which ends at one o'clock.

Mr. SARGENT. I suggest that the Senate have no objection to taking it up and discussing it at the time indicated. I have no doubt we shall all be willing to accommodate the Senator from Kentucky. It is a very important subject which should be discussed. The objection seems to be to making it a special order. I will remark to the Senator that in the Senate a special order can be set aside by unfinished business at any time, and it is really a very slight preference. Although difficult to obtain, it amounts to very little after you get it. I have no doubt the Senator's object can be fully attained by a consent that his resolution shall be taken up and be considered at the time indicated.

Mr. BECK. I ask that I be allowed to call it up on Tuesday morning after the morning hour, without its being made a special order.

Mr. MORRILL. A simple notice that the Senator proposes to take it up will be acceded to by all.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Kentucky——

Mr. DAWES. I hope the Senate will yield to the Senator from Kentucky an opportunity to call it up on Tuesday.

Mr. MORRILL. Nobody objects to that.

The PRESIDENT *pro tempore*. By unanimous consent, the Senator from Kentucky has the right to call up the resolution for consideration on Tuesday next after the morning hour. The next resolution will be read.

BRANCH ROADS OF THE UNION PACIFIC.

Mr. PLUMB. I desire to call up for consideration the resolution

introduced by me some days ago of inquiry in regard to the Union Pacific Railroad.

The PRESIDENT *pro tempore*. It will come next in its order after the one about to be reported. The next resolution on the Calendar will be read.

The CHIEF CLERK. The next is the resolution submitted by Mr. BLAINE, requesting the President of the United States to furnish the Senate with copies of certain correspondence between the government of Great Britain and the United States in relation to the appointment of the third commissioner under the twenty-third article of the treaty of Washington.

Mr. BLAINE. That may go over for a day or two.

The PRESIDENT *pro tempore*. The resolution will be passed over.

The CHIEF CLERK. The next on the Calendar is the resolution submitted by Mr. PLUMB, directing the Secretary of the Interior to inquire of the Government directors the nature of securities taken or held by the Union Pacific Railroad Company, &c.

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

The Chief Clerk read the resolution, as follows:

Whereas it appears from the report of the Government directors of the Union Pacific Railroad Company for the year 1877, communicated to the Senate on the 25th day of October, 1877, by the Secretary of the Interior, that—

The Colorado Central Railroad has been aided to the extent of.....	$1,610,497 86
Credits secured by Union Pacific Railroad Company.....	767,156 20
Balance, without interest.....	843,341 66

And that other investments have been made by the Union Pacific Railroad Company in several other railroads, the items and amounts of which are not stated in said report; and

Whereas such information is necessary in order to understand what has been the management and what is the present financial condition of said company: Therefore,

Be it resolved by the Senate, That the Secretary of the Interior be directed to inquire of the Government directors what securities the Union Pacific Railroad Company has taken or holds, whether stock, bonds, or other evidence of debt, for its aid to the Colorado Central, the Utah Central, the Utah Southern, the Utah Northern, and the Republican Valley Railroads; what credits were received by the Union Pacific Railroad Company for the amount of $767,156.20, with whom the transaction in respect of said credits was had, what security the said company holds them for, and for what reason and upon what consideration the said credit was given, and report the answers of the Government directors to the Senate without delay.

Mr. ALLISON. Before this resolution passes I desire to say a word in reference to the inquiry. I have examined briefly the report of the Government directors for this year and I find that they make reference to statements in former reports; and the report of 1876 of the Government directors contains, I think, nearly all the information sought for by this resolution. I find on referring to that report detailed accounts of the investment made by the Union Pacific Railroad Company in these several branch roads, though this statement of course does not come up to the present time. On that account I think it may be wise to pass this resolution; and I only call attention to this subject for the purpose of vindicating to some extent the action of the Government directors showing that they have furnished year by year in sufficient detail the facts with reference to these railways.

I wish to call attention to another statement that I see in the report of this year made by the Government directors. They quote briefly from a report made to the Secretary of the Interior in 1873 in which they expressed doubts of the wisdom of the Union Pacific Railway Company investing its property and funds in these branch railways, without first providing for the payment of such obligations as may be due from the Union Pacific Railway Company to the Government, so that before these investments were made, or any considerable amount of them, the Government directors seem to have called the attention of the proper authorities to the subject. I mention that in vindication of the action of the Government directors upon this subject.

I have no objection to the passage of the resolution.

Mr. PLUMB. There is nothing in this resolution which by necessary implication reflects upon the Government directors or anybody else. They themselves say in their report of 1877 that some information which they desired to have has not yet come to hand. There seems to be also an omission to itemize some of these matters, not necessarily an omission that reflects on them, but something which it would be desirable to have with a view to determining the relations between the Government and the company with reference to the settlements that are now pending.

Mr. ALLISON. If the Senator from Kansas will turn to the report of the Government directors for 1876, he will find a detailed account of these several securities up to that time.

Mr. PLUMB. But, as the Senator well remarked, that information is not brought down to the present time.

The PRESIDENT *pro tempore*. The question is on the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. This concludes the Calendar of resolutions.

ORDER OF BUSINESS.

Mr. WHYTE. I move that the Senate now proceed to the consideration of executive business.

Mr. EDMUNDS. Oh, no, Mr. President.

Mr. CHAFFEE. I hope the Senator from Maryland will not press that now.

Mr. WHYTE. If there is any other business I will not, but I do not want an adjournment to take place; that is all.

Mr. CHAFFEE. The Senator from Nebraska [Mr. PADDOCK] wishes to bring up an important bill in regard to the Hot Springs reservation.

Mr. EDMUNDS. There is a bill in which the Senator from Mississippi [Mr. LAMAR] feels an interest, which is the unfinished business.

Mr. LAMAR. I wish to call up the bill which was left as unfinished business yesterday, the bill to authorize a special term of the circuit court of the United States to be held at the southern district of Mississippi.

Mr. WHYTE. I withdraw my motion.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves the present consideration of the bill he has named.

The motion was agreed to.

CIRCUIT COURT OF SCRANTON, MISSISSIPPI.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3072) to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County.

Mr. LAMAR. Does the Senator from Vermont wish the report read?

Mr. EDMUNDS. Yes, sir; I should like to have the report read.

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

The Chief Clerk read the following report, submitted by Mr. EDMUNDS on the 12th instant:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3072) entitled "An act to authorize a special term of the circuit court of the United States for the southern district of Mississippi, to be held at Scranton, in Jackson County," respectfully report:

That they have had the same under consideration, and recommend that the same do not pass. The circuit court of the United States for the southern district of Mississippi is now provided by law to be held twice in each year, at the city of Jackson. The place where the bill in question proposes to provide for a special term is the county seat of the southeastern county of the State. The county is comparatively sparsely populated, and it is in that county and in the adjacent part of Alabama chiefly that the controversies concerning lumber, logs, charcoal, and turpentine between the United States and persons of that region have arisen. While the committee realize the advantage to be obtained in the saving of witness fees and some other expenses by having these causes tried in the place where the disputes arose, they think that the countervailing considerations entirely outweigh the pecuniary saving. These counter-considerations are, briefly, that it is thought to be contrary to sound principles in the administration of justice to remove a series of controversies which have considerably excited the public mind from the established and serene forum to the locality in which the excitement exists, whether that excitement be in favor of or adverse to the parties against whom the United States are proceeding; and, although the juries for the trial of these cases might be drawn from other parts of the district, yet the atmosphere of public opinion and excitement in the locality of the difficulties would, we think, be likely to largely prejudice, in one direction or the other, the jurors who should be thus brought there.

The supposed necessity or convenience upon which the bill rests would also be applicable in almost every other section of the country, and cannot properly be limited to the particular instance mentioned in the bill; and we think to provide by a general law for the peremptory removal for trial of the important disputes in all the districts of the United States from the usual places of holding court to the very locality of the excitement and trouble would be destructive of the true interests of justice, and that it is much better for the general good that the Government and parties should sometimes bear a hardship in the way of expense, rather than to hazard the due administration of the law in the mere interest of saving money.

In the case of criminal prosecutions, it is by law now in the discretion of the court to hold special sessions nearer to the place of the events drawn in question than the place of the regular terms; but in most criminal proceedings the prosecutions are usually against a very few persons and confined to isolated transactions, in respect of which the probability of public excitement and prejudice would not be so great, and even this is left to the discretion of the court and is not at all a command of the law. But it has never been the law that civil causes could thus be removed for trial from the regular places fixed by law.

The committee can see no solid ground upon which the transactions referred to in the bill can be made the subject of a special command by Congress that they shall be heard and disposed of at the place or near the place where the difficulty and the excitement exist.

There are other reasons applicable to the present condition of the matter why the trial of these cases should not be precipitated by Congress, which appear in the letters of the Attorney-General and the Secretary of the Interior, attached to this report.

The committee are unanimously of the opinion that the bill ought not to pass, and recommend that it be indefinitely postponed.

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, inclosing a copy of the bill (H. R. No. 3072) entitled "An act to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County," and requesting the views of this Department thereon.

This act provides for an earlier trial and determination of the suits, forty-nine in number, recently commenced in said court, for the recovery of logs, lumber, &c., alleged to have been taken from the public lands without authority of law, than can be obtained at the regular term of said court.

A speedy trial is always desirable in cases in which the Government is a party, providing all of the testimony, necessary or obtainable to establish its rights therein, has been secured. Were these cases thoroughly prepared for trial, other things being equal, I should have no hesitancy in recommending the passage of this act, although very unusual and quite extraordinary in character. This, however, is not the present condition of the cases mentioned in the act, and from information received from the special agent of this Department now in Mississippi I am compelled to admit that they could not be prepared for trial at the time named therein. Such, however, would not have been the condition of said suits at this time but for reasons beyond the control of this Department, which will be stated hereafter.

The question naturally arises, however, whether there is any necessity for legislation of this character. These suits were all instituted by the ordinary writ of replevin provided by the statutes of the State of Mississippi, to which the practice in the United States courts must conform. Under said statutes the defendants may give bond and have the property returned to them. Had such course been taken, it is hardly probable that a measure of this kind would have been pressed upon the attention of Congress. That it was not taken is certainly the fault of the defendants, and not of the Government. If the defendants in said suits, however, have neglected to give the bonds provided for by statute, either by advice of counsel or for any other reason, are they now entitled to legislation of this extraordinary character to compel the Government to go to trial out of the ordinary course of legal proceedings? If the object sought is to show that the Government cannot succeed in any case of this kind in Mississippi, as it has been openly stated by some of her Representatives in Congress, then the more unprepared the cases are for trial the more certainty there will be in having the assertions proven true.

It is not an uncommon thing for courts to order a change of venue in cases where local prejudice or feeling appears to be so strong against either of the parties that a fair trial and impartial verdict cannot be obtained. I think it would be considered most extraordinary, however, if any court should order a change of venue in a case from a county where no prejudice or feeling existed against either party, to a county where strong prejudice existed against one of them.

This is precisely the condition of things with reference to these cases. In a report dated the 6th instant, the special agent says:

"At best it will be difficult for the Government to obtain a fair trial of these causes in Mississippi, away from the immediate scene of the seizures. It would be much more difficult at Scranton, where every person is directly or indirectly engaged in and dependent on the timber trade. Are the very men who have stripped whole sections and regions of the public timber the proper persons to pass upon the questions at issue? The whole sentiment of these counties along Mississippi Sound is opposed to the action of the Government.

"Can the cases be fairly tried by persons selected from and who are directly and immediately under the influence of such a sentiment? The fact is, that the lumber trade of Mississippi is dependent for its supply on these robberies of the public lands. Even could the private claims supply the demand, they could not stand competition with the lumber robbers. The great importance to the people of the whole country that these causes shall be submitted to an impartial jury for trial is of paramount interest. That this end cannot be obtained in the locality referred to is my deliberate and sincere conviction."

It may be said that the jurors would be selected from other parts of the State, and hence not be affected by local prejudice. This undoubtedly would be true in the selection of the jurors, but that they would long remain unaffected thereby, when the entire current of feeling is in one direction, cannot be presumed or relied upon.

The Government desires only a fair and impartial trial of these cases, and, as at present advised, I am of the opinion that this cannot be obtained at the place named in the act.

The above, however, is not the most serious objection to the passage of said act.

The appropriations heretofore made by Congress for suppressing depredations upon the public lands have been very small, and entirely inadequate to an extensive and vigorous prosecution of the work.

The system of charging stumpage for timber cut upon the public lands, which was adopted in 1854, and continued with slight modification until April last, failed to accomplish the desired object, or to secure to the Government an adequate compensation for the loss and injury sustained by reason of such trespasses.

Numerous reports having reached this Department of extensive depredations upon the public lands in several of the States and Territories containing valuable timbered lands, upon consultation with the Commissioner of the General Land Office a new system was adopted for the purpose of suppressing future depredations and recovering the damages sustained for those already committed. Under this system clerks were detailed or agents employed to visit the several States and Territories, and make a personal investigation of the trespasses alleged to have been committed, and ascertain when, where, and, if possible, by whom such trespasses were committed. After making such investigation, said agents were instructed to report the facts ascertained to this Department. Upon the receipt of such reports they are examined, and if the facts reported are considered sufficient to warrant the commencement of legal proceedings to recover the loss and damages sustained, or to punish the parties guilty of committing the trespasses, copies of said reports are transmitted to the Attorney-General with the request that they may be transmitted to the United States district attorney in whose district the lands trespassed upon are situated, with direction to make further investigation in some cases, and in others to commence legal proceedings as above mentioned.

In cases where the logs, wood, or lumber cut from the public lands were subject to seizure, and the facts reported seemed to demand prompt action, the Attorney-General has been requested to direct the district attorney to cause such seizure to be made under writs of replevin, or, in case the parties in possession were responsible, by suits in trover.

Thus far the suits instituted in the manner above mentioned and properly prepared for trial, when tried have almost uniformly resulted in verdicts in favor of the Government. To secure such results, however, it has been found necessary to have a second and more thorough investigation made, and in most cases the tracts trespassed upon resurveyed, and the lines retraced, in order that they may be identified with certainty by the witnesses at the trial. The names and residence of witnesses by whom the cutting and removal of the logs, &c., from particular tracts by the persons charged can be shown, as well as the identification of the logs seized or demanded with certain tracts, must be ascertained and their testimony obtained.

It is easy to show that some one has committed a trespass and to establish *prima facie* that the defendant did it, or that he now has in his possession the logs or lumber taken from certain tracts of land, but to prove it conclusively in the face of a resolute and determined defense is quite a different thing, especially where prejudice and popular sentiment are united against you.

The preliminary investigation in all of these cases was performed before the suits were commenced, but the second and equally important one has not been and cannot be made until an appropriation is made by Congress to defray the expenses of agents employed and detailed for that purpose. If the Government is compelled to go to trial with these cases at the time named in the act the defendants will undoubtedly secure verdicts in their favor, although I believe it can be shown that nearly all of the property seized was taken from the public lands without authority of law. It will require at least two months, after an appropriation for the employment of agents is made available, to prepare these cases for trial, and I deem it of the utmost importance to the Government that each case should be thoroughly prepared.

Where like cases have been tried in other States, and verdicts in favor of the Government secured, I am informed that the depredations have entirely ceased. That such will be the result in all of the States and Territories, if the same course is vigorously pursued, I feel well assured. That such a result is greatly to be desired I think all must agree, and, if accomplished, the principal object sought will be gained, although much will still be required to be done to indemnify the Government for past depredations.

For the reasons stated herein, I am of the opinion that the passage of said act will be very detrimental to the interests of the Government. In this connection permit me to call your attention to the last annual report of the Commissioner of the General Land Office, pages 16 to 26, inclusive, upon the subject of timber depredations, (copy of which is herewith transmitted.)

I am, sir, very respectfully, your obedient servant,

C. SCHURZ, *Secretary.*

Hon. GEORGE F. EDMUNDS,
Chairman Judiciary Committee, United States Senate.

DEPARTMENT OF JUSTICE,
Washington, February 8, 1878.

SIR: Referring to your letter of the 7th instant, I have the honor to say that I cannot recommend the passage of the bill inclosed therein for a special term of the circuit court to be held at Scranton, Mississippi.

This bill provides that all processes, writs, bonds, and recognizances, which relate to any suit or suits pending, or which may be instituted, in the United States circuit court for the southern district of Mississippi, shall be considered as belonging to such special term.

I think it a matter of grave doubt whether it is in the power of Congress to alter the terms of bonds into which parties have entered. Without, however, discussing this question, I deem it proper to say that I am informed that these suits, which were brought for a term of court in May cannot be prepared for trial at the proposed special term. They will require careful investigation, and, in many cases, surveys of the lands of the United States, and with the limited force at the command of the Secretary of the Interior it will be impossible for him to furnish the law-officers with the necessary information at the date referred to. I suggest, also, that as these suits have occasioned much feeling in Mississippi among a certain class of citizens who are charged with violation of the rights of the United States, it would not be expedient to appoint a special term to be held at a place other than that where the courts are usually held, and in the part of the State in which this feeling exists.

Very respectfully, your obedient servant,

CHARLES DEVENS,
Attorney-General.

Hon. GEORGE F. EDMUNDS,
Chairman Judiciary Committee, United States Senate.

Mr. LAMAR. Mr. President, I fully realize, after the adverse report of the committee to which the bill was referred, the grievous disadvantage under which I labor in urging its passage. The fact, however, that this bill was sent to this body by the House of Representatives, which passed it by an overwhelming majority after full discussion and in accordance with the unanimous recommendation of the Judiciary Committee of that body, will justify me, I think, in stating the facts which it was thought rendered this legislation necessary and proper.

I presume the Senate is apprised of the fact that the present Secretary of the Interior, in conjunction with the Commissioner of the General Land Office, has inaugurated a new policy for the preservation of the forests and the timbered lands of the country belonging to the Government from depredations, in lieu of that marked out by the penal statutes which have so long existed and which the Secretary of the Interior thinks are inadequate to produce the result designed or to compensate the Government for the damages resulting from these depredations. I do not question the wisdom of this policy. The legislation proposed by this bill does not contravene this policy nor does it obstruct its successful execution. But it is proper to state that this policy has been somewhat abruptly entered upon and put into very vigorous operation.

The methods which have been adopted by the agents of the Department in Mississippi have been harsh, precipitate, and detrimental to interests and industries in that State fully equal in importance to the interests which the Government has there in the preservation of its timbered lands.

The initiatory step in this procedure was itself not only arbitrary and illegal, but productive of great distress and suffering. A writ of sequestration was issued, and under this writ the whole lumber trade of that entire section of country was broken up; all the logs and timber in the possession of the mill-owners were subjected to wholesale seizure, and the result was that all the mills were closed, the operatives were turned out of employment, all business was stopped, the export trade was arrested, demurrage had to be paid, contracts forfeited, and large masses of people, not less, I am informed, than fifteen hundred persons, were reduced to destitution. As soon as this proceeding was subjected to the revision of a court, the writ of sequestration was quashed and all this property was restored to the owners from whose possession it had been wrested under this process.

This seems to be a very simple matter when we read in a telegram in the morning papers "that the property seized by the agents of the Government was released upon motion to quash the writ." But there is something more in it than that. That mere restoration of the property did not repair the untold mischief that was wrought by this illegal, unauthorized, and oppressive action of that agent.

As I said before, the entire business interests of that entire section of country were broken down, the mills were closed; vessels that carried trade to and from that coast left for other seas and sailed to other ports; the capitalists were bankrupted; all business arrangements were upset, contracts were forfeited; and yet all this was the result of a precipitate and illegal action on the part of these agents. Nothing daunted, however, they resume their attacks and make affidavits that all this lumber and all these logs which had been taken under this writ of sequestration from the possession of these mill-owners and which had been restored to them by the order of the court, were in fact the property of the Government; that it had been unlawfully cut from the public lands; and that these parties in whose possession it was found were depredators upon the public lands. Upon these affidavits suits were begun (under instructions from Washington) by replevin, under which all this property was reseized, the

operations of the mills again arrested and all these interests and industries growing up in that State were again benumbed and paralyzed; and that has been the condition of that people up to the present day, these proceedings having begun in the latter part of last November.

Now, sir, this bill proposes no relief for these parties; it does not propose to counteract or embarrass the policy of the Secretary of the Interior to prevent the extensive depredations committed upon the public lands, a result which all admit to be important and worthy of support. It screens no guilty person. It simply affords the parties a prompt trial and an early adjudication of the question of right between them and the Government. Its object is to provide that these parties shall have an early hearing, a trial in the vicinage where these occurrences took place and where the witnesses to them all reside.

Now, sir, allow me to illustrate for one moment the importance and the imperious necessity of this legislation. If the litigation in which these people are involved had been ordinary suits for damages, if they were even criminal prosecutions, if they were suits for the recovery of property, the parties defendant might very justly be made to await the slow process of the law until the regular term of the court and carry their witnesses two hundred miles to the place where the court is held. But, sir, such is not the character of these proceedings. The Government has put its grasp upon the property of these people and has closed up their business, and they stand, with interest running against them and with all their business investments destroyed, with their operatives thrown out of employment, and with their trade drifting away from them, compelled to passively await until the regular term of the court.

Mr. DAVIS, of West Virginia. May I ask the Senator whether all the mills are stopped?

Mr. LAMAR. They have been all stopped until very lately. I do not see how they can go on in the face of all these seizures. The replevin bond for the forthcoming of the property is but small relief in such cases. A gentleman in the other House informs me that a short time before these seizures he saw, during a visit to that district, not less than twenty-five saw-mills in operation up to their utmost capacity and a community of people active, prosperous, and happy in the new industries which they were building up. He visited the same place some time after and every mill was still and silent and a wide-spread distress everywhere visible. Let me illustrate the ruinous hardship to which these people are subjected unless this bill or some other measure similar to it be passed. The mill-owners, against whom these seizures and suits are prosecuted, it is not pretended are the actual depredators upon the public lands. It is not pretended that they actually go themselves and cut down these trees, nor is there any pretense that they connive at it. They purchase their timber in rafts from the raftsmen who float their logs down the rivers that empty into the Mississippi Sound, and they are cut, many of them, one hundred miles distant, and it is utterly impossible for a man in this mill business to distinguish between the logs which are cut upon the lands belonging to private persons and the logs which are taken from the public lands.

The statement made by the agent Carter to the Secretary of the Interior that this entire lumber business is dependent upon depredations on the public lands is, in my opinion, utterly untrue. A reference to the statistical map will show that there is not a more densely timbered district in this country than that very region. If there was any scarcity of timbered lands belonging to private persons, these public lands would have been long since bought up. The very fact that every effort of the Government to put them upon the market and to open them to settlers under the law of homesteads has failed proves that there exists no scarcity of timbered lands owned by private persons. All along the banks of the Pearl, the Pascagoula, and the Escatappa Rivers lands densely wooded are the property of private individuals, and they furnish an ample supply of material for these mills, and being on the banks of these rivers, the timber on them is so much more accessible than the trees on the Government lands that it is cheaper to buy them than it is to steal from the Government lands, where they have to be hauled to the rivers.

But, sir, whether they are taken from private or public lands, it is impossible for the mill-owner to tell when he purchases them by the thousands from the raftsmen. Now, sir, when this agent, exploring these wide-extended forests, finds the stumps of trees cut on public land, he knows a trespass has been committed; he may be able to identify the logs in the raft which have thus been taken from the Government land; and he seizes the whole lot, all in the possession of the mill-owner, as the property of the Government; the seizure being based on affidavit that all these logs, sometimes one hundred thousand, belong to the Government of the United States; and then what? His mills are closed; his laborers are thrown out of employment; his contracts are forfeited; he is broken up; enormous amounts must be paid for demurrage; the vessels leave; and he has to go and hunt up witnesses, for the burden of proof is upon him, to show what logs belong to the Government and what were taken from private lands. These witnesses vary in number, but they cannot be less than a number too great for any party litigant to pay the expenses of. With this number of witnesses (which may be one hundred for aught we know) under the law as it now exists he has to go next May two hundred miles, to the city of Jackson, to a court whose docket is already crowded, and wait there until the log cases come up for trial, and when they come up his is only one of forty-five or sixty.

Why, Mr. President, this will not be justice; it will not be giving a fair trial; it is hardly proper to call it injustice. It is actual confiscation; for no man, I care not how rich he may be, can bear the burden of such litigation as this against the Government.

All that this bill proposes (and it was that which secured it the unanimous recommendation of the Judiciary Committee in the other House, and the vote of an overwhelming majority of the House) is that justice shall be done by giving a speedy trial in the vicinity of these occurrences, so that complete justice shall be done alike to these parties and to the Government.

Sir, what reason does the Secretary of the Interior give for not acceding to this proposition? Mark it, these people are asking for nothing but that they shall have an oportunity to disprove the allegation upon which these seizures have been made. What is his ground of objection? I heard it with amazement and I cannot read it without surprise. The Secretary of the Interior in his communication to the chairman of the committee says:

> This act provides for an earlier trial and determination of the suits, forty-nine in number, recently commenced in said court, for the recovery of logs, lumber, &c., alleged to have been taken from the public lands without authority of law, than can be obtained at the regular term of said court.
>
> A speedy trial is always desirable in cases in which the Government is a party, providing all of the testimony, necessary or obtainable to establish its rights therein, has been secured.

Sir, such a trial under the circumstances of these seizures is desirable, whether the testimony has been secured or not. If the Government or its agents have gone forward to make these seizures prematurely and precipitately before it has the evidence which would justify them before any tribunal, it ought to bear the consequences. Suits of this kind ought not to be delayed simply because the agents of the Government have gone forward and with rash and reckless haste struck down the interests of a whole community on evidence that it is not prepared to go before a jury with. He goes on to say:

> Were these cases thoroughly prepared for trial—

If they were not thoroughly prepared for trial the agents of the Department should not have felt themselves authorized to make this wholesale seizure. Surely no such action as that could be justified upon any other evidence than such as ought to satisfy a jury whenever the question is judicially presented:

> Were these cases thoroughly prepared for trial, other things being equal, I should have no hesitancy in recommending the passage of this act, although very unusual and quite extraordinary in character.

I admit that this act is rather an unusual one; but the exigency which the action of these agents has created is more unusual and far more extraordinary than this legislation which is proposed to meet it.

> This, however, is not the present condition of the cases mentioned in the act, and from information received from the special agent of this Department now in Mississippi, I am compelled to admit—

What? Notwithstanding all this seizure, notwithstanding all this devastation and robbery by his agents, notwithstanding all this he says—

> I am compelled to admit that they could not be prepared for trial at the time named therein. Such, however, would not have been the condition of said suits at this time but for reasons beyond the control of this Department, which will be stated hereafter.

He states in another place that if pressed to a trial verdicts will go against the Government. Some of these cases were returned to the circuit court of the United States, which held its session a short time since in the city of Jackson. I think there were thirteen of them. The parties were there clamoring for a trial, and the agent who made these seizures was there; but was he ready? No, sir; he applied for a continuance on the part of the Government, asked to continue these cases for six months longer, and upon what ground? Upon the ground that he had no testimony; he had not summoned a single witness. The court overruled that motion for a continuance, and dismissed the suits, and restored the property to the defendants. Perhaps the same thing may happen, I hope it will, in these cases, for I do not believe that there has been that wholesale depredation upon the public lands that is charged. I could give reasons for this belief, but as that is a question for the court I do not care to discuss it here. The only point that I press upon the attention of the Senate is that what is needed is a speedy trial and a quick adjudication of the conflicting claims.

The committee make but one objection, though they state it in various forms; and that is that while it would be a very great saving of money to the parties litigant it is not proper to remove the sittings of the court to the locality where these seizures were made, because local excitement exists against the Government there. There is dissatisfaction there with this proceeding; but I do not think that there is that excitement which Senators seem to think exists. There is certainly none against the Government, and I believe that even if these cases were tried by a jury selected right among those people the Government would have complete justice. But the objection has no sort of foundation for another reason. Under the practice of the Federal court in Mississippi the juries are never summoned from the county in which the court is held. The venires go through the entire district, and the juries are brought to court from distant points.

The policy of the law, the policy of all American jurisprudence, and it is a fundamental principle of it, is to bring trials as close to the

place where the case arises as possible. Why do you have a Federal court in Mississippi for the trial of cases which arise in that State? Why do you have two districts for the trial of cases which arise within their respective limits? It is because it is the policy of the law and the soul of justice to try every case among the people of the vicinage where the case arose and where the witnesses reside. And the nearer a judicial system approximates this, the more perfect it is as a system of trial.

It is upon this principle that the penal statutes of the United States provide that "the Supreme Court, or, when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held, for the trial of criminal causes, at any convenient place within the district nearer to the place where the offenses are said to be committed, and the place appointed by law for the stated sessions."

I shall not trespass further on the attention of the Senate, except simply to notice one objection which the Attorney-General makes. He expresses a doubt as to the power of Congress to pass legislation of this sort, because it cannot alter what he calls the terms of bonds into which parties have entered. Well, sir, there stands the general statute in your code giving court the right to do this very thing, in criminal cases and even in civil cases, in some of the States, and to make all writs and recognizances returnable to special terms at places other than those at which the regular terms are held. The objection is mere attorneyship, which, even if it were well founded, can be easily avoided by the waiver by the parties themselves for whose benefit this legislation is proposed, who alone could take advantage of it.

I will say further that unless this bill is passed at once, or if it is clogged with amendments and has to go back to the other House, the time will be too short to give the notice required and the delay will be equivalent to a denial of the speedy trials which it is intended to secure.

Having, sir, in a very brief way and as rapidly as I could, stated the facts which it is thought make this legislation so necessary and so eminently just and desirable, I shall close, thanking the Senate for its attention.

Mr. EUSTIS. Mr. President, I offer the following amendment:

That a special term of the circuit court of the United States for the district of Louisiana shall be holden at Lake Charles, parish of Calcasieu, Louisiana, to begin on the second Monday in April, 1878; and the clerk of said court shall cause notice of said special term of said court to be published in a newspaper in New Orleans, Louisiana, and also in a newspaper in Lake Charles, at least ten days before the beginning thereof. And all processes, writs, bonds, and recognizances which relate to any suit or suits or intervention pending, or which may be instituted in said court on behalf of the United States against any party or parties for or on account of any lumber, logs, charcoal, or turpentine, or growing out of or on account of any alleged depredation upon, or timber cut or taken from any of the public lands of the United States in said district shall be considered as belonging to such special term; and such suits shall be then and there tried and determined as if they had been brought, and such writs, processes, bonds, and recognizances had been opened and taken with reference and made returnable to, such special term. And the presiding judge of said court shall have power to continue such special term from time to time until said suits shall be determined, if, in his judgment, the ends of justice may so require.

