

By Mr. DEAN: The petition of Elizabeth Clune, for a pension—to the Committee on Invalid Pensions.

By Mr. GIDDINGS: The petition of citizens of Grimes County, Texas, for the division of said State into two judicial districts—to the Committee on the Judiciary.

By Mr. STEVENS, of Arizona: Five petitions of citizens of Arizona Territory and one petition from citizens of the Territory of New Mexico, for the enactment of such laws as will allow the Southern Pacific Railroad Company to build their road through New Mexico and until a connection is made with the Gulf of Mexico—to the Committee on the Pacific Railroad.

By Mr. VANCE: A paper relating to the establishment of a post-route from Cashier's Valley, via Gum Bottom, to New Pickens Court House, South Carolina—to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, June 10, 1878.

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

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

The Journal of the proceedings of Saturday last was read and approved.

DISTRICT GOVERNMENT.

Mr. DORSEY. I move that the Senate proceed to consider the conference report upon the District bill.

The motion was agreed to; and the Senate proceeded to the consideration of the report; which was read, as follows:

* The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3250) providing a permanent form of government for the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

Page 1, line 15, insert after the word "Army" the following: "whose lineal rank shall be above that of captain."

Page 2, line 25, strike out the words "one year" and insert "three years."

Page 3, line 62, strike out all after the word "power" to and including the word "and" in line 64.

Page 3, line 78, insert after the word "law" the following words: "said commissioners shall have power to erect, light, and maintain lamp-posts with lamps outside of the city limits when in their judgment it shall be deemed proper or necessary."

Page 4, line 87, strike out the word "eighty" and insert the word "seventy-nine."

Page 4, line 109, strike out the word "they" and insert the word "Congress."

Page 5, line 123, insert after the word "property" the following: "held and used exclusively for agricultural purposes."

Page 5, line 126, strike out all after the word "dollars" to and including the word "taxes" where it first occurs in line 130.

Page 5, line 133, strike out the word "ten" and insert the word "thirty."

Page 7, line 153, strike out all after the word "payable" down to and including the word "States," in line 161.

Page 7, line 161, strike out all after the word "pay" to and including the word "fund," in line 162.

Page 7, line 164, strike out all after the word "provided," where it first occurs, to and including the word "seventy-five," in line 171.

Page 8, line 191, strike out the words "and all contracts" and insert the following: "All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature, shall be made and entered into only by and with the official unanimous consent of the commissioners of the District; and all contracts."

Page 8, line 192, strike out the words "at least two of."

Page 8, line 198, strike out all after the word "manner" to and including the word "yard," in line 199.

Page 9, line 204, after the word "performed" insert the following: "to the satisfaction of and acceptance by said commissioners."

Page 11, line 269, after the word "direct" insert the following: "The President of the United States may detail from the Engineer Corps of the Army not more than two officers of rank subordinate to that of the engineer officer belonging to the board of commissioners of said District, to act as assistants to said engineer commissioner in the discharge of the special duties imposed upon him by the provisions of this act."

Page 12, line 283, strike out all after the word "now," through and including the remainder of that section, and insert the following: "authorized by law."

Page 13, line 314, strike out the word "four" and insert the word "three."

S. W. DORSEY,

J. J. INGALLS,

W. H. BARNUM,

Managers on the part of the Senate.

JO. C. S. BLACKBURN,

A. S. WILLIAMS,

G. W. HENDEE,

Managers on the part of the House.

The report was concurred in.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. W. D. Williams and others, citizens of Michigan, praying for an amendment to the Constitution of the United States granting to women the right of suffrage; which was referred to the Committee on Privileges and Elections.

Mr. CONOVER presented a preamble and resolution adopted at a meeting of citizens of Key West, Florida, in regard to the Great Southern Railway; which was referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

At a meeting of the citizens of Key West, Florida, held at the city hall May 25, 1878, the following memorial and resolutions were unanimously adopted, namely: Whereas we, the citizens of Key West, in public meeting assembled, considering

the great necessity of more direct and ready communication with the West Indies and the more northern of the South American states, and the fact that the geographical position of the peninsula of Florida, with its level surface and numerous advantages, its line of keys extending to within ninety miles of the coast of Cuba in an unbroken chain, and in almost immediate contact, presents a most favorable opportunity for the construction of a railroad to supply the required demand, and that such railroad having its terminus at the port of Key West, a point of the greatest military importance, commanding, as it does, the entrance to the Gulf of Mexico, is a matter of sufficient general interest to the country at large to justify entitle it to national aid, assistance, and encouragement, and that the vastness of the undertaking renders it necessary to seek such aid: Therefore,

Be it resolved, That our Senators and Representatives in Congress be requested to do all within their power to procure the passage of House bill No. 3362, in aid of the Great Southern Railroad.

Resolved, That the secretary of this meeting be requested to send a certified copy of this memorial and resolution to each of our Senators and Representatives in Congress.

WILLIAM CURRY,

Chairman.

G. BROWNE PATTERSON,

GEORGE D. ALLEN,

Secretaries.

Mr. ANTHONY. I present the memorial of the heirs of John W. Vose and James S. Ham, representing that they were in possession of certain bonds of the United States which were deposited in the Traders Bank of Providence, and that the bank was robbed; and, as the bonds have been called in, they ask for the issue of new bonds to themselves. I think, Mr. President, that there should be a general law providing that where bonds have been lost or stolen and called in new bonds can be issued and deposited in the Treasury as security against the return of the old bonds, and interest paid to the equitable owners. I ask the special consideration of the Committee on Claims to this case, to whom I move the memorial be referred.

The motion was agreed to.

Mr. VOORHEES. I present a petition, praying for an increase of pension, signed by S. L. Emerson, who lost his left leg in front of Petersburg, July 26, 1864; S. F. Haskell, who lost his right arm in front of Petersburg, June 16, 1864; Francis M. Allen, who lost his left arm at Cedar Creek, on the 19th of October, 1864; Josiah Doran, who lost one leg in the Wilderness, May 6, 1864; W. H. Howard, who lost a leg at Gettysburg; Lyman Wright, who lost an arm at Cedar Mountain; Charles E. Mayburg, who lost an arm at Weldon Railroad, and A. H. Penly, who lost his left arm in front of Petersburg, June 18, 1864. I take the liberty of reading the names because they have subscribed themselves in that way. I move the reference of their petition to the Committee on Pensions.

The motion was agreed to.

Mr. EATON presented the petition of Mrs. H. A. Foster, D. E. Easton, Sarah A. Hinds, and others, citizens of Meriden, New Haven County, Connecticut, praying for an amendment to the Constitution of the United States, prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on Privileges and Elections.

Mr. THURMAN presented the petition of William H. Remington and others, citizens of Meigs County, Ohio, praying for an amendment to the Constitution of the United States, so as to provide for the election of President and Vice-President of the United States by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented the petition of J. Barker and others, citizens of Cleveland, Ohio, praying for the prompt recognition of the claims of pensioners who are sufferers, as is alleged, by the provisions of an unwise limitation law; which was referred to the Committee on Pensions.

Mr. THURMAN. I present the memorial of certain ladies of Oberlin, Lorain County, Ohio, remonstrating against any legislation looking to the conferring upon women of the right of suffrage. I want to say in this connection that the memorial was sent to me a year ago, but by accident it became mislaid. I found it to-day, and I comply with their request in presenting it now. I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. OGLESBY. I present the petition of Kate B. Ross and 150 others, citizens of Abingdon, Knox County, Illinois, and also the petition of Mrs. S. Brown and about 100 others, citizens of Adams, La Salle County, Illinois, praying for an amendment to the Constitution of the United States, prohibiting the several States from disfranchising United States citizens on account of sex. I move that they be referred to the Committee on Privileges and Elections, and I ask that the committee take serious notice of these petitions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1344) relating to tax sales and taxes in the District of Columbia, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1106) to reimburse purchasers at direct tax sales in Arkansas declared illegal by United States courts in consequence of a defective board of commissioners, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 116) authorizing the Secretary of the Treasury to adjust and settle the debt due the United States by the State of Arkansas, reported it with amendments.