I desire to state to the Senate the reasons why I dissent from the conclusion of the Judiciary Committee, that this is not a case where an exception should be made by legislation, which I myself agree is generally objectionable. In the circuit court for the district of Louisiana there was instituted a proceeding which was in the nature of replevin; a writ of sequestration was issued. I have seen and examined this original writ, and it is to this effect, the suit being instituted against four parties named in the petition, that the marshal of the United States is commanded to seize all the logs and timber in the State of Louisiana in a suit against these four parties and four other persons unknown. The result of the execution of that writ was that some 80,000 logs in the parish of Calcasieu, in the State of Louisiana, lying in that district of country extending some two hundred miles, were seized, as I state, without having been reduced to the form that any officer of the Government could ascertain to whom this property belonged or whether this timber was or was not cut upon public lands. I find that the instructions given by the Secretary of the Interior to this special agent, Mr. Carter, were as follows:

Your effort should be to ascertain the facts in each particular case and obtain all data necessary to enable the United States district attorney to institute proper proceedings to seize timber or lumber, to recover value of same, and to prosecute for fine and imprisonment.

It is impracticable to give instructions that will minutely govern your action, and you will be expected to exercise your discretion in each case in obtaining the data referred to, which will involve location of timber and lumber unlawfully cut, names and residence of trespassers.

The reason why I offer this amendment is that, as I stated before, in a proceeding against four persons named this amount of property has been seized and the consequence will be that if this case (because it is only one case) in the State of Louisiana is prosecuted in the city of New Orleans, hundreds of persons who have an interest in this timber and who own a large portion of it in small quantities will abandon their rights because it is too expensive for them to prosecute their claims at the court holden in the city of New Orleans. It seems to me precisely like a case of this kind: if the district attorney were to go into the United States district court and allege that upon a certain ship there were smuggled goods and a libel should be issued from the district court to libel and seize every ship in the port of New Orleans. I do not suppose that there has ever been such a proceeding instituted in any court in this country. If the United States Government through its prosecuting attorney can go into the United States circuit court in the State of Louisiana and have this sweeping writ issued and if it should be ultimately decided that the writ was improperly issued, I ask what remedy or what relief have these parties who have been ruined? They will simply have a claim against the Government of the United States. They are a people coming from the North and West, engaged in creating this industry. Mills to a large number were being erected on these streams. The men engaged in this work are men who work during the entire winter, waiting for the spring floods in order that this timber which had been cut by their labor should be floated down to a market.

Mr. President, although some of this timber has been cut for years and remained in the swamps of Louisiana on account of the low water, although this timber may have changed hands a dozen times, although there is not a single mark by which some of this timber can possibly be identified, (and that is a misfortune to the Government of the United States, if it was cut from the public lands,) notwithstanding all these facts, this agent of the Interior Department, Mr. Carter, has gone into a court, and upon his mere affidavit has had this vast amount of property seized and held by the Government of the United States.

The amendment that I offer is not to disturb in any sense the relations existing between these litigants. The writs remain as they were issued; all the proceedings remain untouched; and the suit can be prosecuted. It is simply that a special term shall be held in Calcasieu Parish, where this timber is now lying, where all the witnesses and all the parties interested reside and where the questions can all be determined by the same judge who sits in the city of New Orleans and the case can be prosecuted by the same district attorney who would prosecute it in the city of New Orleans and the property he held by the same marshal who now holds the property in his custody.

I ask what possible disadvantage this can be to the United States Government? It is said that the juries may sympathize with these parties whose rights have been disturbed by this proceeding; but I call attention to the fact that in the State of Louisiana in the United States courts the jurors are not the judges of the law, they are simply judges of the fact; and it is always within the power of the United States judge to set aside a verdict which he considers has been rendered against the law.

The Secretary of the Interior says:

Were these cases thoroughly prepared for trial, other things being equal, I should have no hesitancy in recommending the passage of this act, although very unusual and quite extraordinary in character.

I do not know, Mr. President, how long these proceedings have been pending in other States, but I am willing to accept the statement of the Secretary of the Interior that this act would not be objectionable, provided the United States Government was ready for trial. I call attention to the fact that this suit was instituted on the 9th of May last, and if a special term should be held on the second Monday in April almost an entire year would have elapsed before the trial would come off under this amendment, which is ample time for the United States to prepare itself for trial. But, Mr. President, so far from the Government of the United States requiring a year to prepare for trial, the writ of sequestration on the 9th of May last could not have been issued properly unless the United States Government was then ready to sustain that writ, because it is issued only upon an affidavit that this property belongs to the Government of the United States, and that affidavit could not have been made unless at that time the Government of the United States had evidence of its ownership.

I will suggest to the Senator from Mississippi that my amendment will not in any way embarrass the House bill, of which I am in favor. It will be only necessary, I suppose, to change the date fixed in the bill, if the amendment should require it to be returned to the House.

Mr. SARGENT. I should like to have the Senator explain the effect of the amendment. The date fixed in it is in May.

Mr. EUSTIS. The original bill applies only to the State of Mississippi. My amendment applies to the State of Louisiana. I understood the Senator from Mississippi to say that, as the time was very short between now and the period fixed in the House bill, my amendment would embarrass the passage of the bill. I suggest to him——

Mr. HARRIS. Do I understand the Senator from Louisiana as moving to strike out all after the enacting clause and insert——

Mr. EUSTIS. Mine is an additional section.

Mr. SARGENT. That explains it. I understood it to be a motion to strike out all after the enacting clause.

Mr. LAMAR. I suggest to the Senator from Louisiana that he had better reserve his amendment and offer it as a separate bill and I will vote for it cheerfully in that shape; but if he moves it as an amendment to the bill, it will be sent back to the House and the delay may defeat the purpose of the bill.

Mr. BLAINE. I should like to ask some Senator who is more familiar with this case than I am—I am sure I am not at all familiar with it—I should like to ask some member of the Judiciary Committee under what authority of law in the statutes (and I certainly ask the question merely for instruction) these suits were brought?

Mr. EDMUNDS. The Committee on the Judiciary has not been instructed to investigate any such question. The Committee on the Judiciary was not instructed to try the controversy between the United States and these people in order to know whether the suits

could be sustained or not sustained, and we have not directed our attention to that question.

Mr. BLAINE. I was not asking that. I was not asking whether the suits could be sustained or not sustained. That, of course, depends on the evidence and on a great many other things, but my question went to this point whether there was any authority of law for instituting these suits.

Mr. EDMUNDS. That is one of the questions that the Judiciary Committee has not been instructed to inquire into and has not inquired into. If there was not any authority of law for instituting the suits, undoubtedly the judge before whom they are brought will dismiss them.

Mr. BLAINE. Then the chairman of the Judiciary Committee does not know whether there is any authority of law for bringing the suits or not.

Mr. EDMUNDS. The chairman of the Judiciary Committee does not say anything of the kind. He thinks he does know, but he does not feel called upon to go into that question just now.

Mr. LAMAR. I will answer the question of the Senator from Maine if he addresses it to me.

Mr. SARGENT. Let us have the answer.

Mr. LAMAR. I do not think there is any authority. I am not able to find it.

Mr. BLAINE. I ask the question for this reason: I find that in sections 2461, 2462, and 2463 of the Revised Statutes there are certain prohibitions and penalties in regard to trespasses upon the public lands and taking and removing timber therefrom, and at the end of each of these sections there is a direction to section 4751 of the Revised Statutes, and that says:

All penalties and forfeitures incurred under the provisions of sections 2461, 2462, and 2463, title "The Public Lands," shall be sued for, recovered, distributed, and accounted for under the direction of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

I do not know whether there is any other authority about it.

Mr. McMILLAN. Will the Senator from Maine allow me to make a single statement?

Mr. BLAINE. I am asking wholly for information.

Mr. McMILLAN. I think questions of a similar character have been before the circuit court of the United States. I know of one instance in which the whole question has been passed upon and of course the authority sustained. I suppose there is no doubt about the authority. The Government owns lands and I suppose can seize things taken from them.

Mr. CAMERON, of Wisconsin. I do not understand that these actions are brought to recover the penalty. The Government of the United States claims that the property belongs to the Government, and it has the same right to follow the property, to bring an action to recover the property, that the Senator from Maine would have to recover his house if illegally taken from him.

Mr. SARGENT. Without bond or security of any kind to indemnify the person?

Mr. CAMERON, of Wisconsin. That depends on the local statute.

Mr. SARGENT. I should like to see the statute under which the proceeding is regulated. In every State there is a statutory action of replevin which requires security on the part of the party who desires to seize the property, in order that if the person whose property is seized shall be damaged thereby and such damage shall be ascertained as the result of it, he may have a remedy on the bond. Now show me the statute which authorizes the United States to bring this proceeding, and if it does bring it what the regulation is in reference to the bond.

Mr. BLAINE. Is there any possibility of recovering that damage?

Mr. SARGENT. None at all; the only resort is for a man who has been ruined in this way to come here as a pauper and ask relief at the hands of Congress. It is a denial of justice.

Mr. CAMERON, of Wisconsin. The Senator from California will not claim that the United States is ever required to give bond. The object of a bond is to indemnify one party to the suit. The United States is supposed to be able to respond in damages.

Mr. SARGENT. I deny that the United States can avail itself of this proceeding. I deny that there is any statute for it; and I should like to see it produced if any one can produce it.

Mr. CAMERON, of Wisconsin. It is not essential that there should be a statute.

Mr. SARGENT. It is not a common-law proceeding.

Mr. McMILLAN. That question has been determined by the circuit court of the United States.

Mr. SARGENT. When the Senator cites the authority I shall admit it of course.

Mr. BLAINE. I always feel that I am right when I can get the lawyers to dispute over a proposition. [Laughter.]

Mr. SARGENT. Can the Senator from Minnesota give us the authority to which he referred?

Mr. JONES, of Florida. I have had occasion to look into the question suggested by the Senator from Maine, because it affects very materially the interests of the people of my State. The section of the law he read refers to naval reservations and timber necessary for naval purposes, and the authority is given there to the Secretary of the Navy.

Mr. BLAINE. It says "any other timber."

Mr. JONES, of Florida. That section gives him special authority, and there is no other in the Revised Statutes but that which he has read. The Secretary of the Interior, however, and the legal adviser of the Government, the Attorney-General, have taken the ground that the Government has a common-law right to prosecute actions of trover and replevin under the State laws, and they are now prosecuting people in the various States under the State law; but in nearly all the cases that have fallen within my knowledge, while they have availed themselves of the remedy given by the local law, they have refused to comply with the provisions of the local law. Take, for instance, the action of replevin. In nearly every State the plaintiff before he gets a writ of seizure is required to give bond to secure the defendant in double the value of the property seized. In these suits, I have been informed that the Government has refused to give any security, and at the same time avails itself of the local law to prosecute these people. It was done in my State, and the property is tied up. The defendant has no opportunity to assert his rights until the court meets. In ordinary cases he has a bond from the plaintiff and he may rebond or rereplevy. In some instances I think that he has been denied; and I know that in nearly all cases the Government has refused to give any security to defendants that will secure them in the event that the suits go against the Government.

Mr. MERRIMON. Mr. President, I generally dissent with great reluctance from any suggestion made by the Judiciary Committee. I have great confidence in their learning, their ability, their integrity, and their wisdom; but it sometimes happens that I feel constrained to dissent from what they suggest ought to be done, and this is one of those cases. I do it with very great deference.

I understand that this legislation is asked for upon two grounds: first, that the circumstances surrounding the parties whose property has been seized and against whom suits have been brought are such as to make it necessary in their interest, however the right may be determined to be, to have their rights promptly adjudicated; and the Senator from Mississippi has suggested strong reasons in support of that view. I do not care to recount them; I am not as familiar with them as he is; but he has stated them sufficiently for the information of the Senate. Then, in the next place, it is said that they are remote from Jackson, the place where the court ordinarily sits. They are distant two hundred miles, many of them long distances from the railroad. It will cost them large sums to attend there, and they will have to pay lawyers with whom they are unacquainted large fees to defend their suits. In that way it will operate burdensomely and oppressively upon them.

These facts are not denied. Why, then, ought not the prayer of these people to be granted? I admit that ordinarily it is not wise to be holding special terms, but the necessity for doing it often arises. We find in the highest court of the United States that particular cases are very often expedited. I know it has been the practice of the circuit court and sometimes of the district court to expedite cases; and I know that Congress has in the past found it necessary to so legislate as to provide that in some States special terms may be held. I have the Revised Statutes before me now, and it is provided that in the States of Kentucky, Indiana, and Tennessee the circuit judges, with the concurrence of the judge of the Supreme Court who rides the circuit, may order special terms to be held at the places where the terms of the court are usually held. This power is conferred upon the judges in these districts for the very purpose of expediting litigation where it ought to be determined promptly. Then particularly in my own State there is a regulation of this sort that applies and ought to have a direct bearing upon the case now before the Senate. Section 667 of the Revised Statutes provides that—

In each of the districts of North Carolina the circuit court may order special terms thereof, to be held at such times and places in said district as the court may designate: *Provided*, That no special term of the circuit court for either district shall be appointed, except by and with the concurrence and consent of the circuit judge.

That provision of the Revised Statutes is intended to meet the very end which is sought to be attained by this legislation. My State is very long, about seven hundred miles in length, and if parties on some occasions are required to attend the court at the regular place of its sitting they would have to travel two hundred and in some cases three hundred miles. In order to avoid this oppression—for it would often amount to downright oppression—the judges are authorized to hold special terms of the court, and within the last ten years in many instances they have held these special terms to the advantage of the Government and to the advantage and the relief of the people.

While ordinarily I would not consent to such legislation as this bill proposes, it seems to me wise and proper to direct that a special term of the court shall be held at the place designated in the bill. In the first place it will enable the parties in litigation to have their rights promptly decided. In the next place it will save hundreds of poor persons the expense, which would prove ruinous to them, of going two hundred miles to a strange place to court. Now, what is the evil to be feared if this legislation shall be had? Why, that these trials will be had where the juries will be packed, where the people are generally unfriendly to the Government. There may be something

in that; I cannot undertake to say how that is; but we know that a learned judge will preside over that court, and if he finds that the juries are dishonest or are not disposed to find the facts as they are in the interest of the Government, he can control the verdict and set it aside; and the Senator from Mississippi suggests to me that he is authorized to say that the parties defendant there will be willing for the judge to decide the law and the facts both; and it would be competent for the judge to do so if the parties to the litigation agree that he may find the facts. I understand that there is a special provision in the bill guarding against this evil.

It really seems to me, with all deference and respect to the Judiciary Committee, that in this case the relief sought ought to be granted, first upon the ground that it expedites litigation that ought to be settled, and, secondly, on the ground that it relieves hundreds of people from going two hundred miles to court at great expense.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the amendment offered by the Senator from Louisiana, [Mr. EUSTIS.]

Mr. MORGAN. Mr. President, the people of Alabama are so materially concerned in this matter that I feel it my duty to make some explanation of the bill.

The question put by the honorable Senator from Maine [Mr. BLAINE] was a very pertinent one, it seems to me, for it is the duty of the Senate to inquire whether the Secretary of the Interior is the proper person to prosecute suits of this character, and to ascertain whether or not these suits are in their nature properly sustainable. I do not expect the Senate now to decide that point. It is not involved in this bill otherwise than in an incidental way, but the Secretary of the Interior has taken upon himself a very large amount of extra-official duty in reference to the preservation of the forest timber in the United States. It is that intrusive policy of his which has brought these cases in different parts of the United States to the attention of the country as being cases novel in their characteristics and cases that have been sustained by very extraordinary and unusual proceedings. In looking into the statutes of the United States in reference to the preservation of public lands and the forests and timber on the public lands, we find two sections alone devoted to that object, and they relate to lands chiefly that have been reserved for military and naval purposes. They relate also to trespasses upon the public lands generally by cutting and carrying away timber, but they provide penalties of threefold the value of the timber taken, to be imposed by a court after conviction by a jury of the country, and in addition to that a fine and the imprisonment of the party offending against the laws of the United States. When money is derived under these statutes from a conviction after an indictment what becomes of that money? It is paid over, one-half to the use of the Navy for the purpose of supplying naval hospitals and the other half to the informers. Suppose that a recovery is had in these cases; suppose in this action of replevin that a recovery is had by the United States Government, what is the judgment in the case? It is that the plaintiff recover the property sued for in the action, or the damages ascertained to be its value, together with such other damages perhaps as the jury may assess. Suppose the logs are recovered; that the defendant surrenders the logs at the place where they were at the time of the seizure, not on the public lands, but on private lands to which they have been carried by the persons who have cut them from the public lands; when the Government of the United States gets these logs in hand what is it going to do with them? There is no provision of the law that authorizes the Secretary of the Interior, or, if you please, the Secretary of the Navy either, or any other officer of the Government, to dispose of these logs after they have been recovered in an action of replevin. You must then enact a law; Congress must provide means for the sale of this property and then the means for carrying the money realized into the Treasury.

I refer to this fact merely to show that the effort of the Government through the Interior Department to bring an action of replevin and to recover in a case like this is an effort that stands entirely outside of the law. It was not in the contemplation of any statute that has been enacted by Congress that any suit of this sort should be brought either in a State court or in a Federal court. The action of replevin has been adopted by the Secretary of the Interior through the advice, perhaps, of the Attorney-General or with his consent, under that provision of law which authorizes and requires the courts of the United States to conform their procedure to the forms and regulations prescribed in the different States. That practice was understood to be adopted with this qualification, that the forms of procedure in the different States should themselves conform to the nature of the right asserted on the part of the Government.

Such State remedies or forms of procedure only are adopted as are suitable and adequate to redress the grievance of which the Government has the right under its laws to complain.

It has been suggested here, for instance, that in the event that the United States brings in one of its own courts an action of replevin and derives the authority to resort to that action from an act of Congress which requires the Federal courts to adopt the procedure of the States, in the adoption of that procedure the Government should be compelled to adopt it entirely or not at all. If that is the correct view of the subject, and I do not see how any other view of it would be correct, then by turning to the statutes of Mississippi we find that an action of replevin is provided for; but there are two conditions on which the right to sue in Mississippi in an action of replevin is predicated. The first is, that the plaintiff after making an affidavit, in which he describes his property and states the right of property deed, the right to the immediate possession of the property, and sets forth the value of it, shall, in addition thereto, swear that the possession of it has been unlawfully acquired by the defendant within one year of the date of the bringing of the action. That is the first condition precedent to the bringing of such a suit in any of the courts of the State of Mississippi. The next condition is that the plaintiff shall give bond with security to the defendant to pay him such costs and damages as he should sustain by the wrongful suing out of the writ.

If you adopt the Mississippi statute of replevin and undertake to carry that into an action in the law courts of the United States you must necessarily take the entire statute; you must take the act with all the features which the Legislature of Mississippi has provided for the guarding of the right of the parties. This statutory affidavit is a peculiar one, a very explicit one, and one that is required by the statutes of Mississippi to negative the statute of limitations in the very initial process of the suit. There is another provision to which I have adverted that the plaintiff in every action of replevin—it makes no difference who that plaintiff may be—is required to give a bond payable to the defendant to compensate him in all such costs and damages as may be sustained by the wrongful suing out of the writ and in the event that the seizure of the property is allowed to proceed; and no bond is given by the defendant that the plaintiff will restore the property or the value of it to the plaintiff at the end of the suit. Now it is said the Government of the United States is not required to give bond in any suit that it may bring, that it is sufficiently good for any damages it may occasion without giving the defendant a right to sue on a bond for his protection. That is very true; in all instances where the Government has the right to sue it certainly has the right to sue without a bond; but when the Government claims the right to sue under a State statute and that statute prescribes to the plaintiff that a bond shall be given, the Government by adopting that form of proceeding and by resorting to that statute is bound to accept its terms and bound to give the bond; otherwise the action cannot be maintained. And so if the plaintiff to the action should fail to swear that the alleged conversion or detention of the property occurred within a year from the date of the bringing of that suit the suit would fail although the United States is the plaintiff.

Now, has the Government of the United States in these actions of replevin in Mississippi adopted this State statute of Mississippi, or has it gone back to the original common-law writ of replevin? I dare say that it will be very difficult for any lawyer to sustain an action of replevin in the circuit courts of the United States based upon the common law for the recovery of logs which have been severed from the freehold, not by the act of the owner of the freehold and thereby converted into personalty, but by the act of the trespasser.

Mr. JONES, of Florida. Will the Senator from Alabama allow me a moment?

Mr. MORGAN. Certainly.

Mr. JONES, of Florida. I will state that the common-law remedy would not be applicable in any of these cases, because that applied only to cases which involved a wrongful taking and did not include the wrongful detention. In these cases there is no charge of wrongful taking involved at all, and hence they have to rely upon the statute law.

Mr. MORGAN. I think that is a just criticism in respect to the action of replevin at common law, but I think there is another criticism upon the application or applicability of the writ of replevin at common law quite as good as that or better. The writ of replevin, under the decisions of the common-law courts, as I understand it, is confined almost entirely to recovery of distress for rents which had been improperly or illegally exacted. It is a very narrow writ and almost an obsolete writ at common law. I do not remember any action of replevin that has been brought in the name of the United States at all; and I dare say that in the times past, with the wise lawyers who have had the administration of the laws of the United States, when occasions have arisen quite as emergent as this, that action would have been resorted to, if any lawyer had ever conceived that it was an appropriate form of action or an appropriate action at all for the recovery of timber which had been severed from the United States domain by private trespassers.

The Secretary of the Interior, without having any actual jurisdiction over this subject, without being appointed by the laws of the United States to take this matter into consideration, in his overzeal for the protection of the forests of the country, has outstripped the law in every particular. To show the uncertainty of this procedure and the attitude that the Government of the United States is placed in before the people of the country in respect of the prosecution of these suits, I will refer to one little incident here. The Senator from Louisiana referred to the fact that a writ of sequestration was brought in that State for the purpose of seizing logs that had been severed from the public domain, as was alleged. The officer of the Government who instituted that suit went to the statutes of Louisiana to find his writ of sequestration. That is a writ which is peculiar in the United States as a law writ to the statutes of Louisiana. I do not know of any other State which provides a writ of sequestration for the purpose of trying a title to personal property. Of course all the courts of equity in the different States where they

have separate systems have the right to resort to a process of sequestration, but only for the purpose of compelling the appearance of the defendant. If the defendant has been summoned and refused to appear, you can sequester his property until he does come in and enter an appearance. That is the nature of a writ of sequestration in the States where the common law obtains.

The Government of the United States in Louisiana, proceeding upon this idea that the statutes of the particular locality were to be adopted as the modes of procedure to arrive at these results, adopted the writ of sequestration in that State, and pursued it, I believe, in some instances to a successful result. When this matter had to be transferred to Mississippi, when the agents appointed in Washington, one to swear and another to prosecute, went to that State and examined into this subject by traveling up and down the rivers, or, in buggies, across the lands of which they knew nothing personally, for the purpose of instituting their actions, what did they do there? Instead of dropping the Louisiana writ of sequestration and resorting to the Mississippi writ of replevin, or trover, or detinue, or whatever writ they might find appropriate under the laws of that State, they brought the writ of sequestration with them from Louisiana and set it on foot in Mississippi, and instituted an outrageous proceeding against the people of that State. The writ of sequestration is about as much at home in the State of Mississippi as I would be in Lapland.

Now, what did they do? A young man from the city of Washington, Mr. Bartlet, and I understand a very nice gentleman, went down there and made some preliminary surveys. He took a bird's-eye view of the entire length and breadth of that vast flat region of country covered with nothing but pine-trees, and he then found himself, after this cursory examination, enabled to swear, to the best of his knowledge, information, and belief, that a large number of logs had been cut from tracts of land which he could not describe and by people whom he did not know and could not name. Under the sanction of that oath, writs were issued against perhaps fifty or more persons by Mr. Carter, the prosecuting agent, in which writs it is expressly stated that this agent of the Government cannot name all the defendants. He is still there operating, still there asserting the majesty of the laws of the United States and the powers of this great Government against the people of that section of the country in a manner violative of its laws. He issued these writs and went out and seized what? As my friend from Mississippi says, fifty and a hundred miles below the lands where it was possible that these trees could have been cut, he seized large booms or rafts of logs stored away at the saw-mills. He seized the whole of them and the order of seizure indorsed upon the process and return of the agent was that, "I have seized all the logs present at the given place and on either bank of this river for so many miles up." He next finds a railroad bridge that crosses just below these mills and with a written instruction he posted guards upon the drawbridge and refused to allow it to be opened for any purpose whatever. That was for the purpose of impeding commerce; it was for the purpose of preventing tar, turpentine, resin, and lumber, which were the productions of the alleged trespassers on the public lands, from being carried to the sea, and, as was truly remarked by the Senator from Mississippi, vessels thus detained claimed large amounts for demurrage. Detentions of an unlawful character occurred there, and for a considerable time these people were absolutely locked up, so that they could not do any business whatever, although they had hundreds of thousands of dollars of capital invested.

I desire to say that most of the persons who are engaged in this business, the largest capitalists who are operating in that region of country, are men who came from the lumbering districts of the Northwest and set up their business in the South, and we were glad to have them come. It will not do to assume that these men from the Northwest, or the men who came from other parts of the United States, or the men who lived there entered upon this business with a view of marauding upon the public lands; and yet the Secretary of the Interior, in all his actions, in every step that he has taken in reference to this whole matter, has acted upon the hypothesis that every man whom he has to deal with was a pilferer of the public timber upon the lands of the Government. I say that is a false assumption; it is false in fact and it is discreditable, I must say, to the Government to assume such an attitude toward any portion of the people of this country, especially before something has been developed in some authentic form to give an officer of the Government the right to make such an assertion as that against the people of the United States.

For the purpose of showing to the Senate how utterly untrue such a statement is, an examination of the land surveys upon the very rivers on which these logs were seized will show the fact that less than 8 per cent. of the lands upon either side of those rivers within six miles of the channel of the river are public lands. You may measure them up for a hundred miles through the entire region in reference to which the trespasses have been alleged to have been committed, and less than 8 per cent. of all the lands within six miles of these rivers on either side as far up as they are navigable are public lands. The rest were taken up years ago; some of them under Spanish grants confirmed by the United States and very many others by entries to get the advantage of these immense and beautiful forests of pine trees which have been standing there now for centuries. That is a low, flat, sandy country. There is scarcely a country to be found anywhere in the United States from which the hauling of sawlogs would be more difficult. It is so difficult that were you to give a man the timber anywhere six miles distant from the lines of the rivers and compel him to haul it to the river to be rafted down to these mills the man would lose money by the operation. The timber trees have to be collected within a convenient and short distance of the banks of these rivers to yield any profit to the logmen. These facts, which I can establish by reference to the records of the Department of the Interior, because I have had occasion to look into the subject, prove how very unnecessary, how very gratuitous, is this immense excitement into which the Secretary of the Interior has wrought himself in reference to depredations upon the public lands in that part of the country. Those men went there and established themselves in business and invested their money and employed hundreds of negroes who have no other means of subsistence but such as they derive from these enterprises.

These men knew perfectly well when they went there that they were not dependent upon any precarious supply of logs that men could steal from the public lands in order to sustain these enterprises. They went there to do business knowing the resources of that business; and they would not invest their capital in an enterprise which in itself is always somewhat perilous upon a precarious supply of logs to be stolen from the public lands.

Now, Mr. President, after these writs of sequestration were abandoned, a new series of writs was issued. They searched about among the law-books to see if they could not find some writ by which they could avoid the statutes of the United States, which in themselves are mandatory upon the courts and upon the prosecuting counsel of the United States, and they found upon the statute-books of Mississippi the writ which was referred to by the Senator from that State. I insist that when the United States Government has by its statutes prescribed a certain penal remedy in its own favor against marauders upon the public lands and has been entirely silent in reference to any other method of redress, it must be the accepted construction of the laws that it was the intention of the Government that marauders upon the public lands should be prosecuted according to such statute. But suppose there is another remedy. Suppose that it lies broadly open to the Government to sue for the timber seized in an action of detinue or in an action of replevin. They have gone to the action of replevin, this almost obsolete writ of the common law, and they have availed themselves of that. Who makes the affidavit upon which these writs issue? A man who could not possibly know anything about what he is swearing. How does he swear? To the best of his knowledge, information, and belief, without stating as matter of fact that he has any knowledge, information, or belief. It is a proceeding based on conjecture and prosecuted in plain violation of law.

The characterization which I find it necessary to give to this proceeding would be entirely out of place and foreign to the point of this discussion if it were not in my judgment the duty of the Senate to consider whether there ought to be a speedy remedy afforded for the trial of this question; for if the suggestions which I make now and which unquestionably will be made when these cases come up to be defended should prove to be true suggestions, would it not be a very great misfortune that the Government of the United States had stopped a large business, a legitimate business, in that section of the country and had put men to great loss and great expense upon a proceeding which appears upon its face to be frivolous almost and certainly not very clearly defensible.

When the Senator can urge against the validity of this proceeding arguments which are apparently sound if not actually so, ought not that to influence the Senate of the United States to grant to these people the relief which is prayed for in this bill, by allowing the judge to go there and hold a special term of the court for the speedy disposal of these cases? If the United States Government when it availed itself of the Mississippi writ of replevin had given bond or placed itself in any position where it could provide indemnity to these parties, then, I grant it, it would be the duty of the defendants and perhaps of Congress to await the due process of the law, it makes no difference how slow, because these parties would be assured that in the outcome of the whole transaction, if their objections to the action and to the line of proceeding of the Government are good, they would have full and complete indemnity. But what indemnity can they get now? None whatever. They must come to Congress as suppliants. They must come here and beg relief in the nature of appropriation bills, because the plaintiff, the Government of the United States, is exonerated by the very majesty and dignity of its power from giving its bond, which any other suitor would be required to give. When the Government has availed itself of this advantage, and of the advantage of the laws of Mississippi, and refuses to give any assurance in advance of a return to these defendants of the damages which they have sustained, is it not a reasonable duty on our part to say to these persons, "You shall at all events have the benefit of a speedy trial?"

The Judiciary Committee saw proper to ask Mr. Schurz, the Secretary of the Interior, and also Mr. Devens, the Attorney-General, their opinion about this matter. I have no objection to the making of such an inquiry. I think it is an entirely legitimate and proper inquiry, although no such inquiry was addressed to the parties who are petitioning here in reference to any of their rights or desires. The answer which has been made by the Government to the request of the Judiciary Committee for information on this subject as argued by the Senator from Mississippi is conclusive to show that there is

some enterprising genius in that section of the country who is trying to keep himself well employed at the expense of the Government and who desires that this litigation shall go on just as long as possible, utterly regardless of the fact that the business of the defendants in these suits is being destroyed or greatly impaired. He says "I cannot get ready for trial." Sir, the man who was able to swear out a writ of replevin, unless he was able to commit perjury without a blush on his cheek, would be able to go into court and prove that writ. There can be no case found where a man, claiming title to property, being a competent witness and being able in his own conscience to swear the writ of replevin out of court, cannot go into court and prove that writ after it has been sworn out.

How much allowance are we to make for this off-hand way of allowing a man to go into the courts of justice in this country and upon the best of his knowledge, information, and belief swear out writs of replevin which can destroy men in all their most material interests? Yes, and destroy the whole community as well as the individual defendants. I say that the Government of the United States owes it to itself, owes it to the character of its own judiciary, owes it to the people against whom it brings suits that these writs shall be issued upon exactly the same sort of testimony which is required by the Constitution of the United States when I sue a writ against my neighbor; and that is a plain requirement:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures—

That is what is complained of here, unreasonable seizures—

shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation.