Mr. BURNSIDE. I am directed by the Committee on Military

Affairs, to whom was referred the memorial of the Musical Mutual Protective Union of the City of New York, praying the passage of a law prohibiting military bands from playing at public or private entertainments, to report adversely thereon. I am requested by the Senator from New York [Mr. KERNAN] to ask that the report be placed on the Calendar.

The PRESIDENT *pro tempore*. The adverse report of the committee will be placed on the Calendar.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (H. R. No. 2138) authorizing the Secretary of the Treasury to pay Mary Fearon and Jessie Crossin, executrices of Samuel P. Fearon, deceased, for certain registered United States bonds redeemed by the Government on forged assignments and power of attorney, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 830) for the relief of Francis O. Wyse, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 4989) to amend section 2517 of the Revised Statutes of the United States, reported it without amendment.

DISTRICT SEWERAGE.

Mr. SPENCER. I am directed by the Committee on the District of Columbia, to whom were referred several bills in relation to the sewerage in the District of Columbia, to report the following resolution; and I ask that it be adopted at this time, if there be no objection:

Resolved, That a subcommittee of the Committee on the District of Columbia be, and the same are hereby, authorized to sit during the recess of Congress, to consider and examine into various plans for the improvement of the system of sewerage and the sanitary condition of the District of Columbia which have been submitted to said committee, and others which may be submitted. That said committee is authorized to examine into the systems of sewerage of other cities, and employ whatever aid is necessary to secure valuable information upon the subject, the expense of said committee and such assistance as it may require to be paid out of the contingent fund of the Senate.

Mr. BECK. Will an objection carry the resolution over?

The PRESIDENT *pro tempore*. It will.

Mr. BECK. I make an objection to its present consideration.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

Mr. SPENCER. Let it be printed.

The PRESIDENT *pro tempore*. That order will be made.

SOUTH PASS OF THE MISSISSIPPI RIVER.

Mr. SAULSBURY, from the Committee on Printing, to whom was referred the motion to print the ninth report upon the improvement of the South Pass of the Mississippi River, reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the ninth report upon the improvement of the South Pass of the Mississippi River, showing the condition of the bar at the head of the Pass April 12, 1878, of the bar at the mouth of the Pass May 9, 1878, and of the jetties, dykes, &c., April 15, 1878, by Captain M. R. Browne, United States Engineer Corps, with the accompany plates, be printed.

Mr. ANTHONY, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 650 additional copies of the ninth report upon the improvement of the Mississippi River be printed for the use of the War Department.

COAST SURVEY REPORT.

Mr. ANTHONY, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring.) That the report of the Superintendent of the Coast Survey for the year ending June 30, 1877, be printed, with 1,000 additional copies for the use of the Superintendent.

BILLS INTRODUCED.

Mr. PATTERSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1383) proposing a reward for a new foot-measure; which was read twice by its title, and referred to the Committee on Patents.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1384) to authorize the appointment of stenographers in the United States circuit and district courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1385) to define the duties of musicians of the Army and Navy of the United States; which was read twice by its title.

Mr. OGLESBY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1386) providing for a settlement among the North Carolina Cherokees in regard to their lands in the State of North Carolina; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1387) to legalize the collection of head-moneys already paid; which was read twice by its title, and referred to the Committee on the Judiciary.

STATUE OF GENERAL GREENE.

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

Resolved, That the Committee on Public Buildings and Grounds be instructed

to inquire into the expediency of an appropriation for fastening the statue of General Greene at the intersection of Massachusetts and Maryland avenues firmly on the pedestal, of placing a suitable inscription thereon, and of leveling and improving the ground on which it is situated.

INDIAN TERRITORY INVESTIGATION.

Mr. PATTERSON. I move to proceed to the consideration of the resolution which I reported the other day from the Committee on Territories. It will not take five minutes.

The PRESIDENT *pro tempore*. By order of the Senate the Calendar is before the Senate. The Senator from South Carolina moves to postpone the Calendar for the purpose of taking up the resolution which he has named.

Mr. ALLISON. Should we not go to the Calendar directly? If we postpone the Calendar for one resolution, shall we not feel obliged to postpone it for a great many?

Mr. PATTERSON. I hope the Senator from Iowa will not make objection. There have been several resolutions passed this morning and I have not objected. I have waited for several days to get this matter through. It is the first time I have asked the indulgence of the Senate this whole session, and it will not take a minute.

Mr. ALLISON. I make no objection.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina to postpone the Calendar for the purpose of considering the resolution which he has indicated.

The motion was agreed to; and the Senate proceeded to consider the following resolution reported by Mr. PATTERSON from the Committee on Territories on the 6th instant:

Resolved, That for the purpose of completing the inquiry ordered by the following resolution of the Senate:

IN THE SENATE OF THE UNITED STATES,
February 25, 1878.

On motion by Mr. VOORHEES,

Resolved by the Senate, That the Committee on Territories be, and the same is hereby, instructed to ascertain, at its earliest convenience, whether or not the railroad companies referred to by the acts of the Thirty-ninth Congress, approved respectively July 25, 26, and 27, 1866, and entitled, respectively, "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River;" "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph, from Fort Riley, Kansas, to Fort Smith, Arkansas;" and "An act granting land to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast;" have issued bonds of any kind, predicated upon the conditional land grants of the lands of the Indians of the Indian Territory claimed by said companies under said acts. If it be ascertained that such bonds have been issued, then it shall be the duty of said committee to ascertain in whose possession the bonds are and for what purpose.

Resolved further, That said committee be instructed to ascertain what amount of money has been expended by the several Indian tribes of the Indian Territory in support of delegates to Washington during the past five years and in opposing the organization of a civil government over said Territory; and whether any of such money has been taken from the school funds of any such tribes, and, if so, what legislation is necessary to prevent, in future, the diversion of such school funds from their legitimate purpose.

Resolved further, That said committee be instructed to ascertain whether a civil form of government cannot be organized over the Indian Territory for the better protection of life and property; and whether the lands now held in common by said Indian tribes cannot be divided in severalty among the Indians without confirming the conditional grants of lands to certain railroad corporations.

Resolved further, That said committee, in the discharge of its duties aforesaid, be authorized to send for persons and papers, to employ a stenographer, and, when necessary, to compel the attendance of witnesses in its investigation, and to report the result of said investigation to this body during the present session of Congress.

Attest:

GEO. C. GORHAM, Secretary.

The subcommittee to whom has been referred the above inquiry by the Committee on Territories be authorized to sit during the recess of the Senate, and to employ a clerk and a stenographer, and to send for persons and papers, and to proceed to the Indian Territory for the purpose of taking testimony; and that the necessary expenses be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee; and that the chairman of the committee be authorized to fill any vacancy that may occur in case any member of the subcommittee may be unable to attend.

The resolution was agreed to.

PRESIDENTIAL ELECTION OF 1876.

Mr. SPENCER. I move to postpone the consideration of the Calendar for the purpose of taking up the resolution which I offered on Saturday in regard to the investigation of alleged election frauds.

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

The Secretary read the resolution, as follows:

Resolved, In order that all the facts connected with the presidential election of 1876, and the result thereof which was finally reached, may be made fully known to the American people, that a select committee of eight Senators be appointed and instructed to inquire into and investigate all charges of fraud, illegality, intimidation, violence, and other obstacles to free and honest suffrage occurring at said election in the States of South Carolina, Florida, and Louisiana, and also into all similar charges which said committee may deem of sufficient gravity concerning the said election in Alabama, Mississippi, Oregon, or any other State; also into all circumstances which they may deem expedient to investigate connected with the presidential electoral count in the Forty-fourth Congress; also into the circumstances of the dissolution of the Legislature and government in the State of Louisiana, known as the Packard government, and the establishment of the Legislature and government known as the Nichol's government, and to ascertain whether or not such dissolution of the one government and the establishment of the other was in consequence of any acts or transactions occurring prior to March 4, 1877, and through what persons and agencies, if any, such result was accomplished. And that said committee have power to appoint subcommittees, employ clerks and stenographers, to administer oaths, to send for persons and papers, to examine witnesses and sit during the recess, with all powers of a full committee of the Senate; and that the expenses thereof be paid from the contingent fund of the Senate.

Mr. SPENCER. Mr. President—

Mr. BAYARD. May I ask a question? I desire to ask whether

the resolution was read for information upon the question of taking it up?

The PRESIDENT *pro tempore*. It was.

Mr. BAYARD. Before it is taken up, I desire to be heard.

Mr. SPENCER. Mr. President, I wish to submit a few remarks.

My object in offering this resolution is to secure an impartial investigation into all the facts connected with the presidential election of 1876. The republican party has not initiated the reinvestigation of these questions. It has believed that the people of the whole country would cheerfully accept the result of the long and exciting struggle, although obtained by a vote of 8 to 7 in the electoral commission and with the concurrence of only one branch of Congress; and would be willing that President Hayes, as a republican, should administer the Government for the short period of four years. But the democratic party has seen fit to reopen all those exciting questions—

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

The PRESIDENT *pro tempore*. The Senator from Vermont rises to a question of order, which he will state.

Mr. MORRILL. For two or three mornings we have had the whole morning hour frittered away, which has prevented our going to the Calendar. I rise to the point of order as to whether the merits of a question can be discussed upon the mere motion to take up a measure.

The PRESIDENT *pro tempore*. The Chair rules that the merits cannot be debated upon such a motion.

Mr. SPENCER. I desire to make an explanation of the resolution, and it will take only about five minutes.

The PRESIDENT *pro tempore*. Does the Senator from Vermont insist on his point of order?

Mr. MORRILL. If the Senator from Alabama does not occupy more than five minutes, I shall not object. I thought he had a long speech to make.

Mr. SPENCER. I shall not take more than ten minutes at the furthest; and this is the first time I have asked the privilege for a long time.

Mr. DORSEY. It is the first time since I have had the honor of being a member of this body when a Senator rose to present a few remarks to the Senate that he was called to order. The Senator from Alabama I fancy takes as little of the time of the Senate as almost any other member of the body; and when he desires to present remarks occupying five or ten or fifteen minutes it seems to me that no Senator ought to object to it.

Mr. MORRILL. It is a common question, ordinarily raised, and raised almost every day, that the merits cannot be entered into upon a motion to take up a measure; but at the same time if the Senator has only brief remarks, and I thought he had a long speech to make, I will withdraw the point of order.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws the point of order, and the Senator from Alabama will proceed.

Mr. SPENCER. But the democratic party has seen fit to reopen all those exciting questions which for a year agitated and threatened the peace of the country, and now the republican party cannot afford to shrink from any and all inquiry if only it shall be impartial and complete.

The republican party grew to its high position of power and glory through a fearless devotion to truth and right. Its deeds have never been done in the darkness; it has prospered in the open light of day, and it is not now afraid to meet facts—the truth—in whatever form they may come. For myself I now protest against placing the republican party for one moment in the attitude of seeking to cover up frauds or wrongs of any sort.

The impartiality of the investigation which I propose is secured by constituting a committee of eight persons, which, formed equally from each political party, will fairly represent the Senate.

A complete investigation of all the facts will be obtained by the direction to the committee not merely to investigate charges of fraud and intimidation in South Carolina, Florida, and Louisiana, but also in every other State as to which charges may be made deemed by the committee of sufficient gravity to require investigation.

Why should investigation, once commenced, stop at any particular State, or with the disclosure of any one act of fraud or of acts committed only in the interest of one political party? Why should a committee look into the legality of the returns from any one county in a State and not investigate the legality of the returns in all the other counties? How can the presidential question be retried and reinvestigated unless the search goes beyond forms and returns, and ascertains the exact truth at the bottom of each poll in each locality of every State where fraud or illegality is alleged by any responsible person?

It seems to me clear that if this subject is to be reinvestigated at all, it should be by a committee confined to no particular charges, but authorized to exercise its own discretion over the whole field of inquiry.

A committee thus authorized to make a complete investigation ought also to direct its attention to the circumstances attending the completion of the count in the Forty-fourth Congress. It has always been claimed by the democratic party that frauds were committed in Florida and Louisiana which should have prevented the counting by Congress of the votes of those States for Hayes and Wheeler. It

has also been freely charged that the counting of 185 votes for Hayes and Wheeler would never have been completed in the House of Representatives had not certain arrangements been entered into by leading democrats, that they would no longer try to break up or resist the operation of that count, but would let it go forward and Hayes be declared elected. These grave charges ought certainly to be investigated.

If, as is claimed by the democrats, frauds were committed, they never would have been made effectual to the defeat of Mr. Tilden and the election of Mr. Hayes, unless members of the democratic party had bargained away their own candidate and contributed to the elevation of the opposing candidate, surely no investigation into the frauds themselves should take place without an inquiry also into the means and management by which those alleged frauds were made effectual. The resolution therefore contemplates an investigation of the alleged bargaining during the last hours of the Forty-fourth Congress which it concerns the individuals charged and the public interests to have no longer rest in doubt.

The resolution also directs an inquiry into the circumstances attending the dissolution of the Packard government in Louisiana and the establishment in its place of the Nicholls government.

When President Hayes came into office there existed a Legislature and government in Louisiana which came into existence by means of the same ballots and the same method or process of counting as that which gave to the country its President. There was also arrayed against the Packard government an organization founded only upon mob violence, and sustained only by illegal military organizations of whiteleguans.

The Constitution made ample provision for sustaining the lawful against the unlawful government. The President of the United States was bound to furnish Federal aid to prevent the overthrow of the lawful government by domestic violence. A call was duly made by the Legislature and Governor Packard upon the President for that aid. The President sent a commission of five eminent citizens to Louisiana, whose expenses were paid from the Federal Treasury, to aid in solving the difficulties existing, and who, it must be presumed, labored earnestly to uphold and maintain the lawful government of the State. But notwithstanding its legitimacy and the ample means provided for upholding it, the Packard government was destroyed and the Nicholls government took its place. Such a subversion of a lawful government by an armed mob should not go uninvestigated. The whole country submitted to a President elected by the vote of Louisiana. The State of Louisiana refused to submit to the election of the governor chosen at the same time, in the same manner, and by the same votes, but overthrew that governor by domestic violence.

Can this nation afford to pass by this revolution in silence and not even dare to ascertain why this subversion of all law and this local revolution took place in Louisiana? It seems to me investigation of this subject has been too long delayed, and that now, in connection with the other subjects of inquiry, this one should be thoroughly explored.

In the interest therefore, first, of impartial investigation, second, of full and complete inquiry into all and not a part only of fraud and illegality charged, I ask the passage of a resolution which will not only disclose all frauds and intimidation wherever and by whatever party committed, but, third, will also inform the public as to all bargains or coalitions by which any alleged frauds may have been made effectual, and also especially will inform the country why local rebellion has been allowed to be successful in one of the States of the Union.

As a citizen, as a republican, as a Senator, I firmly believe, now that investigation has been reopened, the people will demand that the inquiry shall be prosecuted until it accomplishes all these results. I hope the resolution will be adopted.

The PRESIDENT *pro tempore*. The question is on postponing the Calendar.

Mr. BAYARD. I move that the resolution be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The question is on postponing the Calendar, in order to proceed to the consideration of the resolution.

Mr. SARGENT. I wish to move an amendment, and then I shall have no objection to the motion of the Senator from Delaware.

The PRESIDENT *pro tempore*. Is there objection to the resolution being before the Senate?