Probable cause must appear in the affidavit. The grounds, that is to say, the facts which constitute probable cause, must appear and must not be merely sworn to, must not merely have an affidavit appended to it, but it must be "supported by oath or affirmation," that is, proved by oath or affirmation. Some man must make that oath who knows what he is doing and knows what he is swearing to. Therefore I assert again that whenever a plaintiff in an action can in his conscience entitle himself to bring an action of replevin, asserting title in himself to specific property and that the defendant has got it in possession and unlawfully detains it so as to get a writ out of a court of the United States, that man can go into that court and prove the case. Now in this case they say they are not ready. Ah, Mr. President, they ought to have been as ready for trial as they were ready to issue writs. There is the proposition. They are always ready to issue writs; they are always ready to seize, always ready to abuse the process of the country, to the breaking down of the character of the country for honesty in its judicial administration; and yet, when they come to trial, they are not ready. Why not ready? Because they know that they have got these writs out upon testimony which never justified their issue and the writs ought never to have been issued.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORGAN. Certainly.

Mr. EDMUNDS. I dislike to disturb the Senator's address to the jury on the question of the merits of this controversy, but as now he blames the Government for not being ready to try the cases I want to ask him whether much blame can be imputed to the Government for not being ready to try the cases before the term has commenced at which, by law, they are to be tried; and in addition to that, when the Congress of the United States has not provided any money to pay for getting the witnesses and carrying on the prosecution?

Mr. MORGAN. I expect that the want of pay is the chief difficulty in the way of this whole affair; but this timber agent who is down there is doing very well. I learn that he is a very gay gentleman. He is sailing about from New Orleans to Mobile and carrying his carriages as far as from New Orleans to Pascagoula to ride four miles to visit a saw-mill. I do not know whether any money has been appropriated for such expenses or not. When he gets through with the timber-thieves over in Pascagoula he goes to Mobile and amuses himself in various discursive enjoyments up and down the bay. I think the Government will be ready whenever that well-provided agent is ready. I think whenever this Government wants a fair trial of these cases upon testimony which ought to have been prepared when the suits were brought, and upon which the action should have been founded, there will be no difficulty about its being ready for trial at any term of the court that may be fixed.

The truth is, Mr. President, that the Government has no expectation of ever being ready in these cases. The Government of the United States is using this process of distress against these defendants upon the avowed policy of the Secretary of the Interior that it is necessary in order to stop timber-thieving that you should stop saw-mills. That is the policy. You cannot stop the stealing of timber unless you stop the running of saw-mills, and hence it is that the seizures are made not upon the public lands where the timbers are cut; the ordinary statutory provisions of the United States Government are not invoked; but they go to the mills and seize the logs in the booms ready to be sawed, and they seize the ships upon which the lumber is found. They go and get an order from the Secretary of the Treasury that they shall stop the ships going to sea loaded with lumber, though loaded with neither red cedar nor live-oak. It is not lawfully in the power of the Secretary of the Treasury by his prohibitory order to stop any such thing; and yet this has been done.

Mr. President, it is right on the part of the Government of the United States that it should proceed according to its own statutes in every case. The Government has one great duty resting upon it which according to my conception is equal to any other that can be imposed, and that is obedience to its own law. The people of the United States can scarcely be blamed for violating the laws when the great heads of the administration of this Government systematically disregard them and go to work upon subjects not confided to them in the statutes either in spirit or in letter, and provide for themselves remedies of their own devising for carrying out projects which the Government itself has never intrusted them with the duty of carrying out.

A Secretary of the Interior not charged with the care of the public forests at all, not having the right to the proceeds to be administered through his Department of any recoveries that may be had from trespassers upon the trees found on the public land; a Secretary of the Interior feeling himself clothed with some great and high authority which he does not deign to consult the statutes to find the measure and length and breadth and depth of, proceeds according to his own imperious will, or imperial will, if you please, to devise remedies to prosecute men in order to carry his purposes into effect. I deny his authority for it; and I think it is time that we should furnish the citizens of the United States with an early and reasonable opportunity to prove before the courts of the country that this is entirely on the part of the Secretary of the Interior a needless clamor, based upon false information. I will do the Secretary of the Interior the justice to say, for it is nothing more than justice requires should be done him, that his zeal in behalf of the forests of the United States is entirely worthy of his high character, and would be entirely justified if he had happened by the laws of the United States to have been put in charge of this subject. I cannot blame him for having a very great desire to preserve the forests of the United States, and yet, Mr. President, we have known how much has been done for the prosperity of this country through the very trespasses which the people have made upon the forests on the public domain. There is many a log-cabin in the United States to-day that has been built out of logs stolen, as the Secretary of the Interior would suppose, from the public domain.

Would he bring his action of replevin to pull down a man's cabin after he had erected it or seize the boards on the roof after he had split them out of the public timber? Probably he would unshelter one-tenth of the population of the United States if he would pursue his policy to its logical and legitimate results. If he intends to protect the forests of the United States against all depredation let him go with writs of replevin and seize the houses which have been built out of logs taken from the public domain. Mr. President, it is an anti-American idea. Our system of statute laws has been matured in reference to our own experience in this country. Congress has gone just as rapidly and just as far in its actual legislation as has been conceded by the people of the United States to be necessary for the protection of their public domain. I think we have gone far enough and fast enough in this direction.

But because Congress has not gone to the romantic extent of providing writs of replevin and writs of detinue and writs of trover, to recover all timber taken from public lands, and of putting the subject under jurisdiction and control of the Secretary of the Interior, it is no reason at all why the Senate of the United States should indulge the Secretary in an attempted usurpation of such authority on his part. I protest that this is wrong on the part of the Government, and when the Government finds itself in a false position in reference to the proper exercise of the great power it may exert over the people of this country through the judicial establishment it should call a halt, and on the appeal of the people for relief it should say to them, "We will furnish you at least a plain and just remedy for the wrong of which you complain, and our courts shall not, to say the least of it, require that these men whose property has been seized shall expend thousands of dollars and travel many hundreds of miles for a trial of these cases."

There are a great many people there who cannot go to the trial of these cases unless supported by the defendants in these suits. On them is thrown the *onus probandi*. The burden is thrown on the wrong party, for it is thrown upon the man who, without just cause, is forced to incur expense and trouble and to put in jeopardy perhaps the last particle of property he has in the world in order to defend himself against a false clamor. Is there any harm in providing that a circuit judge of the United States should hold a special term of the court in a county in Lower Mississippi? The only reasons that are urged against it that I know of are public inconvenience, the want of a precedent, the danger that there will not be a fair trial. Suppose that these seizures had occurred in the county of Mississippi in which Jackson is situated where this circuit court by law is required to be held, would any Senator have risen in his place here and offered a bill to remove the court from the county in which Jackson is situated in order to get a fair trial? Then the principle which is referred to by the Senator from Mississippi would have been instantly invoked by the Senate. It would have been said that the common law (this being a part of the common law of the United States as well as of Great Britain) encourages and provides sometimes in the most solemn manner that a jury trial shall be had by jurors drawn from the vicinage of the alleged evil or wrong or crime.

There is nothing in this bill which violates that principle; but there is a provision in the bill which I suppose was put in to meet an objection in a supposed state of the case, that a jury cannot be found in the southern part of the State of Mississippi to do justice between the Government of the United States and the people. Therefore a provision has been placed in the bill authorizing the jury to be drawn from other parts of the State. You must have a jury from somewhere in Mississippi. You are obliged to try these cases before a jury drawn from some part of that State, and I dare say you will find about as honest a jury in one part of Mississippi as in another. If this case had occurred in the State of Vermont, or rather in the State of Maine, which I believe has large lumber interests, it never would have occurred to my mind, if a Senator from that State had asked that a case should be tried in the lumbering regions for the convenience of the administration of justice, to have made the objection that we could not get an honest jury in the lumber region of Maine to try the cause. I have more faith than that in the American character. I believe when you get an average American under oath and in the jury-box he will in ninety-nine cases out of a hundred render an honest verdict, and it makes no difference from what part of the country he comes. I believe that is true in regard to the black man as well as the white man. I have argued many cases before juries that did not have a single white man upon them, and I have had honest verdicts rendered and sometimes very intelligent verdicts. It is not proper, it is not right, in the Senate to disparage any part of the people of the United States by saying if your trial is held in a certain county you cannot have a fair or peaceful trial. No Senator has urged that upon the Senate, but still that is the spirit that is breathed in the answer of the Attorney-General and of the Secretary of the Interior, and I repel it as an unjust accusation upon any community in the South with which I have ever been acquainted.

Mr. EDMUNDS. There is not apparently anybody here. Therefore I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 13, noes 35.

Mr. EDMUNDS. There seems to be a quorum.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana [Mr. EUSTIS] to add an additional section to the bill.

Mr. LAMAR. I hope the Senator from Louisiana will not press his amendment, but will withdraw it; it will embarrass the measure.

Mr. EUSTIS. Knowing as I do the great suffering, distress, and oppression to which the people of Mississippi have been subjected by this proceeding, and as the Senator from Mississippi states that my amendment will embarrass the passage of the House bill, I will withdraw it and shall offer it as an independent proposition.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DAVIS, of Illinois. Mr. President, I have been a little surprised at the discussion that this measure has elicited. There is no question before the Senate as to whether these suits were properly commenced or not or whether they can be maintained. I know nothing about the authority upon which they are instituted. That is a question for the courts to determine. I take it for granted that the Government supposed there was the proper authority to commence them; but the Judiciary Committee has not investigated that subject. It was not referred to it; neither is it a question for the Senate to pass upon. I certainly know nothing about the controversy. I have heard very little about it through the papers or otherwise. I have understood that the Government lands were depredated upon in the South, and that logs had been replevied; but the extent of this action I know nothing about, the extent of it the Judiciary Committee knows nothing about. The simple question is whether this is such an exceptional case as will warrant the Senate in going outside of the usual mode of trying cases in the Federal courts. I believe that the legislation proposed in this bill would be very vicious, exceedingly so, and the Judiciary Committee unanimously thought so and directed that this report should be made adversely and the bill reported against.

Although I have no experience in relation to suits of this kind in the courts they are common elsewhere. In Minnesota and in Wisconsin suits have been brought for depredating upon timber lands of the country. In Minnesota and Wisconsin the places where the offenses were committed were three hundred or four hundred miles from where the courts are held, and convictions have been had. We are told of convictions which have been had there. One firm, as I have been advised by one of the Senators from Wisconsin, paid by way of compromise $100,000. Those timber lands are a great way from the place of holding the courts.

No complaint has ever been made in those States as to any matter of that kind. The persons who depredated on the timber lands in that region of country were generally men of influence and character, who were enabled to construct mills and to use a large force to get the timber off the tracts of land. What is the particular state of the case in the South, I do not know; but I do know that it would be exceedingly unwise for any particular class of people to establish a rule different from the general rule that holds upon that subject.

The Senator from Alabama said that a fair trial could be had in the vicinage from which this timber was taken. If the place of holding the circuit court is there, of course you would not, ought not to change it for this particular case. Whether the Government is to suffer by this change or the people who have committed these depredations, I do not know; but it is very patent that there is a public sentiment in such a community that militates against any fair trial. It always was, it always will be so. It was so in the State of Illinois thirty or forty years ago; it has been so in all the western States. There is a feeling that the Government and non-residents have not any rights which the people in the neighborhood are bound to respect, and that feeling permeates the whole community. Many honest men, who would not be guilty of any other offense believe that they are doing nothing wrong in stealing timber from the Government or from non-residents. There is no gainsaying that feeling; it exists everywhere. The people of the South certainly are not different from the people of the West on that subject; and would it be a wise thing to transfer by a special act the trial of these cases to the immediate neighborhood in which the offenses were committed? It seems to me it would be exceedingly unwise; and it is far-reaching. If you do it in this case, then in Wisconsin, where the pine forests are three or four hundred miles from Oshkosh or Madison, upon the principle of reciprocity, you would have to establish a court for that pine region in the same way; and so in Minnesota, where the forest is one hundred and fifty or two hundred miles from the place of holding the terms of court. So with reference to any other class of offenses. It strikes me that there cannot be a rational ground for doing this except that it is expensive for the people to go to the place of holding the court. Of course that is expensive in all law-suits. What is the degree of the expense? How are you to measure it? Who is to determine it? You cannot have a Federal court perambulating the whole State of Mississippi and the State of Louisiana. You have established the court at a given place. If there are not enough places already for the convenience of the people, then by a general law we should establish some additional place, and if that happens to be nearer to this region than Jackson is the legislation would not be amenable to criticism. But unless you establish a general law you invite from every State, particularly from all the larger western and southwestern States, legislation of this kind, which I think is exceedingly vicious.

Mr. THURMAN. Mr. President, I do not rise to make a speech on this bill, but simply to state the reasons that influenced my vote in committee and will influence it here. In my judgment, if we set the precedent of sending a court to the vicinage on account of the trouble that suitors and witnesses have in going to the court there will be no end of applications of this sort in the future. Take my own State: the southern district of Ohio extends across the entire State, but the courts are held in the city of Cincinnati, in the extreme southwestern corner of the State, and witnesses and suitors have to travel in some instances as much as two hundred miles to get to court. The same thing may be said of almost all the districts. We have in the room of the Judiciary Committee a map of the United States in which the districts are marked out, and looking over that map I discover that the number of districts in which suitors or witnesses will not be compelled to travel as much as one hundred and fifty or two hundred miles to the place of holding the courts is comparatively small.

I think, therefore, that if we should set this example there would be no end to applications of this sort. When we consider the trouble and expense and the danger to the records of the court, it is a pretty serious matter. I dislike exceedingly to antagonize the bill of my friend from Mississippi, because there are some circumstances which appeal very much to our sense of justice in this case; but it is the danger of setting a precedent that may be followed in the future to the great inconvenience of the courts and to the detriment of the public service that compels me, however reluctantly, to vote against the bill.

Mr. EDMUNDS. Mr. President, I do not propose myself to go into a trial of the controversy between the United States and the persons who are said to have cut timber on the public lands contrary to law. The Senator from Alabama [Mr. MORGAN] has devoted the most of his time to a discussion of the points of law that may be made before the court in which the cause is to be tried, and the questions of fact that might be heard before a jury as to the identity of the timber seized with that belonging to the public lands or that cut somewhere else; and he has endeavored to draw the Senate into the passage of this unprecedented bill (I believe I speak with accuracy) by going into a discussion, upon what information I do not know, of the circumstances which lead him to the belief either that these actions of replevin are misconceived in point of law or that under them logs have been taken possession of according to law that do not belong to the United States. Is the Senate of the United States going to try any such question as that? Is any Senator going to be affected in his vote on this bill by undertaking to decide upon the statements of Senators upon such information as we have whether the Government of the United States in its executive capacity is proceeding wisely or unwisely, oppressively or tenderly? I should have supposed not. Mr. President, when we are called on to pass upon a judicial bill, which proposes for the first time in the history of this Government, to command, not in the discretion of the circuit judge or the district judge but by the mere edict of this body and of the other House, if approved by the President, that this controversy shall be carried for

instantaneous trial into the very forest where this timber was cut. That is the question.

I shall dismiss, therefore, for the present at least, any observations or considerations as to the legality of this procedure or as to the wisdom of it, for I have not sufficient information to enable me to judge whether it is either legal or wise. It is for the Judicial Department of the Government under the Constitution to decide if it be legal, and it is for the Executive Department, subject to its responsibility to the House of Representatives and to the Senate, to decide whether it is wise. It is to be said, however, and it applies to the question of the propriety of passing this bill, that if my honorable friend from Alabama is right in his advocacy of his points of law against these replevin suits, then there is no occasion whatever for the passage of the bill. It will be no hardship upon the persons who are said to have their attorneys at the regular place of holding court at the term which is to come on very soon, the first Monday in May, I think, at Jackson, by the regular operations of law, to raise these law questions which he has stated, which necessarily appear upon the face of the papers and require no witnesses for their solution.

Mr. MORGAN. If the Senator from Vermont——

Mr. EDMUNDS. The Senator will pardon me for a moment. Now, therefore, if there be anything in the great fabric of difficulty that he has conjured up, there will be no need of witnesses, no need of anything but a motion at the May term of the court at Jackson to dismiss every one of these suits on the ground that they are misconceived or ill-founded. Now I will hear my friend.

Mr. MORGAN. If these facts appear on the face of the papers the Senator can scarcely say that I conjure them up; they were conjured up by the Secretary of the Interior or the Attorney-General and put into the papers themselves. The difficulty in the case will not be found when the case comes to trial at all. I referred to that, the Senator will bear me witness, merely for the purpose of showing that inasmuch as these difficulties do appear on the face of the papers, it is our duty to deal with them properly and to see that these people have not had taken from them illegally property which belongs to them, and that they have an early opportunity of trial before the courts.

Mr. EDMUNDS. My honorable friend says, if they are apparent on the face of the papers, he has not conjured them up. That is true, but if they do not appear upon the face of the papers then he has conjured them up. If they do not appear upon the face of the papers they do not exist, because the difficulties in point of law as to whether replevin will lie or as to whether the process is regular, in conformity with the statutes of Mississippi or the statutes of the United States, is not a question that raises any issue of fact whatever; and that my honorable friend, of course, is quite as well aware of as I am. If we were in Jackson County, if that be in this forest, the southeastern county of the State of Mississippi, with a population of three or four thousand inhabitants according to the last census, and we had composed a jury of seventy-six or seventy-eight instead of twelve men, the observations of my learned and honorable friend would have great force, hearing only one side, if there was not any evidence about it, as there is not now, in urging a jury to say that the United States had not proved that the logs they had sued for came from the Government lands and belonged to them. But, Mr. President, I had always supposed until now that the Senate of the United States was not as a legislative body administering judicial duties, that its members were not a jury in the trial of subjects that belonged to the judicial department, and that it was our business solely and only to provide regular and fixed courts of justice with public and regular and fixed sessions for the trial of disputes that might arise between citizens and the Government and between citizens and other citizens. If I am wrong about that, then very likely this sort of edict is a good thing to do or not a good thing to do, according to the facts, and we had better send to Mississippi and get witnesses on both sides of the question to ascertain whether these logs, and so forth, really belonged to the United States or really did not. If they really belonged to the United States, I suppose even the Senator would agree that it was right for the United States to get them if it could without a breach of the law, even by a breach of the peace; if it could not of course it must take some other remedy.

The principle upon which this bill is founded, and which the Judiciary Committee has reported against with entire unanimity, is simply this, that because of some local irritation, excitement, or other circumstances that are purely local, the ordinary administration of justice is to be interfered with, and the Congress of the United States by an edict of its will is to declare what in the court shall immediately be done, ready or not ready. If the Senate, or a majority of it, think that is right, think it is founded upon a sound principle, (because if it be not founded upon a sound principle, it is not right,) very well, our duty will have been done; but if it be right for Mississippi, as the Senator from Louisiana has so well pointed out, it is right for Louisiana. If it be right for Louisiana as well as Mississippi, it is right for the State of the Senator from Alabama, and there ought to be passed immediately another edict declaring that the courts there shall hold a session in the southwestern corner of that State, bordering upon this very county, where it is alleged—I do not know whether truly or not—that there has been large pirating upon the property of the United States by people who do not know the difference in respect of trees between *meum* and *tuum*.

If it be right in those States, is it not also right in Florida? That is a large State, north and south. There are many remote forest counties there out of which live-oak and red cedar and cypress and so on go by, floating on the rivers, and where, according to the present statutes passed long, long ago, it was found necessary at some time to authorize the President of the United States to employ the land and naval forces to resist the cutting of timber upon the public lands. If it be right in those States, is it not right in Kentucky, where some of the "moonshine" men, as I believe they are called, distilling illicit whisky in some remote mountain county of that magnificent State, that, their whisky being seized, there should be another edict that forthwith the judiciary of the United States should be removed to the land of "moonshine" and the whisky cases should be tried by a jury of brother distillers. If it is right there, is it not right in the great State of New York, with smugglers on the border, smugglers on the sea, to command the district court or the circuit court, wherever the case may be, immediately to hold a term in the very spot where the organized gang of smugglers exist, in order to do justice, as it is called, and to preserve people from hardship? If it is right on the sea-board, it is right in the Northwest, in Minnesota and Wisconsin, where every person prosecuted for trading in whisky with the Indians may say, "Bring up your judge and your jury to this little hamlet on the border of a reservation, in a remote and unsettled part of the State; bring up your jury if you like, but let us surround them with the Indians who have drunk the whisky and with the traders with whom the jurymen board who have sold it; and try your case there."

I hope I shall offend nobody when I say such a proposition is monstrous. You will have turned a government of law into a government of partiality and partisanship, and you will have assumed the right of deciding judicial questions by a mere edict in instantly removing your court to the places where there is public sympathy and public complicity with all this sort of thing.

The very farthest that the law has ever gone has been to provide, not for special cases, but in general, that under certain circumstances the circuit court of the United States may, with the approval of the circuit judge, hold a special session in a particular county or place away from the regular spot, if in the judgment of the judge the public interest and justice require it. You by this bill propose to leave no discretion whatever with the judiciary. By an edict you command them to go to the place where there is this public opinion and where the controversy has arisen, and without opportunity for preparation, without the means of preparation, and in advance of the regular time for holding the court, and hold a trial on the spot. Well, Mr. President, if the Senate of the United States is ready to adopt that principle, the committee has nothing to say; it has done its duty.

[Mr. T. F. KING, one of the clerks of the House of Representatives, appeared below the bar of the Senate and said:

Mr. President, the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. No. 1093) to authorize the coinage of the standard silver dollar and to restore its legal-tender character, with his objections thereto, the House of Representatives has proceeded, in pursuance of the Constitution, to reconsider the same, and has

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Which bill, together with the message of the President of the United States accompanying the same, and the action of the House of Representatives thereon, I am directed to communicate to the Senate.]

Mr. EUSTIS. Mr. President, I do not concur in the statement made by the Senator from Vermont in reference to the condition of my country. I did not advocate my amendment on the ground that it would be expensive to the Government or to the parties to have the witnesses where the court is to be held. The ground upon which I advocated my amendment was that the proceeding was had against only four persons in reference to property in which two or three hundred persons in the State of Louisiana had an interest; and I ask the Senator from Vermont whether he has ever heard of a case where if the proceeding is *in personam* the party is not named and cited, or where if the proceeding is *in rem* the property is not described?

Mr. EDMUNDS. Why, Mr. President, undoubtedly the Senator is perfectly right. I answer both his questions in the negative, that I never heard of such a case that succeeded; I have heard of such cases, but when the matter was moved before the judge they came to grief very soon. The difficulty with the Senator and with the other gentlemen who so earnestly advocate this measure is that they seem to wish the Senate of the United States to try the cause, instead of the judiciary. I ask for the yeas and nays on the third reading of the bill.

Mr. LAMAR. We are for a trial promptly and speedily.

The bill was reported to the Senate without amendment.

The yeas and nays were ordered on the question of its third reading.

Mr. BLAINE. Mr. President, I think that oftentimes as much wrong and injury result from the harsh and injudicious enforcement of a just law as from the lax observance of it, or even from the failure to enforce it at all; and I have been under the impression, without speaking in any terms whatever of personal disrespect to the Secretary of the Interior, that he has been adopting a line of policy suddenly, without due notice, roughly and cruelly, without regard to right, in various parts of the country, which has called for a great deal of public criticism and observation, and which in this case has been considered so oppressive that the persons injured have

sought an extraordinary remedy. I was brought to this conclusion not so much by my knowledge of this case (for that is very limited) as by several communications I have had in regard to what the Secretary of the Interior had done in another part of the country.

Allusion has been made to what has transpired in Wisconsin and in Minnesota. Of that I know nothing; but I heard a good deal of what had been done away off in a distant Territory, the Territory of Montana, and the Delegate from that Territory, whom I have known for some years as an unusually intelligent, observant, faithful representative of his people, put in my hands a minute in regard to what had been done under the orders of the Secretary of the Interior in relation to timber and wood claimed as belonging to the Government, which seemed to me to prove such extraordinary conduct as to warrant a belief that he might be very harsh and unjust elsewhere.

Mr. EDMUNDS. May I ask my friend if he has inquired of the Department of the Interior what answer it has to make to this complaint of the Delegate?

Mr. BLAINE. No; but the Department of the Interior has exactly the same opportunity to answer that I have.

Mr. EDMUNDS. The Senator has only heard one side.

Mr. BLAINE. The Interior Department does not wish Senators or Representatives to visit it.

Mr. EDMUNDS. They can write letters.

Mr. BLAINE. Of course the mails are open to Senators and open also to the Secretary. If he should choose to present the other side in a letter to me I will cheerfully lay it before the Senate. I know the Delegate, Mr. MAGINNIS, far better than I know the Secretary, Mr. Schurz. This minute I will take the liberty of reading, not as an arraignment of Mr. Schurz, but as showing that possibly, with all his zeal and diligence on behalf of the Government, he may do some very grave wrongs to individuals and to whole communities. The minute is in these words; it is not very long:

Montana was settled under the provisions of the mining laws and public-land laws. All timber is in the mountains, the valleys being all prairie lands. Farmers, miners, and all the people went to the mountains for their wood, lumber to build their houses, &c. As it is an interior Territory no wood could be cut for export; and all cut was used for domestic purposes. The Territory by wise laws—

This is what the Territory did for the United States as well as for itself—

The Territory by wise laws kept fire out of the mountains, and expended money and labor, so that the aggregate amount of timber to-day is much greater than when the Territory was first settled.

No wood-lands are surveyed. There is no way of obtaining title to wood-lands. No waste was charged, and the people, of course, had to use this mountain timber or leave the country.

An agent was appointed, who was borne on the rolls of the General Land Office as a clerk to visit the Territory and make report.

The Secretary directed that all the firewood cut for the town of Helena on the public lands should be seized, no previous notice having been given that the custom of the country or the former usage of the Department was to be changed. All the fuel piled up for the use of citizens, and even for soldiers in garrison, cut under contract with the War Department, was seized. A violent snow-storm was prevailing at the time the order was received; winter was just setting in; the people were alarmed; mass-meetings were called and it was represented to the Secretary that great suffering would ensue unless the fuel was released; the people could not live without fuel nor could they make an exodus in the winter time.

The Secretary telegraphed back to release the wood and collect an indemnity. A board of award was constituted by Judge Wade, chief-justice of the Territory, which, taking all precedents into account and the Government price of wood-land and the cost of cutting, fixed fifteen cents per cord of wood as a proper consideration. The Secretary refused to receive the award and telegraphed back to collect $1 per cord. The people protested that this was ruinous, that it would stop every mine and mill in the Territory, stop the production of $500,000 of the precious metals per month, and depopulate the Territory. The Secretary was inexorable and the people, confronted by an arctic winter, were obliged to pay this onerous tax, protesting meanwhile that they paid it not as a matter of right but as a man would give up his purse to a highwayman who had a pistol at his head.

Meanwhile the officials were active in prosecutions. Their fees were immense. Most if not all of the proceeds of these collections went into their pockets. They were carpet-baggers sent out from the States.

It seems they have carpet-baggers elsewhere than in the South. [Laughter.]

They had no sympathies with the people, and desired to line their pockets. The Helena Board of Trade and the people *en masse* petitioned the Secretary, but his orders stand and the prospects of that promising Territory are paralyzed.

This is upon the authority of the gentleman who represents that Territory, and speaks authoritatively of what he has seen and knows. I come from a lumber State myself; I know something about it. My colleague [Mr. HAMLIN] knows a great deal more. The honorable gentleman who sits in the chair [Mr. FERRY] probably knows a great deal more about lumber than either of us; and I undertake to say that collecting what we would call stumpage of a dollar a cord on wood remote from a wood market is something the most extraordinary that ever happened in the lumber markets of the United States.

Mr. SARGENT. And there was no law for it.

Mr. BLAINE. There was no law whatever, the Senator from California says; and it is the opinion of the Delegate from Montana that there is no law for it whatever. But law or no law, the idea that a practical business man will take hold of the property of the United States in a remote Territory where there is but a handful of hardy settlers wrestling with all the cruelties of climate and forest and the wilds of the mountains and say to them: "This wood that you have cut on the mountain sides and hauled with great labor to your firesides, you shall not burn one stick of until you pay a dollar a cord stumpage to the United States!" What we call a wood-lot in Maine must be very advantageously located to be worth a dollar a cord stumpage; it must be pretty near a large town, where the hauling is easy, the market ready, and the wood of best quality. I asked the honorable Senator in the chair what would it be in Michigan on a well-located wood-lot for stumpage, and he said twenty-five cents. I asked my honorable friend on my left, my colleague, and he said he thought in Maine it would average possibly up to half a dollar; and in the interior—he corrects me this moment by saying not over twenty-five cents. I call attention to these facts because they shake my confidence in the discretion and sound judgment of the Secretary of the Interior; and if these people in Mississippi are before the Senate asking for an extraordinary remedy, it is because they are suffering an extraordinary oppression; and without knowing anything of their case, if the facts I have recited be true—and many of them have been made public and are undenied—I say they must be suffering a positive outrage and a needless and oppressive cruelty.

I heard some one say—I am glad it was not said openly in debate—that this request of the people of Mississippi was very much like the Molly Maguires of Pennsylvania asking that they should be tried where their crimes were committed, where their confederates might be witnesses. I do not see the analogy. Here is a peaceful calling, a very laborious calling, and subject to very great hazards on its pecuniary side; a calling of very great exposure in the physical labor incident to it; a calling in which men of hardy nerve and muscle only will engage; and hundreds, possibly thousands, were so engaged in Mississippi. I believe the Senator from that State [Mr. LAMAR] said that twenty-five or thirty large mill establishments were at work, and were suddenly, as if by a stroke of lightning, stopped and their operatives turned out of employment, and the industry stands paralyzed and dead to-day.

The remedy now asked may be extraordinary, but I say the wrong seems to me to be a most extraordinary one. It seems to me that without previous notice the process was an unprecedented one, and for my part I am not, so far as my vote is concerned, going to sit still if I can avert it and await the law's delay to remedy what, in my judgment, has been done, as the Senator from California says, without authority of law, and I add without sound judgment and without discretion.

Mr. EDMUNDS. Mr. President, the Senator from Maine has shown his conspicuous fairness toward the Secretary of the Interior by stating to us that he is going for this bill chiefly because he is informed by the Delegate from Montana that the Secretary of the Interior has unduly pressed the rights of the United States for timber cut upon the public lands which belong to the United States in respect of the people who in winter had cut the timber there and drawn it to their firesides for fuel; and we are to pass this bill upon that ground, without giving the Secretary of the Interior the opportunity that has been given to these Mississippi men and to the Delegate from Montana of being even heard upon the subject; but he is to be assailed here and now *ex parte* upon hearsay by the Senator from Maine without the opportunity for inquiry, for hearing his side, for allowing him to plead either guilty or not guilty, or to show what the situation was in respect of this property of the United States from his point of view. And that is the action of statesmen in the Senate of the United States!