Mr. BAYARD. I object to the resolution coming up now.

The PRESIDENT *pro tempore*. The motion is to postpone the Calendar for the purpose of considering the resolution.

Mr. SARGENT. I think there will be no objection to its reference.

Mr. BAYARD. Let the amendment of the Senator from California be read for information.

The PRESIDENT *pro tempore*. The Senator from California desires to offer an amendment, which will be read.

Mr. MORRILL. The resolution is not yet before the Senate.

The PRESIDENT *pro tempore*. It is not. The proposed amendment will be read.

The SECRETARY. In the third line of the resolution it is proposed to strike out "a" before "select committee," and insert "the;" and after those words to strike out the words "of eight Senators be appointed" and insert "appointed on the 8th instant be;" so as to read:

Resolved, In order that all the facts connected with the presidential election of

1876 and the result thereof which was finally reached may be made fully known to the American people, that the select committee appointed on the 8th instant be instructed to inquire into and investigate all charges of fraud, illegality, intimidation, violence, and other obstacles to free and honest suffrage occurring at said election in the States of South Carolina, Florida, and Louisiana, and also into all similar charges which said committee may deem of sufficient gravity concerning the said elections in Alabama, Mississippi, Oregon, or any other State; also into all circumstances which they may deem expedient to investigate connected with the presidential electoral count in the Forty-fourth Congress; also into the circumstances of the dissolution of the Legislature and government in the State of Louisiana known as the "Packard government," and the establishment of the Legislature and government known as the "Nicholls government," and to ascertain whether or not such dissolution of the one government and the establishment of the other was in consequence of any acts or transactions occurring prior to March 4, 1877, and through what persons or agencies, if any, such result was accomplished. And that said committee have power to appoint subcommittees, employ clerks and stenographers, to administer oaths, to send for persons and papers, to examine witnesses, to sit during the recess with all powers of a full committee of the Senate; and that the expenses thereof be paid from the contingent fund of the Senate.

Mr. SARGENT. The effect of the amendment is simply to change two lines in the resolution so that the committee already appointed on the 8th shall be charged with this duty. But I think myself that the resolution is of such gravity that it ought to go to the Committee on Privileges and Elections, and I make that motion.

The PRESIDENT *pro tempore*. The resolution is not before the Senate. The question is on postponing the Calendar.

Mr. BLAINE. But by general consent the resolution may be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BAYARD. I object to taking it up, unless there is a unanimous understanding that it shall be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Is there objection to the resolution being taken up and referred to the Committee on Privileges and Elections? The Chair hears none, and it is so ordered.

WOMAN SUFFRAGE.

Mr. SARGENT. If I can have the indulgence of the Senate for one moment, I should like to ask the chairman of the Committee on Privileges and Elections if it is the intention of that committee to make a report, either favorably or adversely, at this session upon the sixteenth amendment proposition prohibiting the several States from disfranchising United States citizens on account of sex.

Mr. WADLEIGH. It is the intention of the committee to make a report at this session.

Mr. BLAINE. Which way?

Mr. SARGENT. I do not wish to ask the committee how their report may be, but I am only anxious that there shall be a report at this session.

Mr. HOAR. I beg to say one word as a member of the committee on that subject. I have been very anxious indeed that there should be a report from the committee at an earlier day in the session, weeks and months ago, and I have been very anxious when that report came in that the matter might be fully debated, and to express my own views, either in the form of a separate report if the views of the majority of the committee should not agree with mine, or in the form of remarks before the Senate. I regret extremely for one that the engagements of the committee have not enabled the report to be made in time to have this very serious and important question properly discussed at this session. It is quite obvious that it will be difficult to get the Senate willingly to listen even to very interesting remarks on that subject during the labors of the present week.

Mr. MITCHELL. As a member of the Committee on Privileges and Elections I also desire to say that I have been very anxious that some action should be taken by the committee upon the subject at the present session. I agree fully with what my honorable colleague says. I am not only desirous that there should be action, so far as I am concerned, but I am desirous that that action should be favorable.

COMPLETION OF WASHINGTON MONUMENT.

Mr. INGALLS. There is a report of a committee of conference on the table relative to the disagreeing votes of the two Houses on the joint resolution regarding the Washington Monument. I move that it be taken up.

The motion was agreed to; and the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the resolution as passed by the House; and that the House agree to the same.

J. J. INGALLS,
J. B. EUSTIS,
Managers on the part of the Senate.
CHAS. FOSTER,
JOHN GOODE,
Managers on the part of the House.

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

Mr. DAWES. Mr. President, I was not able to sign the report and I think it is due to the Senate that I should state briefly what the report is and how it differs from the unanimous vote of the Senate. It proposes to strike out of the resolution what the Senate added, namely,

that this money shall be expended under the supervision of an officer detailed by the President, and when expended that they shall report the result to Congress. That leaves the resolution as it came from the House, with authority to divert \$36,000 of the \$200,000 before appropriated to such experiments as they may see fit to make in reference to the foundation of the monument and there leaves it. The Committee on Public Buildings and Grounds, as anxious as any one could be to secure the completion of the monument, but being somewhat anxious also that we should go slowly and have a foundation that there should be no question about, inasmuch as the House resolution prescribed no mode of strengthening the foundation of the monument and did not follow the suggestion of the board of engineers, thought it wise that, if they were intrusted with \$36,000, the result of its application should be communicated to Congress, so that Congress should be satisfied themselves that the foundation was such as to justify the putting of the superstructure upon it.

I presented this matter very fully to the Senate at the time when the resolution was before the Senate, and I thought it was clearly understood, as I heard of no objection to our amendment from any quarter. The Committee on Public Buildings and Grounds, with one exception, are still of opinion that it ought to remain upon the resolution. The resolution goes upon the mistaken idea (and there seems to be a prevalent idea which is all a mistake) that the United States have subscribed \$200,000 to the completion of this monument in the same mode and with the same effect as any private subscription, whereas a reference to the law of 1876 will show at once that the idea of the appropriation of \$200,000 is to take the work off the hands of the association and have the United States itself complete it. I will read it to the Senate and the Senate will see how far this resolution, as it came from the House and as the conferees' report leaves it, departs from the original idea. The original act was:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, payable in four equal annual installments, to continue the construction of the Washington Monument in the city of Washington: *Provided*—

And this is what I should like to call the attention of the Senate to—*Provided*, That before any portion of said sum shall be expended, the proper officers of the Washington National Monument Society, incorporated * * * shall transfer and convey to the United States in due form all the property, easements, rights, and privileges, whether in possession, or in action, or in expectancy, belonging to the said corporation, to the uses and for the purposes set forth in said act of incorporation. * * * And the construction of said monument shall be under the direction and supervision of the President of the United States, the Supervising Architect of the Treasury Department, the architect of the Capitol, the Chief of Engineers of the United States Army, and the first vice-president of the Washington National Monument Society, which officers are hereby constituted a joint commission for that purpose, and in accordance with the laws regulating contracts, &c.

SEC. 2. That prior to commencing any work on said monument an examination shall be made as to the foundation of the monument in order to thoroughly ascertain whether it is sufficient to sustain the weight of the completed structure, and, if the same shall be found insufficient, then the further continuance of the work shall not be authorized by anything herein contained until the further action of Congress.

Two things I wish to call the attention of the Senate to: first, that we have appropriated this money upon condition that the work shall be surrendered to Congress, and second, that no part of it shall be expended until they are satisfied of the firmness of the foundation. The board or commission have reported that in their opinion the foundation is not sufficiently strong and therefore they have no power to go on with the work. This resolution as it came from the House proposes to expend just as these men may see fit \$36,000 of this money, and there leaves it. The amendment added by the Senate merely says that when they shall have expended that they shall report their action to Congress before any further progress is made in the work, and that this shall be done under the direction of an officer detailed by the President of the United States.

The association object to this. They have the idea that there is simply a subscription of the United States to their monument and that they have the control of it; and they have said that they would consent to all the rest provided we would agree to the repeal of that portion of the law which required the work to be done under the superintendence of a detailed officer. They thought that was taking it out of their hands.

Now it is for Congress to decide whether they will have this original act by which the \$200,000 was appropriated carried out or whether by the adoption of the House resolution without the amendment of the Senate they will abandon that and consider themselves as subscribing \$200,000 for the completion of the monument under the old association. That is all there is to this question.

It is said that we are willing to trust the board of engineers to expend \$36,000 as they see fit. The trouble about that is that this commission has reported and recommended only one plan of strengthening the monument, and that plan requires the expenditure of \$55,000 and requires a length of time to elapse to test their experiment. There is an outside recommendation from a lieutenant in the Army, I have no doubt an excellent gentleman, but irresponsible so far as this commission is concerned and not known to the law that made this appropriation and not known to anybody except as he offers voluntarily a plan of his own by which he thinks he will strengthen the monument for \$36,000. I have no doubt he is a competent man; I do not wish to disparage him in that respect; I do not know who he is; but if we give him \$33,000 to expend it is not a great deal to ask that before we go further we shall know what the result is.

I have no wish about it myself. I only desire that the Senate shall know that by receding from their own amendment to this resolution they turn over the \$200,000 as a subscription to the Washington Monument to be carried on by the old association, who believe themselves, honestly enough, that the foundation does not want any strengthening, and they say that it is all a mistake that it wants any strengthening, although it rests only eight feet below the surface and although it is a fact that it is out of plumb at the height it has already reached of one and six-tenths inches. So unsatisfactory were some of the surveys and some of the investigations that one man employed by these people reported that the whole monument had sunk bodily six inches, and it was ascertained that he had measured from some wrong bench-mark, all of which seems to the Committee on Public Buildings and Grounds to render it highly proper that Congress should, according to the original legislation, reserve the right to pass upon the sufficiency of the foundation. The question of time does not come in at all, because \$36,000 is all that can be expended before the next meeting of Congress, and no progress will be made toward the completed structure beyond the strengthening of the foundation before that time.

That is all I desire to say, sir. I call the attention of the Senate to the fact that if they concur in this report and do not insist upon their original amendment, they turn over their money as a subscription to the monument, to be carried on under the superintendence of the old association.

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

Mr. MORRILL. Mr. President, I trust this will not pass until Senators can give it some attention; and I am very sure if the Senate can be made to understand what is now proposed, the report of these conferees on the part of the Senate will not be concurred in.

As I understand it, no attention whatever was paid to the action of the Senate; but this is a straight and clean back-down from what appeared to be the unanimous action of the Senate on the former occasion, which was that there should be some limitation of this appropriation, that we should know at least that the money expended was to be effectual and would secure a firm foundation for the monument; and yet it seems to be the purpose that this resolution shall be passed in the closing hours of the session, without any attention being given to it, without considering that we are embarking upon an enterprise that will involve in the end at least half a million of money, for this monument cannot be completed for less than half a million, if it can be for that; and if we once commence and appropriate \$200,000 for it, we shall have to go through to the end; and at the end what are we to have? We are to have nothing but what purports to be a monument after the Egyptian style, but made of ever so many blocks of stone instead of being one single monolithic block; and certainly it will not be anything when completed that will challenge the respect, or if it challenges that it will not challenge much admiration on the part of the people of this country. It will be nothing after all but a huge chimney, not any more beautiful in form than the chimneys of many manufacturing establishments.

Now, Mr. President, it seems that the proposition proposed and agreed to by the Senate ought to be adhered to; that is to say, we should require at least that the money we appropriate shall be properly laid out, that a report shall be made to the next session of Congress, that we shall ascertain that it has been done, and then if we see fit to go on and complete the monument so be it; but it seems to me that going on in the dark in this way is altogether contrary to the usual practice of the Senate.

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

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

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 17; as follows:

YEAS—36.

Allison,	Dorsey,	Jones of Florida,	Patterson,
Armstrong,	Eustis,	Lamar,	Plumb,
Bailey,	Ferry,	McCreery,	Ransom,
Beck,	Gordon,	Matthews,	Sargent,
Burnside,	Grover,	Maxey,	Saunders,
Butler,	Harris,	Merrimon,	Spencer,
Cameron of Wis.,	Hereford,	Mitchell,	Voorhees,
Coke,	Ingalls,	Morgan,	Whyte,
Conover,	Johnston,	Paddock,	Withers.

NAYS—17.

Anthony,	Conkling,	Kernan,	Teller,
Bayard,	Davis of Ill.,	McMillan,	Wadleigh.
Booth,	Dawes,	Morrill,	
Cameron of Pa.,	Eaton,	Oglesby,	
Christiancy,	Hoar,	Rollins,	

ABSENT—23.

Barnum,	Dennis,	Jones of Nevada,	Saulsbury,
Blaine,	Edmunds,	Kellogg,	Sharon,
Bruce,	Garland,	Kirkwood,	Thurman,
Chaffee,	Hamlin,	McDonald,	Wallace,
Cockrell,	Hill,	McPherson,	Windom.
Davis of W. Va.,	Howe,	Randolph,	

So the report was concurred in.

AMENDMENT TO APPROPRIATION BILL.

Mr. SARGENT, from the Committee on Printing, submitted an amendment intended to be proposed by him to the bill (H. R. No.

5130) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:—

A bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes; and

A joint resolution (H. R. No. 187) relative to gold coinage.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

DEFICIENCY BILL.

Mr. SARGENT. I ask that the Chair lay before the Senate the deficiency bill just received. I wish to have it printed and referred at once.

The bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CONGRESSIONAL ELECTION IN COLORADO.

Mr. WADLEIGH. I move to take up House bill No. 5124. It is a bill that should be acted upon at once.

Mr. DAVIS, of Illinois. What is the subject?

Mr. WADLEIGH. Authorizing the election of Representatives in the State of Colorado. It will take but one moment.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the postponement of the Calendar to take up the bill which he has named. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5124) designating the times for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado.

The bill provides that the election of a Representative to the Forty-sixth Congress from the State of Colorado shall be held upon the day fixed by the constitution of the State for the election of its governor and other State officers in the year 1878; and that Representatives from the State to all succeeding Congresses shall be elected upon the Tuesday next after the first Monday in November, as now provided in section 25 of the Revised Statutes of the United States.

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

COMMITTEE SERVICE.

Mr. DAVIS, of Illinois. Mr. President, I was not able to be in the Senate on Saturday and therefore did not know that I was appointed a member of the committee which was raised at the request of the Senator from Ohio, [Mr. MATTHEWS.] If I had been here I should have asked at once to be excused from service upon that committee. The sessions of that committee are necessarily to be in vacation. Congress, it is presumed, will adjourn next Monday. I am not well enough to stay here. I have not been well for some time and I want to go home. I am compelled to go home at the adjournment of Congress. The state of my affairs is such as to require it, and I do not want to return to Washington this summer. There are plenty of persons here who are as competent to serve upon this committee as I am, who live near by, and who are younger men; and I think the Senate ought to excuse me from that service. I do not think it is possible for me to be here after I leave upon the adjournment of the session of Congress. If I should get well enough to attend to my own business, that business at home will require all my attention. If there was a necessity, if there was no other person to serve upon a committee of this sort, I would forego everything and try to serve; but there are others who can serve upon it as well as I can, younger men, and those who live near by.

I therefore respectfully ask the Senate to excuse me from service on the committee.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Illinois asks to be excused from serving on the special committee. Is there objection? The Chair hears none, and the Senator from Illinois is excused.

Mr. WHYTE. I ask the same indulgence of the Senate to make a statement. The condition of my family is such that if this committee is to undertake to sit during the recess of the Senate, it will be absolutely impossible for me to give my attention to it, and I ask the like indulgence which has just been granted to the Senator from Illinois, that the Senate will excuse me from serving upon the committee raised under the resolution of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Maryland asks to be excused from serving on the same committee.