Now, to come back to Mississippi, what do we know, after all we have heard, about the merit of this controversy? The Senator from Maine says that he knows but very little. Is there anybody in the Senate who knows very much? Is there anybody in the Senate prepared to prove that a single log of this seizure did not belong to the United States? If it did belong to the United States, where was the right of any man to cut it and to keep it? Will somebody tell me? If it belonged to the Senator from Maine or to me where would be the right of some other citizen of the United States to go upon my land and cut my logs and carry them off; and where would be his right to complain if I resorted to the orderly process of law to get back my logs and try the question?

The statutes of Mississippi provide—which govern the proceedings of the United States here in respect of methods of procedure, not because they are the statutes of Mississippi but because the laws of the United States say that proceedings in the United States courts in the respective States shall be according to the forms and practices of the State courts in those States—the laws of Mississippi provide, if I am correctly informed, that any person against whom a suit of replevin of this character is sued out and the property seized by the sheriff or the marshal may immediately keep the property if he chooses to give security that if the case goes against him it shall be forthcoming. These mill-owners for whom these logs were cut did not choose to furnish the security and go on with their milling. Why?

Mr. LAMAR. Mr. President——

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

Mr. EDMUNDS. With pleasure.

Mr. LAMAR. The Senator is under a slight misapprehension as to the fact there. These mill-owners did offer to replevy this property and proposed security; but the marshal refused to take the other mill-owners as security; and it was for that reason that the property was not generally rereplevied. It is due to the Department of Justice to state that the order was forthwith issued to the marshal at once to accept these mill-owners as security.

Mr. EDMUNDS. The Senator from Mississippi has stated the case

with his usual candor and clearness. It appears that when this marshal doubted about the sufficiency of the security offered under the methods of procedure there, that the mill-owners could keep these logs and fight it out and go on with their sawing, the Government of the United States immediately directed the marshal to run the risk and take the security.

Mr. TELLER. I should like to interrupt the Senator from Vermont to ask him if he can point out any statute that authorized the Government of the United States to replevy this property?

Mr. EDMUNDS. I do not know that I can and I do not know that I cannot. I have stated in an earlier stage in this debate, when I had not the honor of the presence of the Senator from Colorado I believe, that the Committee on the Judiciary were not undertaking to try this controversy; they were undertaking to pass upon a bill which for the first time in the history of this Republic undertook to interfere with the orderly administration of justice. That is what they passed upon. If there is no statute that authorizes these suits of replevin, and no other law that authorizes these suits, then there is no oppression in the sense of great expense of carrying witnesses to a distant place of trial, because that is a matter of law that arises upon the proceeding itself and the judicial department of the United States will dismiss the suits, with costs, immediately if that be so.

Mr. CONKLING. Mr. President, I ask the Senator from Vermont if he will give way a moment for a suggestion not precisely touching this bill?

Mr. EDMUNDS. I have concluded.

Mr. CONKLING. I observe from statements made by other Senators that the present bill is likely still to be somewhat prolific of debate. In reference, not to my convenience alone but that of several other Senators, I venture to bring to the notice of the Chair the message from the President which lies upon the table, not with a view to submit any motion about it myself, but with a view of inviting from the member of the Committee on Finance who had charge of the bill, for example, some such suggestion as will enable us to know when a majority of the Senate propose to take action upon the veto message.

Mr. ALLISON. I understand that the friends of the bill, if I may use that term, are ready to proceed to its consideration at any moment when it may be taken up.

Mr. CONKLING. They are always prepared, it seems.

Mr. ALLISON. I presume so.

Mr. CONKLING. Is it the purpose of the Senator to take up the message this day for action?

Mr. ALLISON. If that is the judgment of the Senate, I suppose it will be so.

Mr. CONKLING. If the sense of the Senate is to be tested on that motion, I ask the Senator from Vermont to consent that this bill lie aside informally that we may know whether it be the purpose of the Senate to-day to act upon the veto message.

Mr. EDMUNDS. I think we shall get to a vote in a minute or two.

Mr. CONKLING. I think not. I hear that several Senators wish to speak upon it.

Mr. EDMUNDS. I do not think it would be right to the Senator from Mississippi to have the bill laid aside. We ought either to postpone it until to-morrow or vote now, no matter if we cannot take up the silver message for some little time.

Mr. CONKLING. I disclaimed the purpose of making any motion in regard to the veto message. I have no hesitation in saying, however, that the importance of the measure and the convenience of the Senate suggest that at this hour we should know definitely, if we can, whether it be the purpose of a majority of the Senate this day to take final action on the veto message or not; and I hope the Senator from Iowa, who avows a purpose to divide the Senate on that question, will take this occasion, if he is going to take any, to move to postpone the pending and all prior orders and proceed with any motion he chooses to make.

Mr. ALLISON. I thank the Senator from New York for tendering me the floor for that purpose, and I make that motion.

Mr. LAMAR. I trust the Senator from Iowa will not persist in that motion now.

Mr. ALLISON. If I thought the vote could be taken on the Senator's bill, I would not.

Mr. CONKLING. I may be allowed to state, although the Senator from Mississippi does not know it, that three or four Senators in this part of the Chamber have already manifested their intention of speaking and speaking somewhat at length upon the pending bill; and therefore several members of the Senate would like to know whether they are to be kept here to vote upon the other bill, or whether they are to be at liberty touching some matters in committee and elsewhere later in the day.

Mr. SARGENT. I designed to say something upon the pending bill, but I will not do so to the inconvenience of the Senate. I think the bill should pass, and I intended to give some reasons, somewhat of the same nature as those stated by the Senator from Maine and by the Delegate from Montana, coming within my own knowledge of matters of constant occurrence showing the manner of operation of the Secretary of the Interior in this regard. But I will not do so provided a vote can be taken upon the bill, which I think ought to pass.

The PRESIDENT *pro tempore*. The question is on ordering the bill to a third reading, upon which the yeas and nays have been ordered.

Mr. HOWE. Mr. President, I do not think this bill ought to pass, and I do not think it very important to any interest in the world whether the bill be defeated to-day or next week. It is said that other Senators here desire, for personal or for public reasons, the consideration of another question at this time. I do not wish to stand in the way of their convenience; but, having agreed to report this bill adversely, feeling called upon to vote against the passage of the bill, after listening to some of the complaints that have been made on this floor on behalf of other constituencies, I feel that I ought to make an apology to some constituents of mine who, in my judgment, are sufferers at the hands of the Government, in comparison with whom nothing that has been stated on this floor ought to be named.

Mr. HAMLIN. I ask the Senator from Wisconsin to yield that I may submit a motion that will test the sense of the Senate. I am of the opinion that it is vastly of more importance to the country that we proceed to the consideration of the message and the bill which have come to us from the House than that we settle this bill now pending, and the Senator from Wisconsin intimates to us that he feels that it is a duty which he owes to himself and his constituents that he should address the body upon the pending bill; and he having kindly yielded the floor, I will move that the whole subject lie upon the table. That is a question not debatable, and brings the Senate to a vote upon it.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the bill lie on the table.

Mr. SARGENT. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 44, nays 19, as follows:

YEAS—44.

Allison,	Ferry,	Jones of Nevada,	Saulsbury,
Beck,	Garland,	Kirkwood,	Saunders,
Cameron of Wis.,	Grover,	McDonald,	Spencer,
Chaffee,	Hamlin,	McMillan,	Teller,
Coke,	Harris,	Matthews,	Thurman,
Conkling,	Hereford,	Maxey,	Voorhees,
Davis of W. Va.,	Hoar,	Merrimon,	Wadleigh,
Dawes,	Howe,	Mitchell,	Wallace,
Dennis,	Ingalls,	Paddock,	Whyte,
Dorsey,	Johnston,	Plumb,	Windom,
Eaton,	Jones of Florida,	Rollins,	Withers.

NAYS—19.

Bailey,	Davis of Illinois,	Kellogg,	Morgan,
Barnum,	Edmunds,	Kernan,	Morrill,
Bruce,	Eustis,	Lamar,	Randolph,
Butler,	Gordon,	McCreery,	Sargent.
Conover,	Hill,	McPherson,	

ABSENT—13.

Anthony,	Booth,	Cockrell,	Sharon.
Armstrong,	Burnside,	Oglesby,	
Bayard,	Cameron of Pa.,	Patterson,	
Blaine,	Christiancy,	Ransom	

So the motion was agreed to.

COINAGE OF SILVER DOLLAR—VETO MESSAGE.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate House bill No. 1093 to authorize the coinage of the standard silver dollar, and to restore its legal-tender character, which has been sent by the House of Representatives to the Senate with the objections of the President thereto.

Mr. EDMUNDS. I should like to have the Chair suspend a moment on that. I want to look at the rules a minute. I had an impression that there was a rule which made the laying of House bills before the Senate the business of the morning hour. If I am right about that, I have something else to say.

The PRESIDENT *pro tempore*. The Chair will pause.

Mr. EDMUNDS. I am ready to proceed. The eighth rule is:

The first hour of daily sessions shall be designated as the morning hour, during which the order of business shall be as follows:

First. After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate; and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of.

Second. The Presiding Officer shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of the standing and select committees.

The introduction of bills and joint resolutions.

Concurrent and other resolutions.

Then it proceeds—

If any portion of the morning hour shall remain—

It shall be disposed of so and so, which I need not take up your time to read.

Then Rule 9 is—

Immediately upon the expiration of the morning hour, the presiding officer shall lay before the Senate the unfinished business at its last adjournment, which shall take precedence of the special orders, and shall be proceeded with until disposed of by the Senate.

And then another rule provides for going on with the Calendar from bill to bill after the present subject is disposed of. Therefore, in order that there may be an opportunity to consider this message, I object to the Chair laying it before the Senate at this time, and insist that under the rules it must be done in the morning hour.

Mr. HAMLIN. Mr. President, I think the rules which the Senator from Vermont has read apply to the action of the Chair in the morning hour, and have no reference to or connection with the duties of the Chair beyond that hour. It is very true that the bills which accumulate during the day are to be presented on the following morn-

ing by the presiding officer of this body. It is also true, irrespective of these rules, that it is within the power of the body to take such action as it shall please upon any bill which it shall designate by a majority; and I do not recollect whether the Senator from Iowa made a distinct motion that we proceed to the consideration of this subject. If he did not, to avoid a technical objection it may be necessary for him to interpose that motion. That interposed, surely it is within the control of a majority of this body to proceed to the consideration of any subject it chooses.

The PRESIDENT *pro tempore*. The Chair desires to rule on the point made by the Senator from Vermont, that while the rule requires that bills from the House of Representatives shall be laid before the Senate within the morning hour, it does not preclude their being submitted to the Senate at any other time, and the practice has been to so submit at any hour of the session.

Mr. EDMUNDS. By unanimous consent only, sir.

Mr. ALLISON rose.

The PRESIDENT *pro tempore*. Inasmuch as objection has been made, the Chair will submit this question to the Senate, unless the Senator from Iowa submits a motion.

Mr. ALLISON. I move to lay aside all prior orders and proceed to the consideration of the message now on the President's table.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate lay aside all prior orders and proceed to the consideration of the bill returned from the House of Representatives.

Mr. WHYTE. I want to ask the Chair whether Rule 55 does not require that this bill shall be printed, as coming from the House, before it can be taken up and disposed of?

Mr. ALLISON. It has been printed.

Mr. WHYTE. No; it has not been printed. The bill has been reconsidered and comes from the House again in a different shape from that in which it was printed when it first came. I ask under Rule 55 whether the printing can be dispensed with without the unanimous consent of the Senate.

The PRESIDENT *pro tempore*. The Secretary will read the rule.

The Chief Clerk read as follows:

55. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Maryland makes a point which the Chair will submit to the Senate after the pending motion has been disposed of. The Senator from Iowa moves to postpone all prior orders for the purpose of considering the bill announced to the Senate from the House of Representatives.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair takes this occasion to announce to the occupants of the gallery that during the pendency of this bill——

Mr. EDMUNDS. And every other.

The PRESIDENT *pro tempore*. And as suggested every other, if there should be any demonstration of approval or disapproval, the Sergeant-at-Arms is directed to arrest any one who makes such demonstration. The Sergeant-at-Arms will execute the order.

The Chair now by direction of the Senate lays before it the bill already announced, which will be read in full.

The Chief Clerk commenced to read the bill (H. R. No. 1093) to authorize the coinage of the standard silver dollar and to restore its legal-tender character.

Mr. CONKLING. I venture to suggest the needlessness of reading a bill which has been read repeatedly in the Senate, and I ask that the message of the President disapproving the bill be read.

The PRESIDENT *pro tempore*. By unanimous consent the bill will be considered as having been read.

Mr. SARGENT. I object to dispensing with the reading. I was in the other House at a time when it is alleged that the House dispensed with the reading of a silver bill, on which there has been much question raised since. I do not desire such a question to arise on this bill.

The PRESIDENT *pro tempore*. The reading will proceed.

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

An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than two million dollars' worth per month, nor more than four million dollars' worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money, at any one time, invested in such silver bullion, exclusive of such resulting coin, shall not exceed $5,000,000: *And provided further*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

SEC. 2. That immediately after the passage of this act, the President shall invite the governments of the countries composing the Latin union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference, to adopt a common ratio between gold and silver, for the purpose of establishing, internationally, the use of bimetallic money, and securing fixity of relative value between those metals; such conference to be held at such place, in Europe or in the United States, at such time within six months, as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

The President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall attend such conference on behalf of the United States, and shall report the doings thereof to the President, who shall transmit the same to Congress.

Said commissioners shall each receive the sum of $2,500, and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the objections of the President, which will be read at length.

The Chief Clerk read as follows:

To the House of Representatives:

After a very careful consideration of the House bill No. 1093, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I feel compelled to return it to the House of Representatives, in which it originated, with my objections to its passage.

Holding the opinion, which I expressed in my annual message, that "neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient," it has been my earnest desire to concur with Congress in the adoption of such measures to increase the silver coinage of the country as would not impair the obligation of contracts, either public or private, nor injuriously affect the public credit. It is only upon the conviction that this bill does not meet these essential requirements that I feel it my duty to withhold from it my approval.

My present official duty as to this bill permits only an attention to the specific objections to its passage which seem to me so important as to justify me in asking from the wisdom and duty of Congress that further consideration of the bill for which the Constitution has, in such cases, provided.

The bill provides for the coinage of silver dollars of the weight of 412½ grains each, of standard silver, to be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. It is well known that the market value of that number of grains of standard silver during the past year has been from ninety to ninety-two cents as compared with the standard gold dollar. Thus the silver dollar authorized by this bill is worth 8 to 10 per cent. less than it purports to be worth, and is made a legal tender for debts contracted when the law did not recognize such coins as lawful money.

The right to pay duties in silver or in certificates for silver deposits will, when they are issued in sufficient amount to circulate, put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt. One billion one hundred and forty-three million four hundred and ninety-three thousand four hundred dollars of the bonded debt, now outstanding, was issued prior to February, 1873, when the silver dollar was unkown in circulation in this country, and was only a convenient form of silver bullion for exportation; $583,440,350 of the funded debt has been issued since February, 1873, when gold alone was the coin for which the bonds were sold, and gold alone was the coin in which both parties to the contract understood that the bonds would be paid. These bonds entered into the markets of the world. They were paid for in gold when silver had greatly depreciated, and when no one would have bought them if it had been understood that they would be paid in silver. The sum of $225,000,000 of these bonds has been sold during my administration for gold coin, and the United States received the benefit of these sales by a reduction of the rate of interest to 4 per cent. During the progress of these sales a doubt was suggested as to the coin in which payment of these bonds would be made. The public announcement was thereupon authorized that it was "not to be anticipated that any future legislation of Congress or any action of any Department of the Government would sanction or tolerate the redemption of the principal of these bonds, or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same."

In view of these facts it will be justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them. It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in coin of inferior value to the money of the world. The capital defect of the bill is that it contains no provision protecting from its operation pre-existing debts in case the coinage which it creates shall continue to be of less value than that which was the sole legal tender when they were contracted. If it is now proposed for the purpose of taking advantage of the depreciation of silver in the payment of debts to coin and make a legal tender a silver dollar of less commercial value than any dollar, whether of gold or paper, which is now lawful money in this country, such measure, it will hardly be questioned, will, in the judgment of mankind, be an act of bad faith. As to all debts heretofore contracted, the silver dollar should be made a legal tender only at its market value. The standard of value should not be changed without the consent of both parties to the contract. National promises should be kept with unflinching fidelity. There is no power to compel a nation to pay its just debts. Its credit depends on its honor. The nation owes what it has led or allowed its creditors to expect. I cannot approve a bill which in my judgment authorizes the violation of sacred obligations. The obligation of the public faith transcends all questions of profit or public advantage. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and should ever be carefully guarded by the Executive, by Congress, and by the people.

It is my firm conviction that if the country is to be benefited by a silver coinage, it can be done only by the issue of silver dollars of full value, which will defraud no man. A currency worth less than it purports to be worth, will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread.

R. B. HAYES.

EXECUTIVE MANSION, *February* 28, 1878.

Mr. WHYTE. Mr. President, I move that the message be laid on the table and printed.

Mr. THURMAN. What is the effect of that?

Mr. WHYTE. My motion is that the message and bill lie on the table and be printed. I referred to the bill when I rose before. Under the rule I claim that the bill goes over unless the rule as to printing is dispensed with.

The PRESIDENT *pro tempore*. Does the motion of the Senator embrace the bill as well as the message?

Mr. WHYTE. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the bill and the objections of the President lie upon the table and be printed.

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

The yeas and nays were not ordered.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is upon a reconsideration. Shall the bill pass? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. BURNSIDE.] If he were here, he would vote "nay" and I should vote "yea."

Mr. WALLACE, (when the name of Mr. CAMERON, of Pennsylvania, was called.) My colleague on this question is paired with a Senator on the other side of the question. If he were here, he would vote "yea."

Mr. ALLISON. He is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague is paired on this question with the Senator from Iowa [Mr. ALLISON] and the Senator from Tennessee, [Mr. BAILEY.]

Mr. ALLISON. I will say that on this question the Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from Pennsylvania [Mr. CAMERON] and the Senator from Missouri, [Mr. ARMSTRONG.] It has been so arranged.

Mr. MORRILL. My colleague is here.

Mr. HILL, (when his name was called.) I do not know the rules of the Senate; but I should like to ask the indulgence of the Senate for a moment, if I can do so.

Mr. HAMLIN. I object to discussion.

The PRESIDENT *pro tempore*. It requires unanimous consent to indulge in debate during the call of the roll. Objection is made.

Mr. HILL. I vote "yea."

Mr. DAVIS, of Illinois, (when Mr. OGLESBY's name was called.) I wish to state that my colleague is paired upon this subject with the Senator from Rhode Island, [Mr. ANTHONY.] The Senator from North Carolina [Mr. RANSOM] is also paired with the Senator from Rhode Island, [Mr. ANTHONY.] The Senator from Rhode Island, if present, would vote "nay," and my colleague [Mr. OGLESBY] and the Senator from North Carolina [Mr. RANSOM] would vote "yea" if they were here.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin, (who had at first voted in the affirmative.) The Senator from Iowa who has charge of the bill [Mr. ALLISON] has a memorandum furnished him by the Senator from Rhode Island, [Mr. BURNSIDE,] that he was paired with me. I was not aware of it; but he evidently thought that he was paired with me. I therefore will ask to take back my vote.

The PRESIDENT *pro tempore*. The Senator's vote will be withdrawn, no objection being made.

Mr. ALLISON. I will say that the Senator from Rhode Island [Mr. BURNSIDE] on leaving the city left with me a memorandum stating that he was paired on this silver bill with the Senator from Wisconsin [Mr. CAMERON] and the Senator from California, [Mr. BOOTH.] I will also say that the Senator from Rhode Island [Mr. ANTHONY] left a memorandum stating that he was paired with the Senator from Illinois [Mr. OGLESBY] and the Senator from North Carolina, [Mr. RANSOM.]

Mr. EDMUNDS. I believe the Senator from Iowa, [Mr. ALLISON,] when I was out for a moment, announced that I was paired with the Senator from Missouri [Mr. ARMSTRONG] and the Senator from Pennsylvania, [Mr. CAMERON.] Being obliged to leave the city in a day or two I had arranged for a pair upon this bill supposing it would come on next week, which was a different pair from this; but our master of pairs, my friend from Iowa, has arranged it differently, and with my consent, although at the time I gave the consent I did not know that the bill was to come on to-day. If I had known it, I would not have consented to pair to-day because I think as a matter of respect the message ought to have been printed and laid over.

Mr. CAMERON, of Wisconsin. I desire to state in addition to what I have already said, that if I were to vote I should vote "yea."

Mr. DAVIS, of Illinois. I wish to say in behalf of my colleague [Mr. OGLESBY] that he was extremely desirous of being here if any further action was to be taken about this bill, and would not have gone back to Illinois except for sickness in his family.

The result was announced as follows:

YEAS—46.

Allison,	Coke,	Eustis,	Hereford,
Bailey,	Conover,	Ferry,	Hill,
Beck,	Davis of Illinois,	Garland,	Howe,
Bruce,	Davis of W. Va.,	Gordon,	Ingalls,
Chaffee,	Dennis,	Grover,	Johnston,
Cockrell,	Dorsey,	Harris,	Jones of Florida,
Jones of Nevada,	Matthews,	Plumb,	Voorhees,
Kellogg,	Maxey,	Saulsbury,	Wallace,
Kirkwood,	Merrimon,	Saunders,	Windom,
McCreery,	Morgan,	Spencer,	Withers.
McDonald,	Paddock,	Teller,	
McMillan,	Patterson,	Thurman,	

NAYS—19.

Barnum,	Dawes,	Lamar,	Rollins,
Bayard,	Eaton,	McPherson	Sargent,
Blaine,	Hamlin,	Mitchell,	Wadleigh,
Butler,	Hoar,	Morrill,	Whyte.
Conkling,	Kernan,	Randolph,	

ABSENT—11.

Anthony,	Burnside,	Christiancy,	Ransom,
Armstrong	Cameron of Pa.,	Edmunds,	Sharon.
Booth,	Cameron of Wis.,	Oglesby,	

The PRESIDENT *pro tempore*. On the passage of the bill the yeas are 46 and the nays are 19. Two-thirds of the Senate having voted in its favor, the bill has passed and become a law.

Mr. ALLISON. I withdraw my motion to reconsider the vote on the adjournment to Monday.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented a memorial and accompanying papers of R. Steinbach and others, praying compensation for lands taken from them for public use by the military authorities in the State of California in 1865; which were referred to the Committee on Private Land Claims.

Mr. CONKLING presented the petition of Lydia Dorr, widow of George S. Dorr, praying to be restored to the pension-rolls; which was referred to the Committee on Pensions.

CIRCUIT COURT AT SCRANTON, MISSISSIPPI.

Mr. LAMAR. I ask the Senate to take from the table House bill No. 3072.

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

Mr. SARGENT. I hope there will not be an adjournment until there is less confusion.

The PRESIDENT *pro tempore*. The Chair will not put the question until Senators have taken their seats and order is restored.

Mr. GORDON. Is there a motion to adjourn?

The PRESIDENT *pro tempore*. There is such a motion pending, but the Chair is not ready to put it until order is restored.

Mr. GORDON. I hope the Senator will withdraw it and let us take a vote on the Mississippi bill.

Mr. EDMUNDS. Debate is not in order.

The PRESIDENT *pro tempore*. The Senate will please come to order. The Senator from Maine moves that the Senate do now adjourn.

The motion was not agreed to, there being on a division—ayes 19, noes 36.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business.

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

The motion was not agreed to, there being on a division—ayes 19, noes 38.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Mississippi to take from the table House bill No. 3072.

Mr. WALLACE. Subject to a call for the regular order.

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

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 3072) to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County.

Mr. HOWE. I said some little time ago that I could not let this vote be taken——

Mr. THURMAN. If the Senator does not wish to proceed to-night, as several other Senators are to speak on this bill, is it not well to adjourn? Will the Senator give way for a motion to adjourn?

Mr. HOWE. I will give way to anything that meets the view of the Senate; but the Senate has just voted down a motion to adjourn.

Mr. THURMAN. There has been business since that. But at the suggestion of Senators around me I do not make any motion as I am ready to vote on the bill, and I hope the Senate is.

Mr. HOWE. Now I protest that is a poor return to make for my compliment. I very cheerfully gave way for a motion to adjourn, and when the Senator failed to come to time with that motion, I do not think he ought to have entered a protest against my making the remarks I wish to make.

Mr. THURMAN. Upon my word I beg pardon. I did it with some compunction in my good nature; but I thought my friend could bear it as well as anybody could; so I trusted to his kind nature.

Mr. HOWE. The Senator has my pardon; he may be very sure of that.

Mr. President, I would not trouble the Senate with any remarks if I did not feel in some sort compromised by the course of debate here this afternoon. I heard the Senator from Mississippi and the Senator from Alabama preferring very grave complaints of the action of the Government touching their constituents or portions of their con-

stituents. I could understand nothing of the Government worse than this, that, assuming certain persons had cut timber from the public lands, the Government had commenced prosecutions in good form or in ill form against them; had instituted suits, good or bad, against them, by some process, regular or irregular. I never asked anything for a constituent of mine except that he might have an opportunity to defend himself in a judicial forum against whatever charge was preferred against him; and I would as soon risk him when summoned by a bad process as when summoned by a good one. So I do not quite think it aggravates the injury if it should turn out that the process employed in Mississippi and in Alabama is irregular. But for that act it is urged not only that these citizens are subjected to a hardship, but that the Government ought to step in and send the court down to them to try them. Citizens of Wisconsin, whom I represent, have at different times been accused of precisely the same offense, individuals here and there, of having cut timber from the public lands. I never knew one of them to make any complaint of such an accusation. I never have known them to appeal to the sympathy of the Government. I have never known one to ask for any peculiar privileges. They have met the Government in the courts, have defeated it or been defeated by it, and when defeated have paid the bills like men.

The Senator from Maine [Mr. BLAINE] appeared here on the floor to advertise the injuries done to a constituency away in the Northwest, and he told us that there the Government had prosecuted men, not for cutting pine timber, which has almost everywhere a value on the stump and a marketable value, but for cutting hard-wood timber, mere cord-wood, which almost nowhere has any value.

Mr. SARGENT. I understand that in Montana there was no prosecution; they simply put their hands on it, seized it without process of law.

Mr. BLAINE. There was no prosecution. They said: "You shall not have this wood unless you pay a dollar a cord stumpage."

Mr. HOWE. Prosecution is just as rightly commenced by one party as another. If an agent of the Government took wood that belonged to Brown, pretending to act in the name of the Government, and Brown thought he owned the wood, the agent could just as readily commence a suit against Brown as Brown against him. It might be said the process in that case was a little irregular, but that did not hurt Brown, it did not hurt the man who cut the wood; it did not deprive him of any right.

Mr. BLAINE. It kept him from the wood.

Mr. HOWE. He might have replevied the wood and built a fire and warmed himself, and then with his blood up have commenced a suit against the agent of the Government for interfering with his rights. The hardship in that case, as I understood the Senator, was that an exorbitant price was demanded for the wood, that the man who had cut the wood and removed it from the public land was compelled to pay a full dollar a cord.

But I have heard very serious complaints from a few constituents of mine who have suffered as they claim in neither of these ways. There are several Indian reservations in the State of Wisconsin. One of these reservations comes within three miles of the city in which I live. It is occupied by the Oneida Indians. In the town where I live and in the town adjoining that, there are different establishments for manufacturing pails and tubs and such hollow wooden ware. They manufacture these vessels of hard-wood bolts brought into town marketable. These towns are skirted by forests in every direction, and this hard-wood timber comes into town from every direction. A few years ago the Supreme Court decided—and I call the attention of the lawyers in the Chamber to that decision—that these Indians held their lands by that sort of title that is recognized in a tenant for life, that the Government has the reversion.

Mr. LAMAR. Will the Senator give way to a motion to adjourn?

Mr. HOWE. No; I think not now.

Mr. LAMAR. It is getting late and the Senate is very thin.

Mr. HOWE. Mr. President, my object in taking the floor was distinctly advertised. I took the floor to make an apology. I yielded at the request of gentlemen here to a motion to adjourn. Following the lead of my friend from Mississippi, the Senate refused to adjourn. I have commenced to make my apology. I do not want to be cut off in the middle of it. I do not want my constituents, for whose benefit alone I make this explanation, to be obliged to wade through the RECORD for this session in order to find my apology.

Mr. SARGENT. They will do it if they take sufficient interest.

Mr. HOWE. Not with my consent. But, sir, I will pause for any gentleman to retire. I am well assured that no constituent of mine will leave this presence until I get through with this apology.

The Supreme Court, as I was saying, decided that the relation of a reversioner or remainder man and tenant for life existed between these tribes and the Government, and therefore that the Indians occupying their reservation could do on the reservation only what a tenant for life could do; and if they cut valuable timber, not for the purpose of clearing the soil for cultivation but for the market, they were guilty of waste, and the Government having the reversion might take the timber. I regret that the Senator from Illinois, [Mr. DAVIS,] who was one of the learned judges who agreed to that opinion, I think, is not present, for I feel bound to say that if the court had not so decided I should never have mistrusted such to be the law. I did not suppose the Indians were tenants for life, tenants for a term of years, or tenants at all; nor did I suppose that the law held them to be, as my friend from Colorado [Mr. TELLER] suggests, tenants at will.

Mr. TELLER. I do not mean to say that the law does, but I say the Government in its dealings with them treats them as tenants at will.

Mr. HOWE. If not in law they may be in fact mere tenants at will. I did suppose until I read this opinion that they held their lands as everybody else holds lands, differing only in these respects: first, that they hold in common while in Wisconsin our lands are held in severalty and, second, that the Government claims the right of pre-emption to the lands. I did not suppose that there was any reversionary interest in the Government. I did not suppose that the Government could obtain possession of the lands in any possible way but by purchasing them of the Indians, and when purchasing them do not take what happens to be left but take what they buy, though of course they buy only what is left. But the law was so decided, and therefore it has been assumed by the officers having charge of the Indian service that nothing could be taken from these lands which did not inflict a damage upon the Government, no more a stick of oak timber than a stick of pine, no more a hoop-pole than a mast for a vessel. And yet, in spite of that decision, I understand that the Oneidas, driven by their necessities or driven by their lust for gain, have in repeated instances cut this hard-wood timber into bolts and hauled it into town as everybody is hauling the light kind of timber from every direction into the same market. I am told that, knowing they are not permitted to cut and market this timber, they are shrewd enough when they approach the town to get a white agent to take their team and drive the load into the market, to dispose of it and account to them for the proceeds. If such be the fact, you will see that there is no possible way for a purchaser, who must have the timber from somebody, to determine whether the load that is offered to him to-day came from one direction or another, whether it came from the east or from the west, or if it came from the west whether it came from that portion of the west occupied by the Oneida reservation or from some portion beyond the reservation, or north, or south, or east of the reservation. It cannot be told. Yet they purchase it, it is said, and suits are commenced against them to recover the value of these bolts, which value is composed of the worth of the hard-wood timber on the stump and of the Indian labor expended in cutting the timber, making it into bolts, and drawing the bolts for miles to the market.