There being no objection, the request was granted.

Mr. JONES, of Florida. Mr. President, I desire the same concession made to myself. I have been here all the year and for a long time before Congress met last fall, and I want to go home at the very earliest possible moment. I do not think it will be possible for me to give to that matter the attention which ought to be given, and which it is expected it will receive. Inasmuch as indulgence has been accorded to the other two Senators who preceded me, I respectfully ask the Senate to excuse me from serving upon the committee.

The PRESIDING OFFICER. The Senator from Florida asks to be excused from service on the same committee.

There being no objection, the request was granted.

WEST VIRGINIA, NORTH CAROLINA, AND NEW HAMPSHIRE ELECTIONS.

Mr. HEREFORD. There was also reported from the Committee on Privileges and Elections a bill for a like purpose to that passed just now, which permits West Virginia to hold its congressional election at the time fixed for the State election for this year alone. The committee has reported the bill with amendments. I move that House bill No. 4931, to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia, with the amendments to section 2, be passed. I ask that the Secretary read the bill as I propose to pass it with the second section as amended.

Mr. McMILLAN. I think that subject was before the Committee on Privileges and Elections, and they have made a report upon the bill embracing the cases from West Virginia, and North Carolina, and New Hampshire, in one bill, which it is desirable to pass so that they can all be disposed of together. I think the committee recommended the indefinite postponement of this bill, if it has been reported at all. I do not know that it is reported, though, except in the form I have stated.

Mr. ROLLINS. What is the regular order, Mr. President?

The PRESIDENT *pro tempore*. The regular order is the Calendar; but the Senator from West Virginia moves its postponement for the purpose of taking up House bill No. 4931.

Mr. HEREFORD. We have already passed a similar bill for the State of California to which there was no objection; we have just passed a similar bill for the benefit of Colorado, and I ask the passage of a similar bill now for the State of West Virginia. It is true the committee has reported the bill with two or three amendments. To one amendment, amending section 2, I have no objection. There is another amendment which has coupled my bill with the State of New Hampshire and the State of North Carolina. I do not desire the bill as it came from the House to be coupled with any other State. What I ask is that this bill for the benefit of West Virginia shall receive the same consideration that the bill for the State of California did and that the bill for the State of Colorado did; that it shall stand upon its own merits. Therefore my motion is that the bill as it came from the House, with section 2 as amended by the committee, be passed.

The PRESIDENT *pro tempore*. Is there objection?

Mr. McMILLAN. Mr. President, as I understand this matter there were four bills referred to the Committee on Privileges and Elections affecting the elections of Representatives in the respective States of California, Colorado, West Virginia, and North Carolina, and a Senate bill relating to the election of Senator in the State of New Hampshire. The House bill relating to the election in California and the House bill relating to the election in Colorado required no amendment whatever. The bills relating to the State of West Virginia and the State of North Carolina did require an amendment, and the committee concluded to amend those bills so as to embrace the congressional elections in West Virginia and North Carolina, and the senatorial election in New Hampshire in one bill, that they might all be disposed of together; and it is a matter of great importance and interest to the people of New Hampshire that this bill should pass, the committee having reported adversely upon the bill to construe the sections of the law of 1866 so as to give to the present Legislature of the State the power to elect a Senator. So these States are all interested, and they can all pass together, and all these States be accommodated. It would evidently be improper to separate these bills; and the Committee on Privileges and Elections, if they have reported the bill referred to by the Senator from West Virginia, recommended that it be indefinitely postponed, incorporating the provisions of it in the other bill.

Mr. HEREFORD. Now, Mr. President, the bill that came from the House is like the two bills for Colorado and California.

Mr. McMILLAN. Allow me to state one difference. The Senator from West Virginia will remember that the Colorado case referred to an uncertainty, and the bill was intended to cure that uncertainty as to the time when the election should take place. In West Virginia no such uncertainty exists, but it is merely a matter of convenience to the people to change the election from one time to another. That is the difference in the cases.

Mr. WADLEIGH. Let me say, if my friend from West Virginia pleases, that there was another difference between the bill relating to the State of Colorado and that relating to the State of West Virginia. It was urged the other day by the Senator from Vermont [Mr. EDMUNDS] that the bill relating to the State of West Virginia repealed certain laws of Congress or would have a tendency to repeal certain laws of Congress, which provision was not in the bill with relation to the State of Colorado.

Mr. McMILLAN. That is what rendered the amendment necessary.

Mr. HEREFORD. Now, Mr. President, as I said a moment ago, the bill to enable the people of West Virginia to hold their congressional election for this year alone on the same day that the State election is held came to this House. The Committee thought proper to change one section of it. Section 2 as it came over here was:

That all acts and parts of acts inconsistent with this act are hereby repealed.

They thought that that might repeal existing laws entirely, but I do not think so, and they have amended it thus:

Said election shall be conducted according to the laws now in force, except so far as the same relate to and fix the time of such election.

To that amendment I have no objection. The committee have chosen, however, I think very improperly, to add to that a bill enabling the Legislature of the State of New Hampshire to hold a United States senatorial election, having nothing to do with elections by the people. The Senator from Minnesota has said that he thought it would be very improper to strike that part out. I think it is very improper for the committee to have mingled the two provisions. The subjects are entirely separate. All I ask is that my State in this respect shall be treated the same as we have treated Colorado and California, simply for this year to allow them to hold their congressional election on the same day as the State election. Then if the Legislature of our State which convenes this winter does not choose to amend our State law to make it correspond with the Federal law, that is for them. The House bill is only to extend to this year and there is no person in the State of any political persuasion but what is in favor of it. As the Senator from New Hampshire said the other day, there is no political significance in it one way or the other.

I hope my motion will prevail; that is to take up the bill, setting aside all other orders, and pass the bill as it came from the House with section 2 amended as the committee propose.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from West Virginia to take up the bill.

Mr. HEREFORD. I have nothing to say about the North Carolina, or the New Hampshire matter. I do not seek to antagonize them; but I do not want either or both of them to endanger this bill becoming a law.

Mr. CONKLING. May I ask the Senator a question? If the provision he wants in reference to West Virginia becomes a law, how is he damaged by the fact that in the same bill another difficulty is corrected elsewhere?

Mr. HEREFORD. I will tell the Senator.

Mr. CONKLING. If the Senator will allow me one moment further, suppose it be true in half a dozen States that a special provision is necessary in order to conserve the convenience of the people, does the Senator think it would be wise to have a separate bill in every case; or, if the subject were of the same general nature, to put it all in one bill?

Mr. HEREFORD. I do not desire the passage of the bill to be endangered. There is a difference among the best lawyers in this body and in the other body as to the power of Congress to say now what Legislature shall elect a United States Senator in New Hampshire.

Mr. CONKLING. May I inquire, is there a doubt among the lawyers, good or bad, in either House as to the power of Congress to regulate the time of appointing Senators of the United States?

Mr. HEREFORD. The law now says that the Legislature elected immediately before the term has expired shall be the one which shall vote for a United States Senator.

Mr. CONKLING. That does not come to the question I put to the Senator. I asked him whether the same power which enabled Congress originally by that act to fix the time of the choice of Senators is not a manifest power in the Constitution; whether he means to say that lawyers differ at all as to the power of Congress to deal with the time of choosing Senators?

Mr. HEREFORD. I mean to say this, that there is a difference among lawyers as to this question here. I do not know anything about the facts in regard to New Hampshire, but I understand that a certain Legislature of the State of New Hampshire was elected prior to the time when this office of Senator expires. The question is, whether that Legislature thus elected prior to that period shall now elect a United States Senator or whether it shall be left to the Legislature that it is now provided by law shall make the election. There is a difference among lawyers on that subject.

Mr. CONKLING. Does the Senator think that is a grave and serious question?

Mr. HEREFORD. I cannot say that I do, but I know there is a difference of opinion.

Mr. CONKLING. Does the Senator think it is entirely free from doubt?

Mr. HEREFORD. I do not think it is entirely free from doubt.

Mr. CONKLING. Then does not the Senator by that admission make a conclusive argument in favor of Congress by an exertion of confessedly constitutional power resolving that doubt? The Constitution in so many words commits to Congress that very function, to wit, to regulate the time of choosing Senators of the United States. Now the Senator says he has found a case which he thinks is involved in doubt, the question being whether the Legislature now in existence has power, or whether it has no power at all, of course the con-

verse of the proposition being that when the next Legislature comes in there will be doubt whether that has any power in respect to the matter. Now having found that case, is it not manifestly the duty of Congress, under the mandate of the Constitution, to say what in that instance the time shall be, and thus which the body shall be, for choosing a Senator of the United States? If so, I cannot see how the Senator from West Virginia is damnified at all by putting these two matters in his bill, although if no time of adjournment had been fixed, if we had an indefinite extension of the session, perhaps the option of the Senator alone would be enough to suggest that these bills should be divorced from each other and that we should take up one after the other. But now, inasmuch as economy of time is quite important, although I did not know the committee had reported this bill—I only heard it from listening to the Senator—it seems to me there is a very urgent reason for putting together and classifying these cases whatever they are, and having them go together to the end that those which would be otherwise considered last may not fail for want of time.

Mr. WADLEIGH. There is some degree of misapprehension in the nature of the case provided for in this bill, which I desire leave to correct before the debate proceeds any further.

There was before the Committee on Privileges and Elections a Senate bill authorizing the election of Senator in New Hampshire this year, also making certain changes or giving certain authority to the people of North Carolina in reference to an election of congressional representatives in that State. The two States of North Carolina and New Hampshire were included in the same bill which was introduced by my friend the Senator from North Carolina [Mr. MERRIMON] and went to the Committee on Privileges and Elections. There came also to that committee House bills, one authorizing the same changes of the law in reference to the State of North Carolina, one relating to the State of West Virginia, one relating to the State of California, and one relating to the State of Colorado.

The committee found on examination that the two bills relating to California and Colorado needed no amendment whatever, and for that reason and that reason alone reported them as they passed the House to the Senate, and they have passed the Senate. It was found by the committee that the House bills relating to North Carolina and West Virginia needed amendment, and the committee concluded to report the West Virginia bill with the amendment that was necessary to that bill, and included in the same bill the desired changes of the law in reference to the State of North Carolina and the State of New Hampshire.

The way that the New Hampshire case stands is this: the act of Congress of 1866 provides expressly that the Legislature chosen next preceding the time of the expiration of a senatorial term shall fill the vacancy thus occasioned. The State of New Hampshire, by a recent change in her constitution, elects a Legislature in November. At the time that change was made there was a neglect to change the time of the meeting of that Legislature, so that the Legislature of New Hampshire chosen in November next, which is the one required by the law of 1866 to make the election of Senator, does not meet until June, 1879; and thus before any election can be made by the Legislature authorized to elect in the State of New Hampshire a vacancy will have happened in the Senate extending over a period of about three months, from March 4 until June, 1879. As I say, that was not intended by the constitutional convention of New Hampshire. It was entirely through inadvertence. Undoubtedly in the future measures will be taken to correct the evil; but the people of New Hampshire, desiring that there should be no vacancy in the Senate from that State, ask that the Legislature this year, which has not now the power and which the Committee on Privileges and Elections has unanimously decided cannot elect, (which report has been adopted by the Senate without dissent,) desire that this Legislature should elect, and that is provided in this bill.

Now it may be true, as my friend from West Virginia says, that some people in the State of New Hampshire do not desire that this defect should be remedied; but I presume that that is for political reasons alone, and it strikes me that those are not good reasons for denying to the State of New Hampshire relief somewhat similar to that which is given to the States of North Carolina and West Virginia by this bill.

Mr. MERRIMON. Mr. President, in the judgment of the Committee on Privileges and Elections there was no objection to passing the bill in favor of California and the bill in favor of Colorado as they came from the other House. Certain amendments, however, were deemed essential to the bills that came from the House in favor of North Carolina and West Virginia. Those amendments have been reported by the Committee on Privileges and Elections. With those amendments there is no objection to the four bills, one in favor of California, one in favor of Colorado, one in favor of West Virginia, and one in favor of North Carolina. There are no objections to those bills as reported at all. There is no political or any other objection. As to the bill in regard to New Hampshire, which is a Senate bill, there is a political objection and that is the difficulty in the way. The present Legislature in New Hampshire is republican, and if it elects it will elect a republican Senator. By the law of 1866 the present Legislature of New Hampshire cannot elect a Senator; and the object of the bill in regard to New Hampshire is to provide that the present Legislature may elect that Senator. If the present Legislature shall not elect, the Legislature of New Hampshire which is to be

chosen in November next will not meet till next June, and thus from March to June New Hampshire will be without one Senator.

The object of putting this provision as to New Hampshire into this bill is manifest. There is no objection to the bill in favor of West Virginia and North Carolina, as I have already stated. Neither republicans nor democrats object to those bills standing alone; and the Committee on Privileges and Elections put this provision as to New Hampshire on to the bill, consolidating them, for the purpose of pushing the provision as to New Hampshire through the House. Now, I insist that in point of fairness that is all wrong. There is no objection to the proposed legislation as to two of the States provided for, none whatever. There is no political objection such as I have mentioned as to New Hampshire; and it does seem to me that in point of fact each one of these measures ought to stand upon its own merits; or at all events, there being no objection to the North Carolina and West Virginia applications, those two ought to pass without objection here, and then gentlemen should seek to dispose of the other case upon its own merits.

Mr. ROLLINS. I wish to inquire of the Senator from North Carolina if he did not in the bill which he introduced include New Hampshire as well as North Carolina, and if at that time he saw any objection to putting New Hampshire in the bill?

Mr. MERRIMON. The matter had been discussed in the Committee on Privileges and Elections, and when I introduced that bill after the discussion in that committee I was not aware of the difficulties that have presented themselves to me since.

Mr. ROLLINS. Does the Senator from North Carolina see any injustice in allowing the present Legislature of New Hampshire to elect a Senator?

Mr. MERRIMON. When that measure comes up on its merits, I shall be able to answer that question.

Mr. ROLLINS. I think it is here now.

Mr. MERRIMON. I insist that it ought not to be here now.

Mr. ROLLINS. I insist that it ought to be here now. This is the place for it.

Mr. MERRIMON. I insist that in point of fairness it should stand on its own merits, and that it is wrong to undertake to force that bill through by tacking it on to bills to which there is no objection.

Mr. ROLLINS. The Senator himself tacked it on to his own bill, as he says.

Mr. MERRIMON. No, sir; the Senator from North Carolina did not say any such thing.

Mr. ROLLINS. The Senator introduced a bill for North Carolina on which it is tacked.

Mr. MERRIMON. I said to the Senate a while ago that I introduced that bill under a misapprehension of the facts. The facts have come to my knowledge since.

Mr. ROLLINS. What facts have come to the Senator's knowledge since?

Mr. MERRIMON. I do not care to go into an exchange of words about that. It is not material at all. This difficulty is in the way, and I appeal to the Senate that it is improper to put an objectionable bill on to two bills that are not objectionable.

Mr. ROLLINS. Does the Senator from North Carolina undertake to say that it is unjust to anybody to allow the Legislature of New Hampshire to elect a Senator at this time?

Mr. MERRIMON. I do not undertake to say one word about it.

Mr. ROLLINS. Does not the Senator from North Carolina know that if our State constitution had not been amended the present Legislature would have had the right unquestionably to elect a Senator? The constitutional convention inadvertently omitted to provide for an election at the present time, and now we ask that the Congress of the United States shall pass an enabling act to remedy this omission and thus prevent our State from being unrepresented in the Senate for several months.