Now, Mr. President, how much of that value belongs to the Government, how much to the Indians, I will not undertake to say. I never happened to know in thirty years' residence hard-wood timber to be sold on the stump there for a dollar anywhere. Such sales may have occurred, not to my knowledge; but it must be very evident to everybody, whether connected with that service or not, that but a very insignificant portion of the value of the bolts which the manufacturer buys and pays for—he pays a price just as well recognized in the market as is the price of wheat or corn—comes from the Government.

What is the remedy enforced in that case? The Senator from Maine complains that the man who cut the cord-wood knowing where he cut it had to pay a dollar a cord. What is the remedy enforced here? They take from the manufacturer the bolts which he paid a full price for, and either sell them in the market or make him pay again the full price of the bolt, not of the standing hard-wood timber, which alone belonged to the Government if anything belonged, but to pay for that and pay again for the labor expended by the Indians in cutting it and drawing it to market.

Mr. TELLER. I would ask the Senator from Wisconsin under what statute this is done?

Mr. HOWE. Ah, Mr. President, I wish my friend would ask me an easier question, or put that question to my friend from Vermont, to anybody but me. But that is not all of it, for I understand that, relying upon the decision of the Supreme Court that the severing of this hard-wood timber is a wrong done to the Government as the owner of the timber, the district attorney sues and recovers the value of the bolts, and instead of paying that value into the Treasury as the depository of the moneys belonging to the United States, pays it over to the Indian agent; so that the Indian who cuts the bolt gets pay for it first and the Indian agent gets pay for it a second time. It all comes out of the pocket of the manufacturer. The Government gets nothing.

Mr. BLAINE. The Indian gets it?

Mr. HOWE. The tribe gets pay once, and the individual Indian gets pay the second time; the Government gets nothing at all; and all this is upon the assumption that the manufacturer who bought of a white driver standing in the streets knew that that man got his bolts from an Indian who cut them on the reservation; and not only that, but cut them on a part of the reservation which he did not design to clear for cultivation, but cut them for the mere purpose of marketing; because the court holds that if the land was designed for cultivation he had a perfect right to cut the timber.

Now, Mr. President, I never thought of making a complaint of this to the Senate, nor to the Secretary of the Interior, nor to anybody; but when I heard such complaints preferred on behalf of other constituencies as have been urged here this afternoon, I thought I was bound to say one word to state the case as it is stated to me on behalf of this constituency. I thought of them as of other constituents of mine that they could not be harmed by the courts unless they had

done wrong, and if they had done wrong I could not object to their being punished.

Mr. SARGENT. Does the Senator think the parallel was still perfect, provided everybody in that region that had bolts, whether bought of the Indians or not, was seized and his business stopped; not only a person who bought bolts of the Indians, but everybody who bought bolts of anybody else; the whole neighborhood arrested, the whole trade stopped? Does he think the parallel still is good?

Mr. HOWE. The parallel still good? No; but the wrong is infinitely greater against my constituents than is suggested on the other side. You talk about destroying a trade, destroying a business. How is the business going to be destroyed by the Government seizing logs which it does or does not own?

Mr. SARGENT. Stopping saw-mills.

Mr. HOWE. The men of whom these logs are seized know exactly whether they have got the Government timber or their own, because they know where they got it; but the manufacturer who buys these bolts cannot possibly know whether the bolts he bought came from the Indian reservation or from other land; and therefore he is not only compelled to desist from buying bolts from Indians, which is perfectly right under the law as settled, but he purchases of my friend from California or anybody else at hazard, at the hazard of a lawsuit.

Mr. SARGENT. I understand the allegation in the case of Mississippi to be that these logs are taken from the booms at the saw-mills where they have been brought one hundred or one hundred and fifty miles down the river, mixed up, and the persons in whose possession they are seized are not those who can know their origin.

Mr. HOWE. Mr. President, how the particular fact is I cannot undertake to say in Mississippi, but stated as the Senator from California states it it comes pretty near the evils of which the citizens of Wisconsin complain. But even if taken from the boom I take it that every log has a certain mark, and the whole lumbering community knowing what the mark is knows where that log comes from. Every man who lumbers there—it is so in Wisconsin—knows the marks of every other man who cuts lumber; but these bolts come in without the slightest mark or the probability of being marked upon them. There is absolute peril in the honestest man making purchases and purchases he must make or he cannot go on with his factory.

Mr. President, as I said, it was no part of my purpose to complain of anybody in the world, but when other complaints like those to which we have listened were stated here, I thought I ought to say on behalf of my clients—no my constituents——

Mr. EATON. They are your clients.

Mr. HOWE. Yes, they are. I have been retained by them for seventeen years, and I stand by them to-day.

Mr. EDMUNDS. Can I make the point of order that there is no quorum present?

Mr. HOWE. If the Senator can get the floor.

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

Mr. EDMUNDS. But I call him to order on the ground that he has no right to speak here when there is nobody in the Senate.

Mr. HOWE. I will compromise with my friend from Vermont by yielding the floor in a minute or two.

Mr. EDMUNDS. Very well. Then I will withdraw my point of order.

Mr. HOWE. I say I thought while these complaints were being preferred on behalf of other constituents that I was bound to say to these constituents of mine that if I had made no outcry on their behalf it was not because I did not feel that the law was pressed against them with unusual, if not undeserved, severity.

Returning my heartfelt thanks to the Senate for the patience and cheerfulness with which they have listened to these few remarks of mine, I yield the floor.

Mr. McMILLAN. Mr. President——

Mr. McDONALD, (at four o'clock and forty-four minutes p. m.) Will the Senator from Minnesota give way to a motion to adjourn?

Mr. McMILLAN. Yes, sir.

Mr. McDONALD. I move that the Senate adjourn.

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

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 31, as follows:

YEAS—19.

Allison,	Dawes,	Howe,	Matthews,
Booth,	Dorsey,	Ingalls,	Rollins,
Cameron of Wis.,	Edmunds,	Kirkwood,	Spencer,
Conover,	Garland,	McDonald,	Voorhees.
Davis of Illinois,	Hoar,	McMillan,	

NAYS—31.

Bailey,	Coke,	Johnston,	Morgan,
Barnum,	Eaton,	Jones of Florida,	Plumb,
Bayard,	Eustis,	Kellogg,	Sargent,
Beck,	Gordon,	Kernan,	Saulsbury,
Blaine,	Grover,	Lamar,	Teller,
Bruce,	Harris,	McCreery,	Wallace,
Butler,	Hereford,	McPherson,	Withers.
Chaffee,	Hill,	Maxey,	

ABSENT—26.

Anthony,	Burnside,	Christiancy,	Conkling,
Armstrong,	Cameron of Pa.,	Cockrell,	Davis of W. Va.,
Dennis,	Mitchell,	Randolph,	Wadleigh,
Ferry,	Morrill,	Ransom,	Whyte,
Hamlin,	Oglesby,	Saunders,	Windom.
Jones of Nevada,	Paddock,	Sharon,	
Merrimon,	Patterson,	Thurman,	

So the Senate refused to adjourn.

Mr. McMILLAN. Mr. President, I have but few remarks to submit upon this question, and it seems to me the Senate should pause before it carries out what appears to me to be the intention of a majority of the Senate. There is, it seems to me, a very serious question involved here, far greater than the value of logs or timber which may have been seized by the Government as having been cut upon the public lands by persons who were trespassers. The bill proposes to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County. That bill has been referred to the Committee on the Judiciary of the Senate. It has been very carefully considered, and the committee has submitted its report to the Senate. The printed report which lies upon the tables of Senators states that—

> The circuit court of the United States for the southern district of Mississippi is now provided by law to be held twice in each year, at the city of Jackson. The place where the bill in question proposes to provide for a special term is the county-seat of the southeastern county of the State. The county is comparatively sparsely populated, and it is in that county and in the adjacent part of Alabama, chiefly, that the controversies concerning lumber, logs, charcoal, and turpentine between the United States and persons of that region have arisen.

The committee further state that—

> It is thought to be contrary to sound principles in the administration of justice to remove a series of controversies which have considerably excited the public mind from the established and serene forum to the locality in which the excitement exists, whether that excitement be in favor of or adverse to the parties against whom the United States are proceeding; and, although the juries for the trial of these cases might be drawn from other parts of the district, yet the atmosphere of public opinion and excitement in the locality of the difficulties would, we think, be likely to largely prejudice, in one direction or the other, the jurors who should be thus brought there.

It is a recognized principle of law that the administration of justice should be fair and impartial, and if there is anything upon which the interests of the citizen depend it is upon that principle. The Judiciary Committee have reported distinctly to the Senate of the United States that the adoption of this bill would be a violation of that great principle in the administration of justice. I care not what private interests may be affected in these suits; I care not whether the seizures in this case may have operated with rigor upon the persons who have had this lumber, or timber, or property in their possession, I shall never consent, for one, to violate such a principle of justice as this is, to transfer to a community where the Judiciary Committee of the Senate say positively justice cannot be administered, I care not which side it may affect, whether the citizens of Mississippi cannot obtain their rights or whether the Government of the United States shall be prevented from having justice administered. I, for one, will never consent to the adoption of such a law, and if the Senate gives it consent to such a measure it seems to me it will certainly hereafter be a source of sincere regret to those who do it.

Mr. EATON. They will be sorry for what they have done to-day already.

Mr. CAMERON, of Wisconsin. Will the Senator from Minnesota yield to me?

Mr. McMILLAN. For what purpose?

Mr. CAMERON, of Wisconsin. I desire to make a motion to adjourn.

Mr. McMILLAN. I yield for that purpose.

Mr. CAMERON, of Wisconsin. I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 19, noes 27.

Mr. McMILLAN. Mr. President, great complaint has been made of the operation of the laws referring to the seizure of logs and timber throughout the country, and from the statements upon the floor of the Senate one would suppose there was some doubt about the right of the Government to take this action. I supposed it had been familiar to the country that these laws have been in operation and have been enforced partially since at least the administration of President Fillmore.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. McMILLAN. Certainly.

Mr. JONES, of Florida. To what laws does the Senator allude?

Mr. McMILLAN. I allude to the statutes under which the Secretary of the Interior has directed the seizure of logs and lumber in different parts of the United States.

Mr. JONES, of Florida. Will the Senator be kind enough to designate the sections?

Mr. McMILLAN. These questions are not new in the State which I have the honor in part to represent. Our citizens have suffered from the operations of these laws. I do not claim that the statutes themselves have a beneficial operation, but the question has been submitted to the circuit court of the United States for the circuit in which my own State is located, and Judge Dillon, the presiding judge of that court, has passed upon it, sustaining fully the power of the Government, and no appeal or writ of error was taken by the able counsel in that case from the decision. These laws have been enforced

by the Secretary of the Interior in different parts of the country for many years. The only difference between the action of the Department now and the action heretofore taken has been that the agent of the Government was authorized to compromise with the persons from whom the logs and timber were taken. Instead of pursuing that course now the Secretary of the Interior has not permitted the agents authorized by him in this matter to exercise any discretion, but has submitted that question to the courts, believing that that was the only effectual way of terminating the destruction of timber upon the lands of the United States. I suppose it is perfectly proper for an officer of the Government to act in that way if he believes it his duty. He submits these matters to the courts, and if sustained by them then the operation of the law is fully tested. If the hardships are so great, if the law operates unequally, then the remedy is to repeal or modify the law; but to attempt to pervert justice, to strike at one of the very elemental principles of justice, is a thing the Senate should hesitate about doing. I care not what suffering there may be by the delay in the prosecution of these suits, if there be any delay. The Judiciary Committee report that there are no such delays or inequalities in this instance as to require the establishment of a special term of the circuit court of the United States in the southeastern county of the State of Mississippi when two terms are held annually at Jackson, the capital of the State.

Mr. President, I hope the Senate will pause before they take this step. These citizens have not suffered as other citizens of the country have suffered. So far as I am informed, they have never been interrupted in cutting timber upon the lands of the United States before; and that it should have been done in this instance was only to prevent future depredations, while other parts of the country have for years compensated the Government for cutting timber upon land the title to which they could not obtain.

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

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were present, he would vote in favor of the third reading and I should vote against it.

Mr. MCMILLAN, (when Mr. FERRY'S name was called.) I desire to state that the Senator from Michigan [Mr. FERRY] is paired with the Senator from North Carolina, [Mr. MERRIMON.] The Senator from Michigan would vote "nay" and the Senator from North Carolina would vote "yea."

Mr. GARLAND, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. HILL.] If he were here, he would vote "yea" and I should vote "nay."

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

Mr. MCCREERY, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. ALLISON.] If he were present, I should vote "yea."

Mr. SARGENT, (when Mr. MITCHELL'S name was called.) I am requested to announce that the Senator from Oregon [Mr. MITCHELL] is paired with the Senator from Ohio, [Mr. THURMAN.] The Senator from Oregon would vote "yea" and the Senator from Ohio would vote "nay."

Mr. EDMUNDS, (when Mr. MORRILL'S name was called.) My colleague [Mr. MORRILL] is paired with the Senator from New Jersey, [Mr. RANDOLPH.] Had my colleague been present, he would have voted against the third reading, and the Senator from New Jersey, as I suppose, would have voted in favor of it.

Mr. WALLACE, (when his name was called.) On this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If he were here I should vote "yea.",

The roll-call having been concluded, the result was announced—yeas 29, nays 15; as follows:

YEAS—29.

Bailey,	Conover,	Jones of Florida,	Sargent,
Barnum,	Dorsey,	Jones of Nevada,	Saulsbury,
Blaine,	Eaton,	Lamar,	Teller,
Booth,	Eustis,	McPherson,	Voorhees,
Bruce,	Gordon,	Maxey,	Withers.
Butler,	Grover,	Morgan,	
Chaffee,	Hereford,	Paddock,	
Coke,	Johnston,	Plumb,	

NAYS—15.

Bayard,	Dawes,	Kirkwood,	Rollins,
Beck,	Hoar,	McDonald,	Saunders,
Cameron of Wis.,	Howe,	McMillan,	Spencer.
Davis of Illinois,	Kernan,	Matthews,	

ABSENT—32.

Allison,	Davis of West Va.,	Ingalls,	Randolph,
Anthony,	Dennis,	Kellogg,	Ransom,
Armstrong,	Edmunds,	McCreery,	Sharon,
Burnside,	Ferry,	Merrimon,	Thurman,
Cameron of Pa.,	Garland,	Mitchell,	Wadleigh,
Christiancy,	Hamlin,	Morrill,	Wallace,
Cockrell,	Harris,	Oglesby,	Whyte,
Conkling,	Hill,	Patterson,	Windom.

So the bill was ordered to a third reading.

The bill was read the third time, and passed.

Mr. DORSEY. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and ten minutes p. m.) the Senate adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 28, 1878.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

CHARLES B. VARNEY.

On motion of Mr. REED, by unanimous consent, the bill (S. No. 149) for the relief of Charles B. Varney was taken from the Speaker's table, read a first and second time, referred to the Committee of Claims, and ordered to be printed.

The SPEAKER. Not to be brought back by a motion to reconsider.

OCEAN MAIL SERVICE.

Mr. FREEMAN, by unanimous consent, introduced a bill (H. R. No. 3560) authorizing the establishing of the ocean-mail service between the United States and foreign countries; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MORNING HOUR.

Mr. WHITE, of Pennsylvania. I ask unanimous consent to introduce a resolution.

Mr. ATKINS and Mr. BLAND demanded the regular order.

The SPEAKER. The Chair departs from the order of recognition of members to ask unanimous consent as the regular order has been demanded, which is equivalent to objection. The morning hour now begins at fifteen minutes past twelve o'clock, and reports are in order from committees, beginning where the call last rested.

PASSED ASSISTANT PAYMASTER JOSEPH T. ADDICKS.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back adversely a bill (H. R. No. 1238) for the relief of Passed Assistant Paymaster Joseph T. Addicks, United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

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

The latter motion was agreed to.

METHOD OF ANNUAL ESTIMATES, NAVY DEPARTMENT.

Mr. WHITTHORNE also, from the same committee, reported back a bill (H. R. No. 356) directing the method of annual estimates of expenditures to be submitted from the Navy Department, with amendments.

The bill was read, as follows:

That section 3666 of the Revised Statutes of the United States be, and the same is hereby, amended, so that in addition to the estimates required to be made by that section, the estimates required by the Department of the Navy for the following purposes shall be given in detail, namely:

Under head of pay of the Navy:

First. The number of officers in each rank on the active and retired lists, with their annual pay.

Second. The number of petty officers, the number of seamen, ordinary seamen, landsmen, and boys, with their rate of pay.

Third. The items making the contingent fund under this head shall be in separate estimated amounts.

Fourth. The items required for support of civil establishment at navy yards and stations shall be in separate estimated amounts, and shall designate the service, labor, and materials, and the number and grade of officers, laborers, or employés required therefor.

Under head of Bureau of Navigation:

The items required for expenditures to be made by or under order of said bureau shall be given separately, and estimates so made.

Under head of Bureau of Ordnance:

The expenditures required in this bureau for fuel, tools, materials, labor, repairs, experiments, purchase of ordnance, ordnance-stores, and for armament of vessels, shall be given separately, and estimates so made.

Under head of equipment and recruiting:

The expenditures required in this bureau for coal for steamers and ships' use, for transportation, for storage, for labor, for materials, for all articles of equipment, and items of expense of any character shall be given separately, and estimates so made.

Under head of yards and docks:

The expenditures required in this bureau for freights and transportation of materials and stores, printing and stationery, machinery, use of patents, repairs of every description, purchase and maintenance of oxen, horses, and driving teams, labor, and all items of expense of any character attaching to or required by this bureau shall be separately given, and estimates so made.

Under head of Bureau of Medicine and Surgery:

The expenditures required in this bureau shall be given separately, and estimates so made.

Under head of Bureau of Provisions and Clothing:

The expenditures required in this bureau for provisions for officers, seamen, and marines, as well as each class of expenses, shall be separately given, and estimates so made.

Under head of Bureau of Construction and Repair:

The expenditures required in this bureau for preservation of vessels on the stocks and in ordinary, estimating for each vessel by name; the purchase of materials and stores of all kinds, stating the proposed use in detail; labor in navy-yards and on foreign stations, stating the class and number of laborers, and amount

of per diem proposed; for purchase of tools, wear, tear, and repair of vessels afloat, building of any new vessel, and any other item of expense under said bureau, shall be separately given, and estimates so made.

Under head of Bureau of Steam-Engineering:

The expenditures required in this bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses shall be separately given, and estimates so made.

Under head of Naval Academy:

The expenditures required at the Naval Academy for pay of professors, clerks, employés, watch men, and others, repairs and improvements, heating and lighting, incidental and contingent expenses, shall be separately given, and estimates so made.

Under head of Marine Corps:

The expenditures required for the pay, support, and maintenance of the Marine Corps, together with the incidental and contingent expenses thereof, shall be separately given, and estimates so made.

SEC. 2. That the appropriations made for one class or item of expenditures shall not be otherwise used or expended than is therein and thereby directed.

The amendments of the committee were read, as follows:

Section 1, line 8, before the words "in detail" insert "as far as practicable."

Section 2, lines 1 and 2, strike out the words "or item of," and insert at the close of the section, "and in classifying the expenditures the items of each class shall be given as far as practicable."

Mr. HALE. I reserve all points of order.

Mr. WHITTHORNE. I was going to ask the House to act on the amendments and then say a few words in explanation of the bill.

Mr. HALE. I make the point of order that the bill must have its first consideration in Committee of the Whole.

The SPEAKER. On what ground?

Mr. HALE. I wish the ruling of the Chair. When the rule was modified in respect to appropriations the language was made very comprehensive, and may perhaps go further than its framers intended. I believe it refers in terms to any matter touching appropriations. I have not the rule before me at this moment, but I think that is the language.

The SPEAKER. The gentleman refers to Rule 112.

Mr. HALE. And this bill is clearly a matter "touching appropriations," regulating appropriations, dealing with appropriations, and as such I suppose it would come under the rule. I do not wish to obstruct the bill. I am inclined to think there are many things good about it. I do this more that I may have an opportunity of examining the bill to see if it is good, correct, and right. There are some things I know that are good in it.

Mr. WHITTHORNE. I do not think the rule to which the gentleman from Maine refers would in its spirit, much less in its letter, make this bill subject to a point of order. The bill does not involve an appropriation. It is simply in regard to the method and manner of estimates to be submitted on the part of the Navy Department in procuring appropriations.

Mr. HALE. As I look at the rule I think there is very little doubt that this bill comes within it; because it is a bill touching appropriations; and the language of the first portion of the rule is "all proceedings touching appropriations of money." Now, this is a proceeding, a bill reported, touching appropriations of money.

The SPEAKER. Is there any appropriation of money in this bill?

Mr. HALE. That is not the point, as the Speaker will observe if he will listen to my argument. The language of the rule refers to two classes. The first is "all proceedings touching appropriations of money," that is, affecting appropriations of money. Then the rule goes on and mentions the other class, that which almost always comes up before the House, "and all bills making appropriations of money or property." Now, this does not make an appropriation of money and undoubtedly does not come under the second class, and I do not contend for that. It is in reference to that class that almost all points of order are raised. But, as coming under the first class, which is rarely up before the House, this bill is clearly subject to the point of order, because it is a proceeding touching appropriations. It is a proceeding that will hereafter, if the bill be passed, affect appropriations. It will affect the method of appropriations, and will affect the amount undoubtedly of appropriations. It seems to me, therefore, as I read the rule, that the bill comes under the class of "proceedings touching appropriations." As a gentleman beside me suggests, what sense would there be in the two clauses of the rule, if the first clause was not meant to apply to the case now before us? All the objections ordinarily raised are raised under the second clause.

The SPEAKER. The Chair has repeatedly decided that bills making appropriations of money of course came under this rule; but he has never decided that where a bill contained no appropriation but required some future action to make an appropriation that such a bill came within the rule referred to. The Chair does not think the language of the rule is susceptible of the rigid construction which is sought to be given to it by the gentleman from Maine.

Mr. HALE. If the Chair will hear my suggestion——

The SPEAKER. The Chair is more than willing to hear the gentleman.

Mr. HALE. I do not think the point I now make has ever come up for the ruling of the Chair. I think it is a new point. I do not think that any ruling of the Chair made upon the point as to whether a bill involves an appropriation in any way conflicts with or affects the suggestion I am now making. But if the Chair will look again to the first clause of Rule 112 and will tell me what the force of those words is, being additional to what follows as to making appropriations, if they do not apply to such a bill as this, then the Chair will give me some new information. The language of the first clause is:

All proceedings touching appropriations of money.

Now, supposing, Mr. Speaker, that a bill was brought in here that claimed in terms to regulate the manner of making all appropriations hereafter, and which should declare that only for such and such places and such and such departments should appropriations be made and only to such an extent, would not that clearly be a proceeding touching an appropriation?

The SPEAKER. The Chair thinks there is no appropriation to be "touched" by this bill in itself; and that the construction which the gentleman from Maine would seek to give to the rule as against the bill under consideration would reach to every species and description of legislation in the House.

Mr. HALE. Hardly so, Mr. Speaker.

The SPEAKER. The gentleman from Maine, with his long experience, knows that 95 per cent. of the legislation of this House has for its motive power an appropriation of money; and yet the point of order does not rest against any such proportionate number of bills as that percentage would imply.

Mr. HALE. The trouble with the Chair I think is that he gives no force to the "touching," except as to making an appropriation. I hold that the word "touching" means anything affecting an appropriation, and the effect of this bill is to affect and touch appropriations.

The SPEAKER. The Chair thinks this is a general bill requiring no appropriation of money *per se* of its own action, but on the contrary is a law which looks to future legislation and deals with the manner of submission of estimates for appropriations.

Mr. HALE. What force would the Chair give to the word "touched?"

The SPEAKER. There is nothing in the bill itself that applies to an appropriation either directly or indirectly. The Chair does not think that this bill of itself makes directly or indirectly any appropriation of money.

Mr. HALE. That will be covered by the second clause of the rule only; but in the first clause of the rule what is the interpretation that the Chair gives to the word "touching," as applied to an appropriation?

The SPEAKER. It would seem to apply to bills which compel Congress in the future to make an appropriation to fulfill its requirements. The Chair does not think that this bill does that. If the gentleman from Maine [Mr. HALE] will point to any section in this bill which would fail to have force or effect without an appropriation, the Chair would like to know it.

Mr. HALE. The whole force of the bill is that no appropriation is made for a certain Department of the Government except in certain cases pointed out, and if this bill does not affect the method of making an appropriation for a Department hereafter it at least regulates and controls them and surrounds an appropriation and takes it in its grasp and declares that it shall be used in a certain way and in no other. This may be as vital in the operation of a Department as if the bill said that you may have so much money and so limit directly and indirectly as well as increase directly and indirectly. Now I say that when a bill provides for no appropriation, but declares an extension of the powers of a Department when appropriations are made, it is subject to the point of order and comes within the first clause of the rule.

The SPEAKER. The Chair would hold that this bill, according to his construction of it, would tend to retrench expenditures and would really be in order on an appropriation bill under Rule 120, wherein it is allowed that this House may put to an appropriation bill an amendment, provided it is in the direction of retrenchment. The Chair cannot conceive that the language "touching" applies to a general law that contains no appropriation whatever, now or hereafter, to execute its provisions and merely goes to regulate a Department, just as we regulate the Department of Justice, or the Treasury Department, or any other Department of the Government by general laws. The Chair therefore cannot see how it can possibly come under Rule 112.

Mr. WHITTHORNE. The Speaker having decided the question of order, I ask the House to concur in the amendments reported by the committee.

The amendments were read and concurred in, as follows:

In line 8, of the first section, before the words "in detail," insert the following: "as far as practicable;" so that it will read:

The estimates required by the Department of the Navy for the following purposes shall be given as far as practicable in detail, namely.

The second amendment was in lines 1 and 2 of the second section of the bill to strike out the words "or item" and add the following words at the end of the section:

And in classifying the expenditures the items of each class shall be given as far as practicable.

So that it will read as follows:

SEC. 2. That the appropriations made for one class of expenditures shall not be otherwise used or expended than is therein and thereby directed. And in classifying expenditures the items of each class shall be given as far as practicable.

Mr. WHITTHORNE. The object of the Committee on Naval Affairs in submitting this bill to the House is that in this way it will be in the power of the legislative department of the Government more economically and wisely to control the expenditures of the Government, and in this way to provide for checks against the ex-

penditure of money that heretofore has been expended regardless of the methods of appropriation under which mischievous practices have grown up, a practice of transferring an appropriation made for one specific object to another. So that in this way there is difficulty in training the legal expenditures in cases where there is a change in the expenditures of the Government from one object to another, and in this way there has existed and does now great abuses and frauds in the expenditures of the Government arising from this transfer of funds appropriated to one bureau to correct this shifting of an appropriation from one branch of the public service to another is the object and main purpose of the bill.

I may remark, Mr. Speaker, and members of the House that it is a part of my individual fortune to know somewhat of the growth of this Government. In the years 1845-'46-'47, I stood in a position to know something of the details of the business of the Government, and while the world has made marked progress in all the fields of science and arts, there has been no more astonishing progress than that made in the growth of the United States Government in its business relations. It has extended yearly, and with a view that the people may control the purse-strings of the Government, it is first necessary to know what the expenditures are. The object of the Naval Committee is that when an appropriation is made it shall be made for a specific object, so that the members of the committee and of the legislative body may be enabled to trace it through from the moment of its appropriation to its expenditure and ascertain whether it has been done in conformity with law or not.

Now, with a view of making the House understand this question, I call the attention of members, and especially the gentleman from Maine, [Mr. HALE,] who has been on the Naval Committee and probably is more familiar with naval affairs than any other member on this floor, to the estimate for the pay of the Navy. I will say that the language employed is the language that has been employed for years past, I do not charge it to one administration more than another. I will read:

Pay of commissioned and warrant officers at sea, on shore, on special service, and those on the retired list and unemployed; and for mileage and transportation of officers traveling under orders; and for the pay of petty officers, seamen, ordinary seamen, landsmen, and boys, including men for the engineer's force, and for the coast-survey service, seventy-five hundred men, at the pay prescribed by law, $7,350,000.

Does any gentleman upon this floor know how much of that $7,350,000 goes to the officers on the active list? Does any gentleman here know what amount of that $7,350,000 goes to the sailors? I state that at this moment there is not in this House a single man, I care not how familiar he may be with naval service, that can answer how much of this $7,350,000 goes to the pay of the sailors.

I tell you, Mr. Speaker, and I tell this House that out of this appropriation in years past the officers of the Navy have been taken care of and the remnant of the appropriation has been distributed among the sailors. I appeal to gentlemen upon the Committee on Appropriations who have had anything to do with naval appropriations to tell me if they can by what law or rule the pay of a sailor or of a landsman is prescribed. Is it not within the discretion of the Secretary of the Navy, and does he not receive merely what is left after the officers have been paid? That is the rule.

Now, with the view of obviating defects of this kind, the Committee on Naval Affairs have reported this bill. I ask gentlemen to turn again to the estimates, to that portion relating to the engineer's department, and especially to the estimates for the Bureau of Construction and Repairs, which are placed at $2,300,000. Can any man tell to what specific object and for what specific purpose that amount is to be used?

Mr. BLOUNT. I would ask the gentleman how it is with the British estimates, especially with the estimates for the bureau of construction and repairs?

Mr. WHITTHORNE. I was coming to that, and will reply to the gentleman in a moment. I am now in a hurried manner directing the attention of gentlemen of the House to these estimates, which are in the form heretofore submitted. In my judgment a greater abuse does not exist under existing law. The difficulty is not alone with the estimates for the Navy, but in all of the Departments of the Government. Look for a moment to the appropriations made to the War Department for public buildings and improvements. Millions upon millions of dollars are voted, and you cannot tell for what specific object. This bill is introduced for the purpose of correcting that evil.

Before I get away from this subject of the estimates for the Bureau of Construction and Repairs, let me say that for the fiscal year of 1875 and 1876 a sum of $3,300,000 was appropriated. During that time forty clerks were employed without any authority of law, unknown to the law, and paid under that appropriation. They were appointed nominally as mechanics and writers at the navy-yard, but were placed on duty at the Navy Department. I congratulate the country that the present Secretary of the Navy is endeavoring to get rid of this abuse, and has had the frankness to come before the Committee on Appropriations and ask for what he really needed.

My friend from Georgia [Mr. BLOUNT] asks me what is the difference between the naval estimates of this Government and the estimates submitted for the British naval service. I have here in a half dozen printed pages the estimates submitted for the United States. I also have here the estimates made for the naval service of Great Britain, and in that connection I will state that the estimates for the British naval service are fully classified; they give the number of officers on active duty, the number of officers on the retired list, the number of vessels to be constructed and to be repaired, the amount necessary for labor and material, down to the minutest detail. They give an estimate of what is necessary to victual the Navy, what is necessary for the navy-yards, down to the details involving an appropriation of only £5. They give the number of laborers by classes, going down even to the laboring-boy in the navy-yards. And what is possible for them is certainly possible for us.

Mr. HALE. I will ask the gentleman to give me a few minutes.

Mr. BLOUNT. I desire to ask a question.

Mr. WHITTHORNE. I will hear the gentleman.

Mr. BLOUNT. I want to ask the gentleman if it is not true in reference to the British naval estimates for construction and repairs, that they give estimates for building the hulls, and even in detail for the several parts of the vessel?

Mr. WHITTHORNE. Yes, sir; in the British naval estimates, when it is contemplated to repair one or more vessels at any given navy-yard, the name of the navy-yard, the name of the vessel to be repaired, the amount of work to be done on the vessel, the quantity of material that will be required, the number of laborers by classes that will be required for that particular work upon each particular vessel are all given. And in giving their estimates to the British government the British naval officers state:

Under this retabulation of the estimates, the form of which all succeeding accounts will follow, we shall have but one great account in certain divisions, and members will be able easily to trace the money the house has voted from the estimates, through the appropriations and savings and deficiencies accounts, into the final expense and manufacturing accounts for each division.

Mr. HALE. I now ask the gentleman to yield to me for a few minutes.

Mr. WHITTHORNE. Certainly; I will do so.

Mr. HALE. I think this bill is in a good direction. It is nothing new either, for appropriations have been separated from year to year and given more and more in detail. It is a curious thing to go back to the original appropriation acts by Congress and observe how from that time the practice has been in the direction of separation of items, so that there might be accountability measured by distinct appropriations.

The first appropriation ever made after the formation of the Government will be found in volume 1 of the Statutes at Large. It is a short act, only about two inches in length, providing a general sum for running the service of the Government; the civil service all lumped, the military service all lumped, and the military service then included both war and navy. From that time to this the subject has been divided and subdivided, and the present naval appropriation bills, which are of the same form adopted for years past, have in them hundreds of items which formerly were embraced in one general appropriation bill.

The gentleman from Tennessee [Mr. WHITTHORNE] by his bill proposes to proceed in that direction still further, and I have no doubt it is a good direction. As the gentleman says, the British estimates are all particularized. In reading over the bill it occurs to me that perhaps it may be difficult for all the bureaus to give each item separately, and I think if the gentleman will add to some clauses of this bill, what he has incorporated in other clauses, the words "so far as practicable," that will cure the difficulty.

I will call the attention of the gentleman to the clause in line 58 of this bill, and will ask him if he thinks such a provision as that is feasible:

Labor in navy-yards and on foreign stations, stating the class and number of laborers—

To which I have no objection—

and the amount of per diem proposed.

I think that this last clause will embarrass rather than help the operations of the Department.

Mr. WHITTHORNE. The gentleman will see by turning to the naval estimates of the British government that there this very thing is done.

Mr. HALE. But that country is not subject to the fluctuations in labor that we have here. If in our estimates the proposed amount of labor is specified, and that estimate is followed in the appropriation, then even if labor has fallen the superintendent of a navy-yard may find difficulty in getting it below the price estimated, because he will be pointed to the estimate and will be told that he ought to pay up to that amount. On the other hand if wages should rise in the neighborhood of the yard—a thing over which the superintendent of the yard has no control—he will find himself crippled and may not be able, under the provisions of the law, to pay for labor what everybody else is paying. I think that in this respect a discretion may safely be left with the Department. It seems to me sufficient to provide for the class of labor and for about how many men will be required, leaving the question of pay to be regulated according to the price that may be paid from time to time in private employment. For this reason I will, with the leave of the gentleman from Tennessee, [Mr. WHITTHORNE,] submit an amendment to strike out these words, "and the amount of per diem proposed."

Mr. BLOUNT. Does not the gentleman think that the retrenchment which would result from a detailed statement so as to facili-

tate a better examination by Congress would overbalance any increase of expenditure that might arise from a pressure of laborers on the Department to pay the amount named in the appropriation when labor had fallen below that price?

Mr. HALE. Why, sir, if this clause be struck out you will still have a specification of the class and number of laborers; but you will not attempt to fix, for instance, now in February the pay of laborers at the different navy-yards throughout the country for an entire year from next July.

Mr. BLOUNT. May not the estimate be useful to Congress in framing its bills; and is it not simply a matter of information?

Mr. HALE. But, as I understand, it is proposed to appropriate in accordance with the estimate.

Mr. BLOUNT. I do not understand that the appropriation follows the estimate every time.

Mr. HALE. Is it not the idea of the gentleman from Tennessee that the estimates shall be made in detail and that the appropriations shall follow those estimates in detail?

Mr. WHITTHORNE. That the appropriations shall correspond to the estimates.

Mr. BLOUNT. Do I understand the gentleman to say that this House or the Committee on Appropriations would be bound by an estimate for the per diem of laborers? Is not such an estimate a simple matter of information for the committee to enable them to report appropriations more intelligently?

Mr. HALE. Undoubtedly the House might reject the whole of the estimates and make an aggregate appropriation in one line; but I take it that the idea of the committee reporting this bill is that this particularity shall run through both the estimates and the appropriations. Is not that the idea?

Mr. WHITTHORNE. When the gentleman from Maine refers to the first appropriation bill, passed I believe in 1789, I have simply to call his attention to the fact that prior to the commencement of this century the entire expenditures of our Government probably were not equal to the amount we now appropriate for the pay of the Navy alone.

Mr. HALE. Nothing like equal.

Mr. WHITTHORNE. The growth of the Government has created a necessity for these detailed estimates.

Mr. BLOUNT. The gentleman will allow me to say that the total expenditures of our Government at the time he refers to were less than one-seventh of what the pay of the Navy is now.

Mr. WHITTHORNE. I simply referred to the growth of our Government as showing the necessity for these detailed estimates for the information of the legislative department of the Government. When these estimates are submitted the legislative department undoubtedly has this entire matter under its control, and can, if it chooses, vote an appropriation in the lump; but I take it for granted that the legislative department will act intelligently, and in making appropriations will make them, so to speak, responsive to the estimates of the different Departments. Of course Congress cannot be bound by those estimates and ought not to be; but in making the appropriations responsive to the estimates it is with the view that the custodians of the public money and the representatives and agents of the people shall properly guard the expenditures of the Government.

I now call the previous question.

Mr. HALE. I had desired to offer an amendment; but before pressing it I will ask whether the amendment which has been adopted in the first section is intended to apply to all the subdivisions of the departments.

Mr. WHITTHORNE. It is.

Mr. HALE. So that it will not be an iron rule. If that is the view, I withdraw my amendment.

Mr. HANNA. That was the intention of the committee, undoubtedly.

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

Mr. WHITTHORNE 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.

EXPEDITION TO THE ARCTIC SEA.

Mr. WILLIS, of New York, from the Committee on Naval Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 447) to authorize and equip an expedition to the Arctic Sea; which was referred to the Committee of the Whole on the public Calendar, and the accompanying report ordered to be printed.

JAMES H. LINN.

Mr. KIMMEL, from the Committee on Naval Affairs, reported back adversely the bill (H. R. No. 1068) for the relief of James H. Linn, late acting first assistant engineer, in charge of the Mississippi squadron, United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

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

The latter motion was agreed to.

CAPTAIN JOHN G. TOD.

Mr. KIMMEL also, from the same committee, reported back a bill (H. R. No. 1127) for the relief of the legal representatives of the late Captain John G. Tod, of Texas; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

NATHANIEL M'KAY.

Mr. HANNA, from the Committee on Naval Affairs, reported back a bill (H. R. No. 1969) for the relief of Nathaniel McKay; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

SECOR & CO. AND PERINE, SECOR & CO.

Mr. HANNA also, from the same committee, reported back the petition and statement of Secor & Co. and Perine, Secor & Co.; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

RELIEF OF NAVAL CONTRACTORS.

Mr. HANNA also, from the same committee, reported back a bill (H. R. No. 1264) for the relief of certain contractors for the construction of vessels of war and steam machinery; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

REANEY, SON & ARCHBOLD.

Mr. HANNA also, from the same committee, reported back a bill (H. R. No. 3137) for the relief of Reaney, Son & Archbold; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

DONALD M'KAY.

Mr. HANNA also, from the same committee, reported back a bill (H. R. No. 3128) for the relief of Donald McKay; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

JOHN HOLROYD.

Mr. HANNA also, from the same committee, reported back adversely the petition of John Holroyd for compensation for use of certain inventions in ordnance made by him while employed at the Washington navy-yard; which was laid on the table, and the report ordered to be printed.

Mr. HANNA moved to reconsider the vote by which the petition was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN N. BARRON.

Mr. HANNA also, from the same committee, reported back adversely the petition of John N. Barron, praying reinstatement to position as second assistant engineer United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

Mr. HANNA moved to reconsider the vote by which the petition was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCIS H. ELLISON.

Mr. DANFORD, from the Committee on Naval Affairs, reported back adversely the bill (H. R. No. 1979) for the relief of Francis H. Ellison; which was laid on the table, and the accompanying report ordered to be printed.

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

The latter motion was agreed to.

JOHN P. GREGSON.

Mr. DANFORD also, from the same committee, reported back adversely the bill (H. R. No. 2979) for the relief of John P. Gregson, of Illinois; which was laid on the table, and the accompanying report ordered to be printed.

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

The latter motion was agreed to.

HORACE JARBOE.

Mr. DANFORD also, from the same committee, reported back adversely the bill (H. R. No. 1574) for the relief of Horace Jarboe; which was laid on the table, and the accompanying report ordered to be printed.

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

BENJAMIN P. LOYALL.

Mr. HARMER, from the Committee on Naval Affairs, reported back the bill (H. R. No. 3561) for the relief of Benjamin P. Loyall, late lieutenant United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. KELSEY, JOHN LOUGHLIN, ETC.

Mr. JONES, of New Hampshire, from the Committee on Naval Affairs, reported back favorably joint resolution (H. R. No. 106) referring to the Court of Claims the claim of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States for damages done to the schooner C. and C. Brooks; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED D. BULLOCK.

Mr. GOODE, from the Committee on Naval Affairs, reported back adversely the bill (H. R. No. 1742) for the relief of Alfred D. Bullock; which was laid on the table, and the accompanying report ordered to be printed.

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

The latter motion was agreed to.

J. WALTEMYER.

Mr. GOODE also, from the same committee, reported back adversely the petition of J. Waltemyer, of Washington, District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

Mr. GOODE moved to reconsider the vote by which the petition was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DECORATION FROM SULTAN OF TURKEY.

Mr. BRIDGES, from the Committee on Foreign Affairs, reported back with a favorable recommendation the joint resolution (H. R. No. 77) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey.

The joint resolution was read. It authorizes First Lieutenant Henry Metcalfe, of the Ordnance Department of the United States Army, to accept a decoration of the Order of the Osmanli, which has been tendered him by the Sultan of Turkey as an evidence of his appreciation of the efforts of that officer in conducting the inspection of arms and ammunition manufactured for the imperial Ottoman government in the cities of Providence, Rhode Island, and Bridgeport and New Haven, Connecticut.

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

The SPEAKER. The question is on the passage of the joint resolution.

Mr. HOUSE. I would like to have the joint resolution again read. I do not think the House understands it.

The joint resolution was again read.

The question being taken on the passage of the joint resolution, there were—ayes 46, noes 49; no quorum voting.

Tellers were ordered under the rule; and Mr. BRIDGES and Mr. SPARKS were appointed.

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

Mr. FRANKLIN. Let the joint resolution be read again.

The SPEAKER. The joint resolution has been twice read. Is there objection to its being read a third time?

There was no objection, and the joint resolution was again read.

On the question of ordering the yeas and nays, there were ayes 48; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 118, not voting 43; as follows:

YEAS—131.

Aiken,	Danford,	Joyce,	Sayler,
Aldrich,	Denison,	Ketcham,	Sexton,
Bacon,	Dunnell,	Kimmel,	Shallenberger,
Bagley,	Dwight,	Lapham,	Sinnickson,
Baker, William H.	Eames,	Lathrop,	Smalls,
Ballou,	Ellsworth,	Lindsey,	Smith, A. Herr
Banks,	Errett,	Luttrell,	Starin,
Banning,	Evins, John H.	McCook,	Stephens,
Beebe,	Field,	McGowan,	Stewart,
Bisbee,	Fort,	McKinley,	Stone, John W.
Blair,	Foster,	Metcalfe,	Stone, Joseph C.
Bliss,	Franklin,	Mitchell,	Strait,
Blount,	Freeman,	Monroe,	Thornburgh,
Brentano,	Frye,	Morse,	Tipton,
Brewer,	Garfield,	Neal,	Townsend, Amos
Bridges,	Glover,	Norcross,	Townsend, M. I.
Briggs,	Goode,	O'Neill,	Van Vorhes,
Bright,	Hanna,	Overton,	Wait,
Brogden,	Harmer,	Page,	Walker,
Bundy,	Harris, Benj. W.	Patterson, G. W.	Ward,
Cain,	Hartridge,	Potter,	Welch,
Calkins,	Haskell,	Powers,	Whitthorne,
Camp,	Hayes,	Price,	Williams, A. S.
Candler,	Hazelton,	Pugh,	Williams, Andrew
Chittenden,	Hendee,	Randolph,	Williams, C. G.
Claflin,	Henry,	Reagan,	Williams, James
Covert,	Hubbell,	Reed,	Williams, Richard
Cox, Jacob D.	Humphrey,	Riddle,	Willis, Benjamin A.
Cox, Samuel S.	Hungerford,	Roberts,	Willits,
Crapo,	Ittner,	Robinson, Geo. D.	Wood,
Cravens,	James,	Robinson, Milton S.	Wren,
Crittenden,	Jones, Frank	Ryan,	Wright.
Cummings,	Jones, James T.	Sampson,	

NAYS—118.

Atkins,	Davis, Horace	House,	Robbins,
Baker, John H.	Davis, Joseph J.	Hunter,	Ross,
Bayne,	Deering,	Hunton,	Scales,
Bell,	Dibrell,	Jones, John S.	Shelley,
Benedict,	Dickey,	Keightley,	Singleton,
Bicknell,	Durham,	Kenna,	Slemons,
Blackburn,	Eden,	Knapp,	Smith, William E.
Bland,	Eickhoff,	Landers,	Sparks,
Boone,	Elam,	Ligon,	Springer,
Bouck,	Ellis,	Lockwood,	Steele,
Boyd,	Evans, James L.	Lynde,	Stenger,
Browne,	Finley,	Mackey,	Thompson,
Buckner,	Forney,	Manning,	Throckmorton,
Burchard,	Fuller,	Marsh,	Townshend, R. W.
Burdick,	Garth,	Mayham,	Tucker,
Caldwell, John W.	Gibson,	McKenzie,	Turney,
Caldwell, W. P.	Giddings,	McMahon,	Vance,
Campbell,	Gunter,	Mills,	Veeder,
Cannon,	Hamilton,	Money,	Walsh,
Carlisle,	Hardenbergh,	Muldrow,	Warner,
Chalmers,	Harris, Henry R.	Muller,	White, Harry
Clarke of Kentucky,	Harris, John T.	Oliver,	White, Michael D.
Clark of Missouri,	Harrison,	Patterson, T. M.	Wigginton,
Clark, Rush	Hart,	Phillips,	Williams, Jere N.
Cobb,	Hartzell,	Pollard,	Willis, Albert S.
Cole,	Hatcher,	Pound,	Wilson,
Conger,	Henderson,	Pridemore,	Yeates,
Culberson,	Hewitt, Abram S.	Rea,	Young.
Cutler,	Hewitt, G. W.	Rice, Americus V.	
Davidson,	Herbert,	Rice, William W.	

NOT VOTING—43.

Acklen,	Ewing,	Killinger,	Rainey,
Bragg,	Felton,	Knott,	Reilly,
Butler,	Gardner,	Leonard,	Robertson,
Cabell,	Gause,	Loring,	Sapp,
Caswell,	Hale,	Maish,	Schleicher,
Clark, Alvah A.	Henkle,	Martin,	Southard.
Clymer,	Hiscock,	Morgan,	Swann,
Collins,	Hooker,	Morrison,	Turner.
Cook,	Jorgensen,	Peddie,	Waddell,
Douglas,	Keifer,	Phelps,	Watson.
Evans, L. Newton	Kelley,	Quinn,	

So the joint resolution was passed.

During the call of the roll the following announcements were made:

Mr. TOWNSHEND, of Illinois. My colleague, Mr. MORRISON, is detained at his room by sickness.

Mr. HARRIS, of Georgia. My colleague, Mr. FELTON, is detained from the House by the sickness of a member of his family.

Mr. EWING. I am paired with my colleague from Ohio, Mr. GARDNER.

Mr. HUNTON. My colleague from Virginia, Mr. CABELL, who is still confined to his room by sickness, is paired with Mr. KEIFER, of Ohio.

The result of the vote was then announced as above recorded.

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

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved joint resolutions and bills of the following titles:

A joint resolution (H. R. No. 54) authorizing the printing and distribution of the memorial addresses on the life and character of the late Edward Young Parsons, a Representative from the State of Kentucky;

A joint resolution (H. R. No. 90) declaring that a reduction of the tax on distilled spirits is inexpedient;

An act (H. R. No. 1454) to change the name of the consulate at Omoa and Truxillo;

An act (H. R. No. 119) to remove the charges against Lieutenant Charles Wilkinson, late of Company K, One hundred and second Regiment Pennsylvania Volunteers, on file in the War Department;

An act (H. R. No. 1201) making an appropriation for the purchase of a law-library for the use of the courts and the United States officers in the Territory of Wyoming;

An act (H. R. No. 789) to appropriate money for the purchase of a law-library for the Territory of Dakota; and

An act (H. R. No. 1891) for the relief of the Eagle and Phœnix Manufacturing Company of Columbus, Georgia.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. STEPHENS, of Georgia. I move that the House proceed to business on the Speaker's table, for the purpose of taking up the message just received from the President.

REMONETIZATION OF SILVER—PRESIDENT'S VETO.

The SPEAKER. The Chair will lay the message before the House.

The Clerk read as follows:

To the House of Representatives:

After a very careful consideration of the House bill No. 1093, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I feel compelled to return it to the House of Representatives, in which it originated, with my objections to its passage.

Holding the opinion which I expressed in my annual message, that "neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish

the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient," it has been my earnest desire to concur with Congress in the adoption of such measures to increase the silver coinage of the country as would not impair the obligation of contracts, either public or private, nor injuriously affect the public credit. It is only upon the conviction that this bill does not meet these essential requirements that I feel it my duty to withhold from it my approval.

My present official duty as to this bill permits only an attention to the specific objections to its passage which seem to me so important as to justify me in asking from the wisdom and duty of Congress that further consideration of the bill for which the Constitution has, in such cases, provided.

The bill provides for the coinage of silver dollars of the weight of 412½ grains each, of standard silver, to be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. It is well known that the market value of that number of grains of standard silver during the past year has been from ninety to ninety-two cents as compared with the standard gold dollar. Thus the silver dollar authorized by this bill is worth 8 to 10 per cent. less than it purports to be worth, and is made a legal tender for debts contracted when the law did not recognize such coins as lawful money.

The right to pay duties in silver or in certificates for silver deposits will, when they are issued in sufficient amount to circulate, put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt. One billion one hundred and forty-three million four hundred and ninety-three thousand four hundred dollars of the bonded debt, now outstanding, was issued prior to February, 1873, when the silver dollar was unknown in circulation in this country, and was only a convenient form of silver bullion for exportation; $583,440,350 of the funded debt has been issued since February, 1873, when gold alone was the coin for which the bonds were sold, and gold alone was the coin in which both parties to the contract understood that the bonds would be paid. These bonds entered into the markets of the world. They were paid for in gold when silver had greatly depreciated, and when no one would have bought them if it had been understood that they would be paid in silver. The sum of $225,000,000 of these bonds has been sold during my administration for gold coin, and the United States received the benefit of these sales by a reduction of the rate of interest to 4 per cent. During the progress of these sales a doubt was suggested as to the coin in which payment of these bonds would be made. The public announcement was thereupon authorized that it was "not to be anticipated that any future legislation of Congress or any action of any Department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same."

In view of these facts it will be justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them. It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in coin of inferior value to the money of the world. The capital defect of the bill is that it contains no provision protecting from its operation pre-existing debts in case the coinage which it creates shall continue to be of less value than that which was the sole legal tender when they were contracted. If it is now proposed for the purpose of taking advantage of the depreciation of silver in the payment of debts to coin and make a legal tender a silver dollar of less commercial value than any dollar, whether of gold or paper, which is now lawful money in this country, such measure, it will hardly be questioned, will, in the judgment of mankind, be an act of bad faith. As to all debts heretofore contracted, the silver dollar should be made a legal tender only at its market value. The standard of value should not be changed without the consent of both parties to the contract. National promises should be kept with unflinching fidelity. There is no power to compel a nation to pay its just debts. Its credit depends on its honor. The nation owes what it has led or allowed its creditors to expect. I cannot approve a bill which in my judgment authorizes the violation of sacred obligations. The obligation of the public faith transcends all questions of profit or public advantage. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and should ever be carefully guarded by the Executive, by Congress, and by the people.

It is my firm conviction that if the country is to be benefited by a silver coinage, it can be done only by the issue of silver dollars of full value, which will defraud no man. A currency worth less than it purports to be worth will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread.

R. B. HAYES.

EXECUTIVE MANSION, *February* 28, 1878.

The SPEAKER. Does the gentleman from Georgia desire that the bill shall be read?

Mr. STEPHENS, of Georgia. Yes, sir.

The SPEAKER. The bill will be read.

The Clerk read as follows:

An act (H. R. No. 1093) to authorize the coinage of the standard silver dollar and to restore its legal-tender character.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than two million dollars' worth per month, nor more than four million dollars' worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $5,000,000: *And provided further*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

SEC. 2. That immediately after the passage of this act the President shall invite the governments of the countries composing the Latin union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals; such conference to be held at such place in Europe or in the United States, at such time within six months as may be mutually agreed upon by the executives of the governments joining in the same whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

The President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall attend such conference on behalf of the United States, and shall report the doings thereof to the President, who shall transmit the same to Congress.

Said commissioners shall each receive the sum of $2,500 and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. The question before the House is "Will the House on reconsideration agree to pass the bill?"

Mr. STEPHENS, of Georgia. Upon that I move the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The main question has been ordered, which is "Will the House on reconsideration agree to pass the bill?"

Mr. STEPHENS, of Georgia, and Mr. BUTLER demanded the yeas and nays.

The SPEAKER. The Constitution provides for the vote being by yeas and nays.

Mr. STEPHENS, of Georgia. Before the call of the roll is commenced I ask that by general consent every member be permitted to print in the CONGRESSIONAL RECORD such remarks as he may want to make on the subject of this bill.

The SPEAKER. Is there objection to the proposition of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. FRYE. I object.

Mr. FRANKLIN. I submit that the objection comes too late.

Mr. FRYE. I withdraw the objection.

There being no further objection, leave was granted.

Mr. FORT. As this message has not been printed, and is important, I ask that it be again read.

The SPEAKER. Does the gentleman desire to have the message printed? If so, the Chair will submit that question to the House. Of course it goes in the RECORD in any event.

Mr. FORT. I do not want to have it printed; what I meant to say was, that as the message has not been printed I ask that it be read again. I frankly state that my main object is delay. Several members are absent who very much desire to vote to pass the bill notwithstanding the veto. We have sent for them, some of whom are sick at their rooms, and it will take some time to get them here, and for that reason I wish to delay a vote for a few minutes by having the veto message again read.

Mr. COX, of New York. I object to having the message read again. It is a charge of fraud by a fraud.

Mr. McCOOK. I call the gentleman to order.

The Clerk commenced the call of the roll and called the first name thereon.

Mr. McCOOK. I insist on my point, and I ask that the gentleman's remarks be taken down and read at the desk.

Mr. COX, of New York. I said simply it was a charge of fraud by a fraud.

Mr. McCOOK. That was not a proper expression.

Mr. COX, of New York. It was a very true one.

Mr. McCOOK. He made this remark in the presence of the House, and I ask that it be taken down.

Mr. COX, of New York. My representative over there should not object to what I said.

Mr. McCOOK. I have the honor to be my colleague's representative, for he resides in my district.

Mr. COX, of New York. But as my representative you do not obey my instructions.

Mr. SAYLER. I make the point of order that the roll-call had been commenced and that the first name had been called.

The SPEAKER. The call of the roll has been commenced.

Mr. PATTERSON, of New York. I object to all this.

The SPEAKER. So does the Chair.

Mr. McCOOK. I ask for the ruling of the Chair upon the words which I insist shall be read at the desk.

Mr. COX, of New York. I withdraw my objection to allowing the printing of speeches.

Mr. BANKS. The roll is being called, and this matter cannot now be entertained. It can be received after the roll-call shall have been concluded.

The SPEAKER. Rule 62 will be read.

Mr. McCOOK. I rose as quick as the remark was made.

The Clerk read Rule 62, as follows:

62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

The SPEAKER. The Chair thinks that the language of the gentleman from New York [Mr. COX] was out of order, for he had no right

to make such a remark, and the reporters were not bound to take it down as part of the RECORD.

Mr. McCOOK. That is all I ask, that it do not go upon the record. I am not conversant with parliamentary law, but I think that a remark of that character should not go unchallenged.

The SPEAKER. The Chair did not recognize the gentleman from New York to make the remark, and the Chair thinks that it ought not to go into the RECORD.

Mr. ATKINS. The first name on the roll has been called, and I insist that the call shall continue.

The question was taken; and there were—yeas 196, nays 73, not voting 23; as follows.

YEAS—196.

Aiken,	Cutler,	Ittner,	Ryan,
Aldrich,	Danford,	Jones, James T.	Sampson,
Atkins,	Davidson,	Jones, John S.	Sapp,
Baker, John H.	Davis, Joseph J.	Keightley,	Sayler,
Banning,	Deering,	Kelley,	Scales,
Bayne,	Dibrell,	Kenna,	Sexton,
Bell,	Dickey,	Knapp,	Shallenberger,
Benedict,	Dunnell,	Knott,	Shelley,
Bicknell,	Durham,	Landers,	Singleton,
Blackburn,	Eden,	Lathrop,	Slemons,
Bland,	Elam,	Ligon,	Smalls,
Blount,	Ellis,	Luttrell,	Smith, William E.
Boone,	Errett,	Lynde,	Sparks,
Bouck,	Evans, James L.	Mackey,	Springer,
Boyd,	Evins, John H.	Manning,	Steele,
Bragg,	Ewing,	Marsh,	Stephens,
Brentano,	Felton,	Mayham,	Stone, John W.
Brewer,	Finley,	McGowan,	Stone, Joseph C.
Bridges,	Forney,	McKenzie,	Strait,
Bright,	Fort,	McKinley,	Thompson,
Brogden,	Foster,	McMahon,	Thornburgh,
Browne,	Franklin,	Metcalfe,	Throckmorton,
Buckner,	Fuller,	Mills,	Tipton,
Bundy,	Garth,	Mitchell,	Townsend, Amos
Burchard,	Giddings,	Money,	Townsend, M. I.
Burdick,	Glover,	Monroe,	Townshend, R. W.
Butler,	Goode,	Morgan,	Tucker,
Caldwell, John W.	Gunter,	Muldrow,	Turner,
Caldwell, W. P.	Hamilton,	Neal,	Turney,
Calkins,	Hanna,	Oliver,	Vance,
Candler,	Harris, Henry R.	Page,	Van Vorhes,
Cannon,	Harris, John T.	Patterson, G. W.	Waddell,
Carlisle,	Harrison,	Patterson, T. M.	Walker,
Caswell,	Hartridge,	Phelps,	Walsh,
Chalmers,	Hartzell,	Phillips,	Welch,
Clark of Missouri,	Haskell,	Pollard,	White, Harry
Clark, Rush	Hatcher,	Pound,	White, Michael D.
Clarke of Kentucky,	Hayes,	Price,	Whitthorne,
Clymer,	Hazelton,	Pridemore,	Wigginton,
Cobb,	Henderson,	Rainey,	Williams, C. G.
Cole,	Henry,	Randolph,	Williams, Jere N.
Conger,	Herbert,	Rea,	Williams, Richard
Cook,	Hewitt, G. W.	Reagan,	Willis, Albert S.
Cox, Jacob D.	Hooker,	Rice, Americus V.	Willits,
Cox, Samuel S.	House,	Riddle,	Wilson,
Cravens,	Hubbell,	Robbins,	Wren,
Crittenden,	Humphrey,	Roberts,	Wright,
Culberson,	Hunter,	Robertson,	Yeates,
Cummings,	Hunton,	Robinson, Milton S.	Young.

NAYS—73.

Bacon,	Dwight,	Jones, Frank	Ross,
Bagley,	Eames,	Joyce,	Schleicher,
Baker, William H.	Eickhoff,	Ketcham,	Sinnickson,
Ballou,	Ellsworth,	Lapham,	Smith, A. Herr
Banks,	Field,	Lindsey,	Starin,
Beebe,	Freeman,	Lockwood,	Stenger,
Bisbee,	Frye,	Loring,	Stewart,
Blair,	Garfield,	McCook,	Veeder,
Bliss,	Gibson,	Morse,	Ward,
Briggs,	Hale,	Muller,	Warner,
Cain,	Hardenbergh,	Norcross,	Watson,
Camp,	Harmer,	O'Neill,	Williams, A. S.
Campbell,	Harris, Benj. W.	Overton,	Williams, Andrew
Chittenden,	Hart,	Potter,	Williams, James
Claflin,	Hendee,	Powers,	Willis, Benj. A.
Covert,	Hewitt, A. S.	Pugh,	Wood.
Crapo,	Hiscock,	Reed,	
Davis, Horace	Hungerford,	Rice, William W.	
Denison,	James,	Robinson, George D.	

NOT VOTING—23.

Acklen,	Gardner,	Kimmel,	Quinn,
Cabell,	Gause,	Leonard,	Reilly,
Clark, Alvah A.	Henkle,	Maish,	Southard,
Collins,	Jorgensen,	Martin,	Swann,
Douglas,	Keifer,	Morrison,	Wait.
Evans, I. Newton	Killinger,	Peddie,	

During the roll-call the following announcements were made:

Mr. TURNEY. I desire to state that my colleague, Mr. COLLINS, is paired with my other colleague, Mr. EVANS. If they were present, Mr. COLLINS would vote "ay" and Mr. EVANS would vote "no."

Mr. ELLIS. I desire to say that my colleague, Mr. LEONARD, and my colleague, Mr. ACKLEN, are paired upon this question. If they were present, Mr. LEONARD would vote "no" and Mr. ACKLEN would vote "ay."

Mr. STENGER. My colleague, Mr. MAISH, is absent from the House on account of sickness.

Mr. TUCKER. My colleague, Mr. CABELL, is detained from the House by reason of sickness. If present, he would vote "ay." He is paired with the gentleman from Ohio, Mr. KEIFER. My colleague, Mr. DOUGLAS, is absent by leave of the House. If present, he would vote "ay."

Mr. TOWNSHEND, of Illinois. I desire to announce that my colleague, Mr. MORRISON, is confined to his room by sickness.

Mr. BLOUNT. I desire to say that my colleague, Mr. FELTON, is detained by sickness in his family, and my colleague, Mr. COOK, is confined to his bed by sickness and unable to come here. If present, they would both vote "ay."

Mr. WAIT. I am paired upon this question with Mr. SOUTHARD. If he were present, he would vote "ay" and I would vote "no."

Mr. PEDDIE. I am paired upon this question with the gentleman from West Virginia, Mr. MARTIN. If he were present, he would vote "ay" and I should vote "no."

Mr. BUNDY. I am requested to state that Mr. JORGENSEN, of Virginia, is paired with his colleague, Mr. DOUGLAS. If they were present, Mr. JORGENSEN would vote "no" and Mr. DOUGLAS would vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is confined to his room by sickness. If present, he would vote decidedly "ay."

Mr. BRAGG subsequently appeared and asked unanimous consent to vote, not having been within the bar of the House when the last name on the roll was called.

There was no objection, and he voted "ay."

Mr. KELLEY. I was not within the bar of the House when the last name on the roll was called, and I ask unanimous consent to vote.

There was no objection, and Mr. KELLEY voted "ay."

Mr. JONES, of Ohio. Mr. KEIFER is necessarily absent. If present, he would vote "ay."

Mr. COOK subsequently appeared, and, not having been within the bar of the House when the last name on the roll was called, asked unanimous consent to vote.

There was no objection, and Mr. COOK voted "ay."

The result of the vote was then announced as above stated.

The SPEAKER. Two-thirds having voted for the passage of this bill upon its reconsideration, the bill is passed, the objections of the President to the contrary notwithstanding. [Great applause.]

Mr. STEPHENS, of Georgia. I move that the Clerk of the House be directed to communicate at once to the Senate the action of the House upon this bill.

The SPEAKER. It is not necessary to make that motion; it will be done.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I move that the House now resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the Mexican war pension bill.

Mr. RICE, of Ohio. I ask unanimous consent to take from the Speaker's table House bill No. 2551, with the Senate amendments thereto. It is a bill to amend section 4778 of the Revised States, relating to the pension agent for the city of New York.

Mr. CRITTENDEN. I object.

Mr. RICE, of Ohio. I hope the gentleman will withdraw his objection.

Mr. CRITTENDEN. The bill is required because of the most extraordinary position taken by the Secretary of the Interior, and I do not withdraw my objection.

The SPEAKER. Debate is not in order.

Mr. RICE, of Ohio. I think if the gentleman understood all the provisions of the bill——

Mr. CRITTENDEN. I have read every line of the debate in the Senate——

Mr. GARFIELD. That certainly is not in order.

Mr. CRITTENDEN. And I insist upon my objection.

The SPEAKER. Debate is not in order.

The motion of Mr. HEWITT, of Alabama, was then agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. EDEN in the chair.)

MEXICAN WAR PENSION BILL.

The CHAIRMAN. The Committee of the Whole now resumes the consideration of the bill (H. R. No. 257) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named. The gentleman from Michigan [Mr. CONGER] is entitled to the floor.

Mr. CONGER. I yield to the gentleman from Illinois [Mr. HARRISON] for five minutes.

The CHAIRMAN. The gentleman from Illinois is not now in his seat.

Mr. CONGER. The gentlemen to whom I have agreed to yield a portion of my time are not now here. Let gentlemen on the other side proceed for the present.

The CHAIRMAN. Then the gentleman from Tennessee [Mr. RIDDLE] will be recognized as entitled to the floor for forty-five minutes.

Mr. RIDDLE. I yield ten minutes to the gentleman from Alabama, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Alabama. Mr. Chairman, in ten minutes I can say but little, and my remarks must necessarily be of a general character.

The Creek war began in the spring of 1836 and ended some time in the year 1837. I do not know that the soldiers were in active service all the time of the war; but the country was in a condition of anxiety and unrest and men had to be in readiness to take arms at a moment's notice. And the service rendered was of a peculiarly dangerous and often desperate character. The Indians waged a war of extermina-

tion. They were strong in numbers and well armed. They retired to the fastnesses of the forests and the depths of the swamps, and there, like wild beasts in ambush, they awaited the white man's attack. At night they would sally forth to slay and burn. The unprotected settler, though living remote from the immediate vicinity of the Indians, was in a state of constant alarm. At any moment after nightfall the war-whoop might proclaim the presence of the savage and the tomahawk might be reddened in the work of slaughter.

The Creek Indians were a powerful tribe occupying portions of the States of Georgia and Alabama. They were well provided with firearms and well skilled in their use. Their leaders were bold and able men. The country, mostly a wilderness and abounding with swamps and streams, offered great advantages for their mode of warfare. They could lie hid in the day-time and travel long distances at night. If pursued by numbers too strong to be met they could steal away into the trackless wilderness and find security. Never fighting in open ground, but always under cover of the forest, where every jungle was to him an open book, the savage was not a trifling foe. Swift-footed, tireless, keenly alive to every opportunity, and fierce beyond expression, he was an embodied terror to every defenseless household and community. This is no fancy sketch of the Creek warrior. I speak of that tribe because the Creek war was waged largely in the district which I have the honor to represent. The first soldiers that I ever saw were on the march to fight the Indians, and I can recollect something of the state of the country.

The gentleman from Maine, [Mr. POWERS,] whose argument of the other day I commend for its fairness of spirit, is mistaken as to the character of the Indian wars of which this bill speaks. He seems to think that they were mere raids, such as are so frequently made on the Texan border and such as were made many years ago on the northwestern frontier. This is a great mistake. This Creek war was waged in a section where this tribe had lived and where they still remained. In peace they were quiet and kindly disposed and the settler felt safe in locating in their midst. From daily intercourse and observation they knew the numbers and strength of the white people, and they rapidly acquired that general information which became highly serviceable in time of hostilities.

Mr. Chairman, when the white soldiers fought these Indians they did it under the Government of the United States and in obedience to the orders of the Government. They were mustered into the Federal service, enrolled into different commands, marched to action by the same authority, and were by the same authority discharged.

What is it that denies to them in the sunset of life the same kindly remembrance that the Government has extended to its other soldiers? The gentleman from Maine has disclaimed any preference or difference on account of section. I greet him in the same spirit. I have never uttered a word in this Chamber to add to sectional irritation. While proud to represent my people and while intensely southern and democratic in sentiment, I recognize equal honesty of feeling and opinion on the part of others, and cherish the fact that men may differ and yet be true to their duty and their country.

Then there being no contrary reason growing out of section or history, why may not the benefits sought by this bill be extended? Who were the men that fought the Creeks and what did they accomplish? They were men of the Carolinas and of Georgia, who with the impulse of true courage and the hope that inspires true manhood had taken their wives and little ones and planted their homes in the then western wilderness. With their axes they hewed out highways for the coming of civilization and opened to older sections a land full of virgin richness.

The world rarely appreciates the work done by such men. It is too much the fate of the pioneers of progress to be esteemed as "hewers of wood and drawers of water." We, amid the refinements and luxuries of life, know little or nothing of the hardships and dangers through which the settler of the frontier secured these things for us. The settler well knew that the savage was not a humane foe. If he became a prisoner there was no parole or exchange, but the stake was his lot. If his wife and children were captured the scalping-knife and tomahawk sealed their fate and the torch laid his home in ashes. Such are some of the incidents of savage warfare; and such a warfare was waged by the Creek Indians in 1836 and 1837. When hostilities commenced rapid couriers were sent to alarm the scattered residents and notify them of some place of rendezvous.

In the consequent haste and confusion but little could be carried from home, and all that was left in many instances fell a prey to the flames. Many men were driven away from their fresh-planted fields and their crops were lost. Their live stock was slaughtered and their dwellings were burned. When the war was over they had to begin anew, impoverished and without shelter. Were these sacrifices and sufferings nothing? I do not claim the benefit of pensions for them on account of such losses, but because of the service they gave to the country under such circumstances. Comparatively it is an easy thing to march to war when the soldier can leave his family amid the surroundings of social life and under the protection of friends. It was different with these men in Alabama. While they gave their service to the country they left their homes to the chance of the torch, which in too many cases was speedily applied.

The survivors are now old men. I do not believe that there are many under the age of three score and ten. Time has thinned them out and they are few in number. Here and there the widow of a soldier survives, but she is old, and feeble, and weary. Of the other Indian wars I have not time to speak nor is it necessary. Other gentlemen who have the opportunity will speak if they wish. It is enough to say that if the Government intends ever to signalize its remembrance of these men the time is at hand. They will soon have passed beyond the reach of compliment or reward through national legislation.

The soldiers in the war with Mexico added a new and glowing page to the book of American history. They sprang to arms at the country's call, and following Taylor and Scott gave the sheen of a brighter glory to the American name and added to the national territory a magnificent domain, comprising that golden land beyond the Rocky Mountains, whose emboweled riches drew the tide of pioneer enterprise from all quarters of the world, built an empire on the Pacific, and ultimately but surely invited the great iron highway that now spans the continent from ocean to ocean. Is the pittance of a pension too much for such fruits as these?

Mr. Chairman, I care but little about statistics in this matter. I will not inquire how many of these soldiers yet live, nor how much money it will take to provide them with pensions. In the course of time any expenditure made must rapidly diminish, for the recipients will soon have passed away. If you pay for the service do so because the debt is a just one. There is an obligation upon the country, which if not heeded now will yet make itself felt, and the shadow upon the dial of time will mark some other hour when the voice of patriotism and justice will be heard and obeyed.

Mr. RIDDLE. I understand now that gentlemen on the other side will consume the remainder of the time to which that side is entitled.

Mr. CONGER. The gentlemen on this side to whom the time has been assigned are not present now for some reason, and unless they should come in I do not know that the time will be desired. If they should come in, I would like to have those gentlemen to whom time has been promised allowed to speak.

Mr. RIDDLE. The agreement was that the argument on that side should be closed before the argument is closed on this side.

Mr. CONGER. Very well; then I will yield to the gentleman from Oregon [Mr. WILLIAMS] for five minutes.

Mr. WILLIAMS, of Oregon. I have listened patiently to the arguments which have been made here for and against this bill. As I cannot vote entirely to my own satisfaction either for or against the bill as it now stands, I desire to state my objections and the reasons which will control my vote against the bill.

I would be willing, I would be glad to vote to pension the soldiers of the Government who have become aged or infirm, or who have received injuries in the service of the Government; that was a part of the contract of original enlistment. But the soldiers who are to be pensioned under this bill have been fully paid, according to the terms of the contract between them and the Government to which they have rendered service. Many of the persons who will be pensioned under this bill have been disqualified from receiving pensions by reason of the passage of section 4716 of the Revised Statutes. Now, while I would be willing to vote to pension Mexican soldiers who are not affected by that statute, I do not have the opportunity to do so by voting for this bill, because if I support the bill I am necessarily compelled to vote to pension those who are disqualified by that statute.

I cannot vote for this bill unless I would be willing to vote to repeal that statute separate and apart from the other provisions of this bill. I believe that when that statute was passed there was a good and sufficient reason for passing it, and nothing has happened since then to remove the cause which originally justified its passage. Are members willing to vote for the repeal of that statute disconnected with the other provisions of this bill? For one I am not, and while I would vote to pension those soldiers who would be pensioned under the other provisions of this bill, I cannot vote to pension those who are now disqualified by reason of the provisions of that statute. For that reason I must vote against the bill.

Mr. CONGER. I now yield the remainder of my time to the gentleman from Kansas, [Mr. RYAN.]

Mr. RYAN. I will occupy but a few minutes. I do not rise for the purpose of discussing the merits of this bill; I could not do so in the short time allotted to me. I rise merely to say a few words explanatory of the vote which I propose to give upon this bill.

I could vote for a proposition to pension the soldiers of the Mexican war who have remained loyal. I believe, as has been already stated upon this floor, that it is both just and it is good policy on the part of this Government to reward the volunteer soldiery of the country, inasmuch as the Government is dependent upon volunteers for its protection and defense. But it seems to me that this bill contains an invidious distinction against that volunteer soldiery that more than any other is entitled to the gratitude and reward of the American people. I mean the soldiery that preserved the very existence of the Government itself.

It has been stated upon this floor as one reason why this bill ought to pass that the achievements of the soldiery of the Mexican war were such as ought to elicit the especial gratitude of the American people. It was stated that the acquisition of the territory resulting from their achievements has added largely to the wealth and prosperity of the American people. But, sir, the Union soldiery made it possible for us to exist and be here to-day at all. Yet a proposition

broad enough to pension all those soldiers could not to-day receive the support of this body. I believe, therefore, that this bill is in itself an invidious distinction against them. It proposes, if I understand it, to pension every man who served in the Mexican war sixty days regardless of whether he received any injury or sustained any disability whatever.

There is another reason why I am opposed to this bill in its present form. As regards the South and the southern people, so far from having any feeling of antagonism or hostility to them, I am willing to join hands with all the members of this Congress to help to build up their waste places. I am willing to do everything for them that it is proper and right for a good, true, patriotic citizen to do. But while willing to forget the past, I am unwilling to reward any citizen for patriotism who, whether he deemed it his duty or not, did as a matter of fact engage in a war for the destruction of this country. This bill proposes to reward a patriotism that served sixty days in a war of this Government against Mexico and then turned round and fought for years to destroy it. I do not believe that such a measure is right; and when I speak this sentiment I do it without intending any offense to anybody anywhere.

Again, sir, it is proposed to pension a class of persons who spent thirty days in the service of the Government in suppressing Indian hostilities. Why, sir, in my own State there may be found everywhere citizen soldiery who were engaged in that sort of warfare for months and for years; yet nobody would think for a moment of pensioning them. They suffered every privation that humanity can endure; but they do not come to Congress and ask that they should be specially remembered by the Government in the way of pensions; and if they did, their application would not be granted. Many of them are persons who reside upon the borders of civilization. They have gone there, taking their families from other States. They have settled upon tracts of one hundred and sixty acres of land, and are eking out an impecunious existence. They need help from the Government. Many of them, too, are of a class who fought under the flag of their country four years to preserve this Government from destruction. These are some of the reasons why I shall oppose this bill.

Mr. FORT. Mr. Speaker, if there is no objection, I would like to occupy a few minutes.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] has three minutes remaining.

Mr. CONGER. I will yield to the gentleman from Illinois, [Mr. FORT.]

Mr. FORT. I understand my friend from Pennsylvania [Mr. WHITE] claims the floor.

Mr. CONGER. I had understood him to withdraw his request.

Mr. WHITE, of Pennsylvania. Mr. Chairman, in the brief time allotted to me to make an utterance upon this question, let me briefly state my reasons for voting against the policy of this measure. I have listened with great care and patience to the discussion conducted by the members of the committee who, after careful examination, have reported the bill for the consideration of the House, and I find briefly stated the proposition of the bill is to place upon the pension-rolls of the country all persons who served thirty days in the Florida, Creek, Seminole, or Black Hawk wars or sixty days in the Mexican war.

This is not a proposition to pension the old soldier; it is not a proposition to pension soldiers of the war of 1812; but it is a distinct proposition to pension the soldiers of the Mexican war and of the several Indian wars I have named. It is not a proposition to pension men who were disabled in that service and are to-day dependent upon the bounty or generosity of this Government. The proposition is to open the door—to take a new departure in the matter of granting pensions. It is to grant a pension to all the citizens of the country who were once soldiers in these wars, regardless of their present condition in life or their physical capacity to earn a livelihood for themselves.

Now, Mr. Chairman, with all deference to the ability and pertinacity with which the policy of this bill has been pressed upon the House, I submit that it is an unwise departure for the American Congress to make in view of present public necessities. More than this; who will be the men pensioned? Look abroad through the land and recall the honorable names in the list of soldiers who fought in the Mexican war. I have in my mind's eye most prominent gentlemen in different parts of the country—men to-day in honorable positions, in the receipt of large revenues from public position—men in the enjoyment of comfortable private estates.

Inasmuch, then, as but thirty-two years have elapsed since the close of the Mexican war—inasmuch as these people are not suffering—inasmuch as we have granted them land warrants and have also granted pensions to those who were actually disabled or are in distress by reason of wounds received in the service, I submit that it is not fair to grant pensions to all these soldiers and refuse it to all those who bore an honorable part in the great conflict for the preservation of the Union.

[Here the hammer fell.]

Mr. HOOKER addressed the committee. [His remarks will appear in the Appendix.]

Mr. RIDDLE. I yield ten minutes to the gentleman from Maryland, [Mr. WALSH.]

Mr. WALSH. Mr. Chairman, as a member of the committee which reported it I agreed to this bill, and I regret, sir, that the time allowed will not enable me to present the reasons to the House and to the country which induced me to agree to the report.

There are two classes of pensions that are known to the law and the policy of the Government from its foundation down to the present time; and these two classes have been confounded by many gentlemen and notably by the gentleman from Michigan [Mr. MCGOWAN] in the debate upon this question. One class of pensions are those that are of the character of a debt, the most sacred debt that the Government could contract to any of its citizens. The other class are those that are of a gratuitous nature—pensions that are granted after a lapse of time to the remnant of the brave old men who carried the country through her storms and her struggles of war and of battle in the times that are past.

Now, in regard to the men who were stricken off the roll under the forty-seven hundred and sixteenth section of the Revised Statutes. They were placed upon that roll under an obligation contracted by the Government. Their pension was in the nature of a debt, the highest and the most sacred debt that any people could owe. In the act declaring war with Mexico it was provided by the seventh section that—

> The volunteers who may be received into the service of the United States by virtue of the provisions of this act, and who shall be wounded or otherwise disabled in the service, shall be entitled to all the benefit which may be conferred upon persons wounded in the service of the United States.

That is the law, that is the contract, that is the obligation resting upon this people and upon this country under which these men entered into the service; and it has been decided by every Department of the Government, by every Attorney-General of the United States before whom the question has come from the commencement down to the present time, that that statute, or similar statutes in previous wars, creates a contract debt, and when our people, trusting in the faith of the Government, have enrolled themselves in the service of their country, when they have gone into her battles, when they have shed their blood in the defense of her honor and her rights, then, sir, you cannot repudiate that contract or debt.

It is not a matter of volition, whether we will pay or not; it is a sacred obligation. These men have performed their part of the contract; they have been maimed and wounded in the service of their country. There is no debt evidenced by bond or anything else that is of a higher and more sacred character than this. This is property, and what do we propose to do? We propose not to allow this repudiation to go on any longer. We propose to restore to their pensions the men whom we had placed there because they had proved that they had been wounded in the service of their country, under a law that promised them these pensions. Now, Mr. Chairman, that is property. These pensions come under the provision of the Constitution that protects property against being confiscated by mere legislative acts of the Government. The fifth amendment of the Constitution provides that no person shall be deprived of his property except by due process of law, and all the courts have decided that a legislative act, where the judicial power is not invoked, is not due process of law. Moreover, the Supreme Court of the United States has decided in Kline's case, and other cases, that the pardon by the President blots out all crimes and all offenses.

A law was passed in 1870, and placed upon an appropriation bill, prohibiting the payment of claims under the captured and abandoned property act. The courts had previously decided that a pardon restored a person engaged in the rebellion to all his rights and gave him a right to draw money out of the Treasury that was due to him under that act. Congress thereupon passed the law of 1870 providing that he could not draw it out, notwithstanding the pardon, without proof that he had not been in the rebellion. The Supreme Court of the United States decided that Congress had no right to pass such an act and that it was a violation of public faith and of the Constitution of the United States and confounded the legislative, executive, and judicial functions, which is intolerable in the government of a free people. Then it was not in the power of Congress after the pardon, according to that decision, to prohibit these rebel property-owners from recovering their money; and now if we proposed to pass a law depriving those men of the pensions granted them for having been maimed and wounded and disabled in the service of their country, under the law which promised them pensions in such events, the Supreme Court of the United States would make the same decision. A pension granted for wounds and injuries received is property, and protected by every principle of law that protects property of any other character.

Now, sir, there are but one hundred or two hundred of these poor old maimed soldiers who after they were placed on the pension-roll went into the war of the rebellion, and they alone are not to be held up and punished.

Sir, they are not to be supposed to be the most intelligent and influential of the men in their country, and who in the great movement of one of the vast sections of this country into war led their people; and they alone should not be held responsible for it; they were not constitutional lawyers, who understood at the time whether they were committing treason or not; and yet we have pardoned nearly everybody else. We have restored nearly all the leaders in thought and action to all their former rights and privileges, and even given to one of them a place in the Cabinet of the President of the United States, and

these poor mained soldiers, who went into the Mexican war under the promise of our Government that they should be pensioned if wounded or disabled, are the only persons to be deprived of the sacred rights that were guaranteed to them by this Government and people. This is a cruel wrong and should not exist.

Mr. RIDDLE. I had hoped, Mr. Chairman, that this bill would pass these two Houses with little or no opposition. I had so supposed from the fact that a bill similar to the present one in all its essential particulars passed during the last session of the last Congress without a single dissenting voice. I took that rare unanimity as an indication of the overwhelming public sentiment throughout the country in favor of the passage of this bill.

My colleague on the committee, from Vermont, [Mr. JOYCE,] was a member of the last Congress, and although he opposes this bill with such pertinacity, yet I did not hear his voice in opposition to it then.

Mr. JOYCE. The gentleman, I know, does not desire to put me in a false position.

Mr. RIDDLE. Not at all.

Mr. JOYCE. When I came here to the last session of Congress I was immediately appointed on a committee to go to Louisiana, and was not here when the bill was passed.

Mr. RIDDLE. That excuse avails the gentleman from Vermont but it does not avail my venerable friend from New York [Mr. TOWNSEND] to whom those lines of poetry quoted here in the House the other day would so aptly apply:

> Though round his breast the rolling clouds are spread,
> Eternal sunshine settles on his head.

But that sunshine is like

> The snow on Etna's brow.
> It hides the fires that burn below.

I regret that my colleague of the committee, from Vermont, saw fit to oppose this bill in the manner he did. That gentleman will leave in this House and in the last Congress memorials of his industry and fidelity as a Representative, but if he lives ten years longer I am sure he will regret the utterances of the other day, and will then wish that instead of the gospel of hate he had preached the new evangel of reconciliation.

The gentleman from Ohio [Mr. GARFIELD] said in a speech some days ago in this House that the President of the United States was an optimist. I say that my friend from Vermont is a pessimist. Why, he seems to be still longing for the flesh-pots of the Egyptian period in our history: the dark period of reconstruction. He is still floundering in the wilderness and in the dark mountains of Moab, when he ought to be luxuriating on the fertile plains and sunlit hills of the promised land. But I do not propose to enter into any recrimination upon this occasion.

The southern people have learned in the hard school of experience to suffer and to be strong, and like the great Apostle of the Gentiles, they have long since learned to glory in tribulations also.

But I propose to address myself to other considerations affecting the passage of this bill. How long a period should transpire from the termination of a successful and glorious war before the survivors of that war shall receive the due recognition of their invaluable services? Who are to be pensioned by this bill? Why, sir, the survivors of the various Indian wars to whose gallantry and to whose valor the early settlements in the South and the pioneer settlements in the West were indebted for their protection from the scalping-knife and the tomahawk of savage barbarians.

Who else are to be pensioned under this bill? The survivors of the Mexican war; the men who with alacrity responded to the call of their common country, and to the music of the ear-piercing fife and the soul-stirring drum marched forth to the unhealthy plains of Mexico, and beneath a tropical sun endured with commendable patience and manly fortitude the privations of the camp, the hardships of the march, and the dangers of the battle-field. They behaved with distinguished gallantry on every one of those battle-fields. They prosecuted the war to a successful termination, and when they came back they brought with them the acquisition of an extended territory, equal to one-sixth of the whole territory of the United States. They brought us the gold of California and the silver of Nevada. They brought us a country of far-reaching amplitude, covering fifteen degrees of longitude and ten degrees of latitude, an extent of country amply sufficient for the constitution of fifteen States of the American Union. They opened up the way to the Pacific seas and enabled us to complete the last link in the chain of human civilization. They caused the commerce of China and of Japan to empty its treasures into the lap of American enterprise and American industry. The capabilities of that country have already astonished the world, and its bright possibilities of future development and expansion transcend all human calculation.

The partial development of the mineral resources of that country have already added $1,800,000,000 to the metallic currency of the world, and by virtue of that addition has impelled American sails on every sea and given vitality and energy to the commercial industries of every land on the habitable globe.

It is said, Mr. Chairman, that we cannot afford to pension these old soldiers. How long shall we wait after the termination of a successful war before we give a manifestation of the nation's gratitude to the nation's heroes and the nation's defenders? It must be remembered that these old veterans have passed through the terrible vicissitudes and sanguinary scenes of our late civil convulsion, and that by virtue of having passed through the experiences of that period their mortality cannot be calculated by any ordinary rules. Why, sir, by virtue of having passed through that terrible period the decrepitude and decay of at least ten, fifteen, ay, twenty years may be added to the natural length of their lives.

My friend from Maine [Mr. POWERS] who has discussed this question with so much ability says that this bill would require the appropriation of $7,000,000 annually to meet its requirements. I think my friend was indulging in oriental exaggeration when he made that statement. I will not now, however, enter into the arithmetical question. I will leave that question to the painstaking care and the laborious research of my friend from Alabama [Mr. HEWITT] who prepared the report upon which this bill is predicated and who has charge of the bill on the floor of this House. I am satisfied that every gentleman who will look into the figures will find that those presented by the gentleman from Alabama [Mr. HEWITT] are more nearly accurate than the wild hypothetical and theoretical calculations of my friend from Maine, [Mr. POWERS.]

Before my time expires I desire to answer this question: can the Government afford to pension these men? The largest estimate made by any member of the Mexican Veterans' Association of the survivors of the Mexican war is ten thousand. The estimate referred to by the gentleman from Mississippi, [Mr. HOOKER,] made by General Morgan, of Ohio, is six thousand. I am perfectly satisfied that the number cannot exceed ten thousand and that the whole amount of money which would be required under this bill would never exceed $2,000,000 annually.

Gentlemen say that we cannot now afford to spare the amount necessary to pay the pensions of these old soldiers. Sir, how long are we going to wait before we pension them? If you have any alabaster boxes of gracious and benevolent legislation to pour out on these old men, do not withhold those alabaster boxes until they sleep their last sleep beneath the green sod of the valley. They are now marching rapidly down the declivity of time and will soon sleep their last sleep at the foot of the hill of life. Let there be no *post mortem* expression of regard for these old men. Let us bestow our bounty and benevolence upon them while they are still living and among us. Flowers upon their graves will never send forth cheer and sweetness to their needy homes.

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

Mr. RIDDLE. I have but a very short time left.

Mr. HANNA. I desire to ask a question in good faith.

Mr. RIDDLE. I will hear the gentleman.

Mr. HANNA. Has the gentleman any reliable data as to the number of persons included in this bill who were engaged in the various Indian wars?

Mr. RIDDLE. The gentleman from Alabama [Mr. HEWITT] will address himself to the arithmetical and economical branches of this subject. I have not the time to enter upon the consideration of that question.

Mr. HEWITT, of Alabama. During the five-minute debate upon this bill, I will endeavor to answer the gentleman.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. RIDDLE] has nearly expired.

Mr. RIDDLE. Now, Mr. Chairman, we have abundant ability to pension these old men and at the same time to relieve all the financial distress and pecuniary disaster existing in the country to-day. If the House will grant me its indulgence a few moments, I will show this beyond possibility of contradiction,

The gentleman from Maine [Mr. POWERS] said the other day that the present Secretary of the Treasury had recently sent to this House a communication in which he stated that since the beginning of the present fiscal year there had been a falling off in the revenues of $2,500,000, and that if this falling off should continue at the same ratio there would on the 30th of June next, the termination of the present fiscal year, be a deficit of four and a half or five million dollars.

[Here the hammer fell.]

Mr. RIDDLE. Mr. Chairman, I would like to have four or five minutes longer.

Mr. RICE, of Ohio: I hope the gentleman's time will be extended.

Mr. DUNNELL. Certainly; let him have five minutes more.

The CHAIRMAN. Where debate has been limited by order of the House, the Committee of the Whole cannot extend the time.

Mr. RICE, of Ohio. I believe it can be done by unanimous consent. I ask consent that the gentleman have ten minutes more.

The CHAIRMAN. It is the impression of the Chair that an order of the House limiting debate is imperative and cannot be varied by the Committee of the Whole.

Mr. RIDDLE. Well, Mr. Chairman, I will not ask to proceed now if the committee will give me the privilege of going on for five minutes upon a *pro forma* amendment as soon as we consider the bill by sections.

The CHAIRMAN. The gentleman can do that in his own right. The time for general debate having expired, the bill will now be read by sections for amendment and debate under the five-minute rule.

The Clerk read the first section of the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is

hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including militia and volunteers of the military and naval service of the United States, who served sixty days in the war of 1846 and 1847 with Mexico, or in the Creek war of 1835 and 1836, or in the Florida or Black Hawk war for thirty days, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried.

The amendment reported by the committee to the first section was read, as follows:

In lines 9, 10, and 11 strike out the words "or in the Creek war of 1835 and 1836, or in the Florida or Black Hawk war for thirty days," and insert "who served thirty days in the Creek war or disturbances of 1835 and 1836, or in the Florida war with the Seminoles from 1835 to 1842, or in the Black Hawk war of 1832."

Mr. RIDDLE. I move to amend the amendment by striking out the last word. Mr. Chairman, when I was arrested in the course of my remarks, I was about to state that the present Secretary of the Treasury, in a communication of more dignity and importance than the one alluded to by the gentleman from Maine—a communication made at the beginning of the present session of Congress in December last—announced to this House and the country the fact that from the 1st of July, 1862, to the 1st of July, 1877, there had been a reduction of the public debt of the United States to the amount of $220,954,459.30 beyond the requirements of the act of February 25, 1862. This reduction of the debt of the United States to the extent of nearly $221,000,000 has been made in violation of law; and as one member of this House I propose (and I invoke the co-operation of every other member in the maintenance of the proposition) that the sinking-fund law of 1862 shall be suspended so that we may be enabled to utilize that surplus for the relief of the financial distress of the country and to revive the drooping spirits of the people. This will be in strict accordance with the spirit of the law.

Mr. Chairman, you well remember that as the result of the labors of the democratic House of Representatives during the Fourty-fourth Congress we went before the people at the adjournment of that Congress and made to them the glad announcement upon every stump throughout the country that we had reduced the expenses of this Government $30,000,000 a year—$60,000,000 during those two years—thus saving to the people a *per capita* tax of at least $5 per annum. By the suspension of the sinking-fund law of February 25, 1862, we shall be able not only to have a fund from which we can pension these old soldiers but to go before the country at the termination of the present session and tell the tax-oppressed people that we have rolled from their shoulders the enormous burden of $35,000,000 of annual taxation.

One word further. The act of 1869, entitled "An act to strengthen the public credit," added $500,000,000 to the amount of interest-bearing obligations of the United States. Yet I never heard my friend from Maine oppose that on the ground of economy. I never heard the silver-demonetization act of 1873 opposed upon the ground of economy. I never heard that bill of abominations, the resumption law of February 14, 1875, opposed on the ground of economy, though it added $1,000,000,000 to the State, municipal, and individual indebtedness of the country. But when it is proposed that these old soldiers shall receive pensions out of the public Treasury it is resisted on the plea of economy.

I say this reduction of the public debt was made in violation of the law because that public-credit act of March 18, 1869, entitled "An act to strengthen the public credit," declares as follows:

But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless the bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin.

Now we have in the last report of the Secretary of the Treasury the fact stated to us that bonds of the United States have been paid exceeding the requirements of the sinking-fund law of February 25, 1862, to the extent of over $182,000,000; and yet this House and the country know that the Treasury notes, the greenbacks, have not been at any period convertible into coin at par at the will of the holder. These bonds were not purchased for the purpose of funding the debt at a lower rate of interest than 6 per cent. That debt has been reduced $220,000,000 in violation of law. We have $221,000,000 laid up for this rainy day of our national misfortune and our national calamity, and I propose, Mr. Chairman, to utilize it for the benefit and relief of the country, for the resuscitation of the industries of the country, and for reviving the drooping spirits of the people. There can be no objection to that proposition at all.

I have before me, Mr. Chairman, some remarks made before the Committee of Ways and Means on the 7th February, 1877, by Mr. J. D. Hays, of Detroit, Michigan, which are very suggestive, and they are as follows:

The Government can imitate the example of England to advantage in the management of the public debt. When England came out of the war with France and America her national debt was 52 per cent. of her assessed valuation. But by her sound policy, and fostering care and attention to her great commercial and manufacturing industries, she developed her resources so rapidly that substantial prosperity and wealth followed to such an extent that about fifty years after, the debt, without being decreased in amount, only stood at about 12 per cent. of the assessed value. Should this nation increase as rapidly in population and wealth for fifty years to come as we have for the past, the ratio of the national debt in proportion to the population and property would be very small indeed.

The suspension of the sinking-fund law until the surplus of $221,000,000, above referred to, shall be exhausted under the regular operation of that law, would not conflict with any obligation, legal or moral, that the Government owes to its creditors, and it would relieve the people of $35,000,000 of annual taxation for five years after an amount amply sufficient had been applied to pension the scarred and war-worn veterans embraced in the bill under consideration. By the time this surplus of $221,000,000 is exhausted, the industries of the country will be so far revived and confidence so far restored that the resumption of the requirements of the sinking-fund law will be an undertaking of no difficulty whatever. Our debt will diminish in proportion to the property and wealth of the country, under wise and beneficent legislation, in the same manner and in the same ratio as did that of England after the Napoleonic wars. It remains to be seen whether the proper methods will be adopted to bring about so desirable and auspicious a result.

I insist that there is no prodigality in the passage of such a bill as this. In cases like those covered by this bill, liberality is true economy and parsimony is the wildest extravagance. Let it be remembered that wherever the highest rewards are extended to virtue and to valor, there the truest and noblest patriots will always be found. Let us gladden the hearts of the veterans of all the wars enumerated in this bill by its prompt passage by a triumphant majority.

Mr. SINGLETON. Mr. Chairman, I have not sought the floor with the view of making a speech touching the merits of this bill. It has been discussed so fully, so ably, that any remarks of mine would be unnecessary. I have but one object in view, which I will proceed to develop. The gentleman from Maine [Mr. POWERS] who sits on my right and other gentlemen on this floor have thought proper to give point and emphasis to their arguments against this bill by referring to a certain distinguished citizen of my State. I cannot but think this done solely with a view of creating prejudice in the minds of honorable gentlemen who are inclined to regard the bill favorably.

I allude to that distinguished citizen whose name I always delight to mention, notwithstanding I know he is under the ban of public sentiment in certain sections of the country, to wit, Jefferson Davis. Mr. Chairman, those who oppose this bill seem to think that the great and controlling objection to it is that by possibility he may become a beneficiary under it, when by the provisions of the bill itself he is excluded from all such benefits. It provides in one of its sections that all persons not having received pardon and amnesty shall be excluded from the benefits of its provisions. Now I wish to say this: If it is believed on the other side of the House, if the opinion is entertained by any single individual opposed to his having a pension, that by any possibility he can become a beneficiary under the bill and that thereby its passage may be endangered, I have a letter from him in which he requests a proviso shall be inserted by which he shall be forever debarred any such right.

Now, for one moment, Mr. Chairman, dispassionately and in good temper let us look at the part which Mr. Davis bore in the Mexican war. He was a member of this House when the first Mississippi regiment was organized, and when it met at Vicksburgh and elected him its colonel he resigned his seat here, followed that regiment and joined it at New Orleans, and marched with it to Camargo. It is not forgotten, surely, by men of this day the services rendered by that regiment at Monterey, at Buena Vista, and all along the line of its operations to the close of the war.

When that regiment returned, its colonel, Jefferson Davis, came back on crutches, and he bears to-day honorable scars from wounds received in defense of the flag of his country. Yet, sir, he is willing that his name shall be blotted from this pension bill and cast out if thereby his comrades may come in and get the benefit of it. I say to you, then, if there be on that side of the House one irreconcilable, a man who cannot be appeased, whose pen will write and whose tongue will advocate such a proviso, let him propose it and I assure that gentleman there is not a southern man on this side who will say nay to it.

It has been stated that the men who were engaged in that war are yet many of them in the prime of life. Mr. Chairman, think of the thirty years which have elapsed since that war closed; add this thirty years to the age of mature manhood and then you have the truth whether or not these men are in the prime of life.

It has been further said that great magnanimity has been shown to Jefferson Davis and his comrades who engaged in the rebellion, as it is called. We have nothing to complain of on that score, so far as Mr. Davis is concerned, except that when placed in prison at Fortress Monroe you kept him there for month after month and refused him a trial; and when already in close confinement, in distress, broken down by emaciation and infirmity of body, so that he could scarcely walk from room to room, you sent down your emissaries who threw him upon the floor of his dungeon and put manacles on his legs and arms.

A MEMBER. He threw himself down.

Mr. SINGLETON. This is not the true history of the affair.

[Here the hammer fell.]

Mr. BLACKBURN. I desire to offer the amendment which I send to the desk.

Mr. SINGLETON. I ask the gentleman from Kentucky to yield to me for a few moments longer.

Mr. RIDDLE. I withdraw the *pro forma* amendment.

Mr. DUNNELL. I raise the question of order whether there are not now pending amendments offered by the committee.

The CHAIRMAN. There is one amendment pending, and that is the amendment offered by the committee.

Mr. DUNNELL. Have we not to act upon that amendment before the gentleman from Kentucky [Mr. BLACKBURN] can offer an amendment?

The CHAIRMAN. The Chair supposes the amendment offered by the committee is subject to an amendment.

Mr. RICE, of Ohio. I think the amendment of the gentleman from Kentucky is not in order. It is an amendment to the latter part of the bill.

The CHAIRMAN. The amendment has not been reported.

Mr. BLACKBURN. I desire to offer my amendment after that of the committee has been disposed of.

Mr. REAGAN. I move to strike out the last word, and yield my time to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. DUNNELL. I desire to hear the amendment of the committee which is now pending.

Mr. SINGLETON. I ask the gentleman not to call for the reading just now. I will be through with what I have to say in a few minutes.

It has been claimed upon this floor by members upon the other side, as I remarked, that great magnanimity had been displayed in the treatment of those termed rebels since the close of the war, and speakers go so far as to say that the history of the world affords no parallel to it. Why, sir, gentlemen have certainly forgotten the facts of history. I remember in 1846—for I can look back that far and remember what occurred—a rebellion on the part of Hungary against Austria broke out, and for a long time success seemed to hang in even balance. The Hungarians had rather the advantage of Austria until the Russian Emperor Nicholas interposed, threw his weight on the side of Austria, and the consequence was that Hungary was reduced to subjection.

After the war was over the Austrian government determined to punish the leaders of the rebellion, organized a court-martial and condemned twelve of the leading citizens of Hungary. Among the number was Count Andrassy, and I am not sure but Kossuth himself was one of the men convicted by court-martial. Nine were executed and the other three made their escape. They were executed, however, in effigy, and their names were nailed to the gallows. And yet in twenty years from that time we find this same man Andrassy the premier of the Austrian government. In 1866 he took that position and he occupies it at this present moment, honored and revered by his countrymen. And although thirteen years have elapsed since the close of our war yet this Congress still refuses to grant amnesty to Mr. Davis.

Now, sir, what is it you are so much afraid of? Is it that Jefferson Davis will get back into political life? Are you unwilling to allow him a pension for wounds received in your cause before he was touched by the taint of what you call rebellion? No, Mr. Chairman, it suits the purpose of gentlemen on that side of the House to place themselves behind these mud redoubts and use these flimsy pretexts for keeping men who are entitled to the benefit of this act from enjoying the same. They wish us to fight this battle over the shoulders of Mr. Davis hoping thereby to arouse prejudices which will defeat us.

Why, sir, gentlemen on that side of the House whenever the name of Jefferson Davis is mentioned seem to have distorted visions and horrid dreams of "treason, stratagems, and spoils," and everything else that is nefarious and would tend to overthrow the Government. The man is pursuing quietly his business in life. He is not interfering and does not propose to interfere with political affairs. Long since, had it been your pleasure to remove his disabilities and had he so chosen, he might have sought and occupied places of honorable distinction now occupied by others. But he has never manifested the slightest disposition to again embark in political life. Upon this point the minds of gentlemen may be at perfect ease, especially since they have the power, and may continue to exercise it in the future as in the past, to defeat any act granting him amnesty.

In conclusion I propose to have read a letter from Mr. Davis, in order that you may see the magnanimity of the man, being only such as he has displayed on all occasions. But before I conclude I must refer to one other point, and that is what is so flippantly called the rebellion, and the part borne therein by Mr. Davis. When the ordinance of secession was passed by the convention of Mississippi Mr. Davis held a seat in the other end of the Capitol, and hoping that our troubles might be amicably adjusted and war averted, always holding to the right of secession as one that had never been surrendered, and yet only to be appealed to as a last resort, he was most reluctant to vacate his seat, and only did so at the bidding of a sovereign State which had a right to command. His idea always was that his first and highest allegiance was due to his State. There is a chapter of unwritten history in the life of Mr. Davis connected with the meeting of the governor of Mississippi and the members of both Houses of Congress from that State which took place at the city of Jackson in the fall of 1860, assembled on the call of the governor, in which I was a participant. When I have more time and a fitting opportunity I may show by referring to the proceedings on that occasion that his heart was not in the movement then contemplated of separate State action, although he believed it was his duty to follow the fortunes of his State.

Mr. GARFIELD. Tell it now.

Mr. SINGLETON. I will if I am allowed. Meanwhile I ask the letter to be read.

The Clerk read as follows:

MISSISSIPPI CITY, 1878.

DEAR SIR: I am quite unwilling that personal objections to me by members of Congress should defeat the proposed measure to grant pensions to the veterans of the war against Mexico, therefore request and authorize you should the fate of the bill depend upon excluding me from its benefits, in my behalf, to ask my friends and the friends of the measure silently to allow a provision for my exclusion from the benefits of the bill to be inserted in it. From other sources you will have learned that not a few of those who then periled their lives for their country are now so indigent and infirm as to require relief, and it would be to me sorrowful indeed if my comrades in that war should suffer deprivation because of their association with me.

While on this subject I will mention that it did not require a law to entitle me to be put on the list of pensioners, but the rather requires legal prohibition to deprive me of that right. As an officer regularly mustered into the military service of the United States and while serving as such I was "severely wounded" in battle and could, under the laws then existing, have applied for and received a pension. My circumstances did not require pecuniary relief from the Government and I did not make the requisite application, therefore my name has never been upon the roll of pensioners and offers no obstruction to the restoration of those names which have been stricken from it.

Respectfully and truly yours,

JEFFERSON DAVIS.

Hon. O. R. SINGLETON.

Mr. SINGLETON. Now, if it is the pleasure of the House, I will recite a short chapter of unwritten history.

The CHAIRMAN. The gentleman's time has expired. The Chair recognizes the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. I yield my time to the gentleman from Mississippi.

Mr. HEWITT, of Alabama. I call for a vote on the amendment. I make the point of order that there are two amendments pending, and that an amendment cannot be withdrawn without unanimous consent. One speech has already been made upon this amendment and one upon the other.

The CHAIRMAN. The Chair rules that debate is not exhausted upon the pending amendment of the gentleman from Texas, [Mr. REAGAN.]

Mr. SINGLETON. If I may be allowed to proceed, I will not occupy many minutes. In the year 1860, in the fall of the year, when the question of secession was being agitated all over the South, and after South Carolina had elected her delegates to her convention, and I think if my memory is not at fault after the convention had assembled and the ordinance of secession had been passed, the governor of Mississippi addressed a letter to each of the members of the House of Representatives of the United States Congress from the State of Mississippi, and to the Senators, of whom Jefferson Davis was one, requesting them to meet at the city of Jackson on a certain day to consider the condition of affairs, to wit, whether the State of Mississippi was prepared and willing to unite with South Carolina as soon as our convention could be assembled and the act of secession passed, or whether we should delay action until other States were prepared to join in the movement and thereby give strength, dignity, and success to the movement.

We met at the city of Jackson and Mr. Davis was there. I am not ashamed to acknowledge that I favored separate State action and immediate secession, and if this constitutes rebellion—if there is a rebel in the land who deserved to be hung I was the man. Mr. Davis was reluctant to take the step of separate State action; indeed, he declared that secession by Mississippi and South Carolina without the co-operation of other States, in his view, was not the right and safe way, but that the governors of the several Southern States should correspond upon the subject, and when all hopes of an amicable settlement had failed, and it came to this last resort, let the States that were ready and willing to do so pass each an ordinance of secession at a given hour and moment on the same day.

At that meeting he declared to the members of it, the governor of the State being one of them, that he did not believe that the act of secession by one or two States would prove effectual for the end proposed; that he deemed it imprudent for the State of Mississippi, then almost in a state of readiness to meet in sovereign convention, to act—unless nine or ten other States were prepared to act with her and take part in the movement. On all occasions and in all his speeches he maintained the idea that we should delay the matter as long as there was hope that something might occur to do away with the necessity of secession.

I recollect that those of us who were a little more advanced in opinion found fault with Mr. Davis because he was not up to the mark, and it was after long consultation and debate that we got him to forego his opinions and consent that Mississippi should take her place side by side with South Carolina, and share her fate, whatever it might be. I remember also that Mr. Davis, after all the argument was over, said: "My allegiance, as I have always said, is first due to my adopted State, Mississippi; and now, whatever steps she may decide to take, whatever her fortunes in the future may be, I will share those fortunes with her." How he kept his promises afterward let the history of the times declare. I am neither the apologist nor eulogist of Mr. Davis. He does not need the one nor the other. His name is written all over the pages of his country's history for the last thirty

years. Anything I could say would not mitigate the hatred of his enemies nor increase the admiration of his friends, nor yet change the estimate that posterity will place upon him.

[Here the hammer fell.]

Mr. CALKINS. I move to strike out the last word.

The CHAIRMAN. That motion is not in order, as the gentleman yielded his five minutes to the gentleman from Mississippi.

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

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. EDEN reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 257) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and had come to no resolution thereon.

BRIDGE ACROSS SAGINAW RIVER.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a letter relative to a bridge proposed to be constructed over the Saginaw River; and the same was referred to the Committee on Commerce.

LIEUTENANT-COLONEL W. R. SHAFTER AND OTHERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the General of the Army in regard to the recent charges against Lieutenant-Colonel W. R. Shafter and Lieutenant E. P. Turner.

IMPROVEMENT OF THE HARBOR OF RACINE, WISCONSIN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of Major D. C. Houston, Corps of Engineers, relative to the improvement of the harbor of Racine, Wisconsin.

VOTE ON THE VETO.

Mr. KIMMEL. I was absent when the vote was taken on the veto. I desire to say that if I had been present I should have voted for passing the silver bill over the veto of the President.

Then, on motion of Mr. CUMMINGS, (at four o'clock and twenty-five minutes p. 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 Mr. BICKNELL: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the Committee of Ways and Means.

By Mr. BOYD: The petition of the publisher of the Plain Dealer, Galesburgh, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. BREWER: The petition of J. S. Briggs and 46 other citizens of Fowlerville, Michigan, against any reduction of the duty on wool—to the same committee.

Also, the petition of the publishers of the Fenton (Michigan) Gazette, for the abolition of the duty on type—to the same committee.

By Mr. BURDICK: The petition of the publisher of the Nord Iowa Herald, of similar import—to the same committee.

Also, the petition of the manufacturers of linen collars, &c., of Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. CUTLER: The petition of the Presbyterian church of Newark, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, the petition of the North Jersey Iron Company, Port Oram and Chester, New Jersey, against a reduction of the duty on spiegeleisen and ferro-manganese—to the Committee of Ways and Means.

By Mr. DAVIDSON: The petition of citizens of Franklin, Calhoun, and Jackson Counties, Florida, for an appropriation to remove obstructions in the Chipola River—to the Committee on Commerce.

By Mr. EDEN: The petition of George Titus and others, of Paris, Illinois, that soldiers of the Black Hawk war be granted the same pension as soldiers of the war of 1812—to the Committee on Revolutionary Pensions.

Also, the petitions of the publishers of the Leader, Chrisman; of the Union, Shelbyville; and of the Paris Gazette, Illinois, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. ELLSWORTH: The petition of the publisher of the Courier, East Saginaw, Michigan, of similar import—to the same committee.

By Mr. ERRETT: The petition of 125 merchantile firms of Pittsburgh, Pennsylvania, for an appropriation of $50,000 for the improvement of the harbor of Ashtabula, Ohio—to the Committee on Commerce.

Also, the petition of 140 citizens of Allegheny County, Pennsylvania, for the amendment of the homestead bill and the passage of House bill No. 20—to the Committee on Public Lands.

By Mr. EWING: The petition of the publishers of the Fairfield County (Ohio) News, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. FREEMAN: The petition of the manufacturers of linen collars, linen cuffs and shirts, at Troy, New York, for a reduction of the rates of duty on linen fabrics—to the same committee.

By Mr. HAMILTON: Memorial of citizens of the United States in regard to Venezuela award—to the Committee on Foreign Affairs.

Also, the petition of Eli W. Brown, publisher of the Columbia City (Indiana) Post, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HARDENBERGH: Two papers relating to the duties on essential oils and chemicals—to the same committee.

By Mr. HARTZELL: The petition of T. W. Eckert, publisher of the Lebanon (Illinois) Journal, for the abolition of the duty on type—to the same committee.

By Mr. HATCHER: The petition of citizens of Missouri, for a post-route from Annapolis to Fredericktown in that State—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDEE: The petition of Silas L. Loomis, trustee of Esther C. Packard, for relief—to the Committee for the District of Columbia.

By Mr. HOOKER: The petition of Charles S. Keller, of Washington, District of Columbia, for relief—to the Committee of Claims.

By Mr. HUBBELL: The petition of Ludington Wells and Van Schaick Company and others, for the improvement of the harbor of refuge, at mouth of Sturgeon Bay, Michigan Ship-Canal—to the Committee on Commerce.

Also, the petition of R. S. Stephenson and 200 others, of similar import—to the same committee.

By Mr. JONES, of Ohio: The petition of workingmen of Delaware, Ohio, against any reduction of the tariff laws that protect American labor—to the Committee of Ways and Means.

Also, the petition of the manufacturers of linen collars, linen cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

By Mr. KIDDER: The petition of J. H. Prosser and others, for the establishing of a post-route in Dakota—to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: The petition of the publishers of the Kern County (California) Gazette, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of R. W. Elliott and John H. Schauck, relative to the Klamath River Indian reservation—to the Committee on Public Lands.

By Mr. McCOOK: The petition of Fletcher, Harrison & Co. and 110 boiler-makers, machinists, and others, of New York City, against the imposition of a higher rate of duty on wrought-iron lap-welded boiler flues and tubes than is charged on other manufactures of iron—to the Committee of Ways and Means.

By Mr. McKENZIE: The petition of the bar of Greenville, Kentucky, that the district court for the western portion of Kentucky be held at Hopkinsville instead of Paducah—to the Committee on the Judiciary.

By Mr. McKINLEY: The petition of 60 citizens of Pigeon Run, Stark County, Ohio, against any change of the tariff—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of the publisher of the Greenville (Ohio) Sunday Courier, for the abolition of the duty on type—to the same committee.

Also, the petition of William Cameron, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, the petition of John O'Connor, for relief—to the same committee.

By Mr. MONROE: The petition of citizens of Franklin Township, Summit County, Ohio, against a reduction of the tariff—to the Committee of Ways and Means.

By Mr. NORCROSS: The petition of the manufacturers of linen collars, cuffs, and shirts, at Troy, New York, for a reduction in the rates of duty on linen fabrics—to the same committee.

Also, the petition of the publishers of the Enterprise, Easthampton; of the Hampshire Gazette, Northampton; and of the Amherst Record, Massachusetts, for the abolition of the duty on type—to the same committee.

By Mr. O'NEILL: Papers relating to the claim of Edward M. Davis—to the Committee on War Claims.

By Mr. POWERS: The petition of ship-owners and ship-builders of Bath, Maine, for the improvement of Penobscot River—to the Committee on Commerce.

By Mr. PRICE: A paper relating to the justice of the proposed plan of regulating the pay of certain postmasters by the amount of stamps canceled—to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Iowa, relative to the lands of the Mississippi and Missouri Railroad—to the Committee on Public Lands.

By Mr. PRIDEMORE: The petition of the publishers of the Clinch Valley News, Tazewell, Virginia, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SAPP: The petition of the publisher of The Ringgold Record, Mount Ayr, Iowa, of similar import—to the same committee.

By Mr. SMITH, of Pennsylvania: The petition of Henry Mullen, for compensation as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. STEWART: The petition of the publishers of the Audobon

(Minnesota) Journal, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. STONE, of Michigan: The petition of the publishers of the Morgan County Democrat and of the Advertiser, Hubbardstown, Michigan, of similar import—to the same committee.

Also, the petition of J. B. Welch and 40 other citizens of Ionia County, Michigan, against any reduction of the duties on foreign wool—to the same committee.

By Mr. VEEDER: The petition of the publisher of the Brooklyner Anzeiger, Brooklyn, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of John Rutherford and 956 others, employés in the Planet Mills Jute Manufacturing Company, Brooklyn, New York, against the proposed reduction of the tariff on jute—to the same committee.

By Mr. WIGGINTON: The petition of the publishers of the San Joaquin Valley (California) Argus, for the abolition of the duty on type—to the same committee.

By Mr. WILLIAMS, of Michigan: The petitions of James Craig, of Detroit, Michigan, and of John S. Clark and citizens of Wyandotte and other towns in Michigan, relative to the protection of food-fish in the great lakes and rivers connecting therewith—to the Committee on Commerce.

Also, the petitions of John J. Bagley and others, of Detroit, Michigan, and of W. R. Boteford and others, of the same city, of similar import—to the same committee.

Also, the petitions of A. Goebel & Co. and other brewers of Detroit, Michigan, and of B. Stroh & Lion, Brewing Company, for a duty of thirty-five cents per bushel on malt—to the Committee of Ways and Means.

Also, the petition of O. R. Pattengill and others of Plymouth, Michigan, against the reduction of the duty on foreign wool—to the same committee.

By Mr. WILLITS: The petition of the publishers of the Times and Expositor, and Morning News; of the Ann Arbor Register; of the Adrian City Journal; and of the Ann Arbor Argus, Michigan, of similar import—to the same committee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 1, 1878.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. SWANN. When the silver bill was returned to the House on yesterday with the President's veto, I was unavoidably absent. If I had been in my place here I would have voted, as I have uniformly done, against the silver bill.

GREAT SOUTHERN RAILWAY COMPANY.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. No. 3562) to aid the Great Southern Railway Company (consolidated) to construct a line of railway in the States of Georgia and Florida; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CUSTOM-HOUSE AT CHICAGO.

Mr. ALDRICH, by unanimous consent, introduced a bill (H. R. No. 3563) making partial appropriation for the custom-house and post-office at Chicago, Illinois; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TRANSPORTATION OF LIVE ANIMALS IN PATENT CARS.

Mr. SAMPSON. I ask unanimous consent to present at this time a joint resolution of the Legislature of Iowa protesting against the passage of a bill for the limitation of the transportation of live stock unless shipped in patent cars. I understand that that subject is now being considered by the Committee on Agriculture, and I ask that this resolution be referred to that committee.

No objection was made, and the resolution was received and referred accordingly.

DUTY ON TIN PLATE.

Mr. WHITE, of Pennsylvania. I ask unanimous consent to submit a preamble and resolution for adoption at this time.

The preamble and joint resolution were as follows:

Whereas it is provided by section 2504 of the Revised Statutes, that there shall be levied and collected duties as follows, namely: on "tin in plates or sheets, terne and taggers' tin, 15 per cent. *ad valorem*" and on "iron and tin plates galvanized or coated with any metal otherwise than by electric batteries, 2½ cents per pound;" and

Whereas section 4 of the act of February 8, 1875, changed the duty on "tin in plates or sheets, terne and taggers' tin," above specified, from "15 per cent. *ad valorem*" to "1.1 cents per pound;" and

Whereas further, the returns of the Treasury Department, as reported by the Bureau of Statistics, exhibit there were imported in the year 1876 under the classification of "tin in plates or sheets, terne and taggers' tin" 196,863.621 pounds, valued at $10,163,368.87, paying, at the rate of 1.1 cents per pound, a duty of $2,165,499.87, and for the year 1877 222,307,980 pounds at the same rate, of 1.1 cents per pound, a duty of $2,445,387.70; while under the classification of "iron and tin plates galvanized or coated with any metal otherwise than by electric batteries" the returns of the same source exhibit there were imported for the year 1876 11,417 pounds, valued at $1,691, paying a duty, at the rate of 2½ cents per pound, of $285.44, while for the year 1877 no importations seem to have paid a duty under this latter classification; which returns herein cited are fairly representative of previous years since 1864 when the above classifications were first enacted; and

Whereas further, while "tin in plates and sheets" is a commodity rarely used in the markets, "iron and tin plates galvanized or coated with any metal otherwise than by electric batteries" are actively consumed, as much as 130,000 tons being annually sold in the markets of the United States, it would appear the great bulk of "tin-plate" importations into the country have been subjected to a duty of but 1.1 cents per pound, while they should have paid a duty of 2½ cents per pound, making a difference in the revenues of the Government of nearly $3,000,000 annually and in the last ten years of over $30,000,000; and

Whereas further, the manufacture of "iron and tin plate galvanized with any metal otherwise than by electric batteries" is now struggling into life and importance in the country, but cannot compete in the market with importations from foreign countries, unless the duty of 2½ cents per pound is levied and collected on such importations: Therefore,

Resolved, That the Secretary of the Treasury is hereby instructed to institute legal proceedings against such persons who have been engaged in the importation of "iron and tin plates galvanized or coated with any metal otherwise than by electric batteries" and have fraudulently or illegally paid less than the legal rate of duty thereon, or who have fraudulently or illegally caused to be levied and collected less than the legal duty thereon, and to enforce the penalties therefor both in the civil and criminal courts of the United States.

Mr. BANKS. For what purpose is that resolution introduced at this time?

Mr. WHITE, of Pennsylvania. I ask unanimous consent to introduce it and put it upon its passage at this time.

Mr. BANKS. I object.

Mr. WHITE, of Pennsylvania. It affects the revenue to the extent of $20,000,000 annually.

The SPEAKER. Objection being made, it is not before the House.

Mr. WHITE, of Pennsylvania. Then I ask unanimous consent that it be referred to the Committee on the Judiciary.

Mr. MILLS. I object.

Mr. BANKS. Let it go to the Committee of Ways and Means.

The SPEAKER. Objection having been made to it, it is not before the House.

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 a bill of the House of the following title:

A bill (H. R. No. 3072) to authorize a special term of the circuit court of the United States for the southern district of Mississippi, to be held at Scranton, in Jackson County.

The message further announced that, the Senate having proceeded in pursuance of the Constitution to reconsider the bill (H. R. No. 1093) to authorize the coinage of the standard silver dollar and to restore its legal-tender character, returned to the House of Representatives by the President with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill, the Senate had passed the same, two-thirds of the Senate voting in favor thereof, the objections of the President to the contrary notwithstanding.

PENSION AGENT AT NEW YORK CITY.

Mr. RICE, of Ohio. I ask unanimous consent to take from the Speaker's table House bill No. 3551, to amend section 4778 of the Revised Statutes, with the Senate amendment thereto, for the purpose of moving to concur in the amendment of the Senate.

The SPEAKER. The amendment of the Senate will be read; after which objection will be in order.

The amendment of the Senate was to strike out all of the bill after the enacting clause and to insert:

That whenever during a session of the Senate a vacancy shall occur in the office of pension agent by reason of resignation, death, removal, or expiration of the term of office, or where any such agent lawfully appointed shall have failed to qualify and assume the duties of such office, the President may, when the public exigency requires it, designate any officer of the United States to perform the duties of such office; but such designation shall not be for a longer time than twenty days; and such officer so designated shall give bond, if required by the President, for the faithful discharge of the said duties. And the Secretary of the Interior shall allow, in the settlement of the accounts of such officer, the necessary expenses incurred by him in the discharge of his duties under this act.

The foregoing provision shall apply to any vacancy now existing.

Mr. CRITTENDEN. I objected yesterday because I thought it was wrong to pass such a bill, but at the request of many gentlemen here I withdraw my objection.

The bill, with the Senate amendment, was then taken up, and the question was upon concurring in the amendment of the Senate.

Mr. RICE, of Ohio. In order to fully explain the necessity for this legislation, I ask to have read a letter received by me this morning from the Commissioner of Pensions.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 1, 1878.

SIR: I write this note for the purpose of giving you full knowledge of the emergency which calls for the immediate passage of House bill No. 3551 as amended by the Senate on Wednesday.

Until the 25th instant it was confidently expected that Colonel Charles R. Coster, who had been confirmed by the Senate as pension agent at New York, would qualify and take possession of the office.

Information received on that day aroused apprehensions that he might not be able to do so until after the 4th of March, (next Monday,) and possibly not at all.

There are on the rolls of that agency upward of fourteen thousand pensioners, fully one-half of whom live in New York and Brooklyn, and a very great propor-