Mr. MERRIMON. I do not know and will not undertake to say anything about the merits of the New Hampshire proposition, for it is not material for me to do it now.

Mr. ROLLINS. All we ask is justice.

Mr. McMILLAN. I just wish to remark in regard to this matter that I see no more injustice in making this provision with reference to New Hampshire than in making the one proposed for the State of West Virginia. The matter with reference to West Virginia is a mere matter of convenience to the people in order to avoid some expense, the expense of holding a second election in November after having one in October. We permit them for this year to transfer their congressional election to October, the day of their State election. It is a mere matter of convenience to them; and in New Hampshire it is also a matter of convenience as well as of right. The change in New Hampshire was effected in this way: the time for the meeting of the Legislature as well as the time for the election of the Legislature are both prescribed in the constitution of New Hampshire. In 1877 they made a change in the constitution as to the time of holding the election of their Legislature, but omitted to make any change in regard to the time of the meeting of the Legislature. The result is that the Legislature is to be elected in November, 1878, and the time prescribed for the meeting of the Legislature will be in June, 1879, so that between the 4th of March next and June, the time when the Legislature elected will meet, there will be a vacancy in the office of Senator from New Hampshire.

The people of New Hampshire did not observe that the change in

the time of the election would affect that question. It is now discovered that it will. The Committee on Privileges and Elections have considered the question as to the power of the present Legislature to elect and have determined that they cannot elect. This is an act which will enable them to do that which the present Legislature, at the time it was chosen, could have done. The present Legislature was chosen under a state of law which would have authorized it to elect; but the subsequent amendment to the constitution of the State has obstructed that. Now this is to permit the same Legislature to elect a Senator, so that there will be no vacancy in the representation of the State, certainly a purpose which every Senator here desires to secure.

Mr. MERRIMON. Mr. President, I think the facts of this case are now before the Senate, and I trust we shall first take the vote on the amendment to section 1.

The PRESIDING OFFICER. (Mr. ANTHONY.) The question is on the motion of the Senator from West Virginia [Mr. HEREFORD] to proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division—ayes 33, noes 7; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia.

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair, under the understanding come to on Saturday, to call up the river and harbor bill.

Mr. HEREFORD. I ask the Senator from Alabama to give way for a short time, that House bill No. 4931, with section 2 amended as it was by the committee, be passed. I ask that the Senate agree to the amendment to section 2 as reported by the committee, and pass the bill.

The PRESIDING OFFICER. Does the Senator from Alabama yield? Mr. SPENCER. If it does not create discussion. Otherwise I cannot.

The PRESIDING OFFICER. The river and harbor bill will be laid aside informally, and House bill No. 4931 will be read at length, being considered before the Senate as in Committee of the Whole.

The bill provides that on the second Tuesday of October, 1878, there shall be elected in each congressional district in the State of West Virginia one Representative to represent the State in the Forty-sixth Congress.

The PRESIDING OFFICER. The Committee on Privileges and Elections propose an amendment.

Mr. HEREFORD. I ask the Secretary to report the amendment to section 2.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. The committee propose to strike out section 2 in the following words:

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

And in lieu thereof insert:

SEC. 2. Said election shall be conducted according to the laws now in force, except so far as the same relate to and fix the time of such election.

Mr. HEREFORD. My motion is to adopt that amendment known as section 2.

The PRESIDING OFFICER. The question is on the amendment of the committee, which has been read.

The amendment was agreed to.

Mr. HEREFORD. Now I move that House bill No. 4931, as amended, be passed.

Mr. MERRIMON. I take it that motion is not in order. The next step in order is to read the next amendment to the bill.

The PRESIDING OFFICER. There are other amendments reported by the committee, which will be read.

The Secretary read the next amendment, as follows:

SEC. 3. That an election held on the Tuesday next after the first Monday in November, 1878, for Representatives to the Forty-sixth Congress from the State of North Carolina, conducted by the sheriffs or by other persons duly appointed therefor, in like manner as elections for members of the General Assembly of said State, and according to the provisions of an act of the General Assembly of said State, entitled "An act to regulate elections," ratified the 12th day of March, 1877, and also of an act of the General Assembly of said State, entitled "An act to regulate the manner of making election returns," ratified the 6th day of March, 1877, shall be deemed lawful and valid; and all acts of Congress and parts of acts applicable to the manner of holding such elections shall continue in force, anything in the laws of said State to the contrary notwithstanding.

Mr. THURMAN. Let us have a vote on that section by itself.

The PRESIDING OFFICER. The question is on the amendment just read.

Mr. THURMAN. Before that is voted on I wish to say one word. I am in favor of the proposition contained in that section, and think it ought to pass; but I think that every one of these propositions ought to stand on its own merits. I think the provision in regard to North Carolina ought to stand on its merits, and that in regard to New Hampshire on its merits, and that in regard to West Virginia on its merits. I imagine there will be no controversy about the North Carolina bill whenever it comes up, while there may be discussion on the New Hampshire case, as I am told that there is some trouble about it. I have not made up my mind one way or the other about it. I want to be informed upon it; but I want each case to stand by itself. I shall therefore, although in favor of the proposition just read, vote against putting it as an amendment on this bill.

The PRESIDING OFFICER. The question is on the amendment. Mr. BLAINE. Read the amendment as it now stands.

The PRESIDING OFFICER. The proposed section 3 as to North Carolina. Does the Senator desire to have it reported?

Mr. BLAINE. I should like to hear it.

The PRESIDING OFFICER. It will be read.

The Secretary read the proposed section 3.

Mr. BLAINE. It seems to me that this bill is getting now into a shape that is exactly adapted to secure favor in a place that we are not permitted to refer to by name. It is to be a bill that just steers clear of everything that would excite opposition elsewhere, if it can be secured by any course and work its way through here. It may be all right, but I do not see why the accommodations should all be on one side. It looks to me as if this was a little one-sided.

Mr. MERRIMON. There is no objection to those two parts of the bill, and there is to the other.

Mr. BLAINE. That is to say, the Senator from North Carolina means that republicans are so obliging that they will not object to accommodating two democratic States, but that the democrats are not so obliging but that they will object to accommodating one republican State.

Mr. MERRIMON. No, sir.

Mr. HEREFORD. The Senator from Maine will allow me. We this morning passed a similar bill for the State of Colorado and no democrat objected, and on Saturday last we passed a similar bill for the benefit of California and no democrat objected. So we have already given this relief asked for to two republican States.

Mr. BLAINE. What is the objection to North Carolina being kept in?

Mr. HEREFORD. I have no objection to North Carolina, for there is no political significance in that. As the Senator from New Hampshire said on Saturday both democrats and republicans in the State of West Virginia desire this bill of mine to pass. He admits that in his own State there is a disagreement as to New Hampshire, and then it is on a different subject-matter. Mine is to allow the people of West Virginia at a general election to vote for members of Congress. The same is true as to North Carolina, but when you come to the New Hampshire part it is to authorize the Legislature to elect a United States Senator, an entirely different subject-matter. They ought never to have been mixed.

Mr. BLAINE. But unless that Legislature is permitted to elect the State of New Hampshire must go without representation in the Senate of the United States for a period of three or four months.

Mr. HEREFORD. We can bring that matter up immediately after we dispose of the other matters.

Mr. BLAINE. We can, I know. It is the easiest thing in the world for us to do it.

Mr. HEREFORD. The democrats did not hold in *terrorem* over this body the States of California and Colorado. We let them go *nem. con.*; did not say a word. We want each State to stand upon its own merits, and I think with the Senator's usual fairness he must see that that is right.

Mr. BLAINE. I do not fail to discover exactly the point, I think. The Senator is perfectly willing for all bills to go through that do not interfere in the least with the prospects of democratic elections.

Mr. HEREFORD. I beg the Senator's pardon.

Mr. BLAINE. But if they happen to give a little advantage to republicans, he wants the republican Senate to vote not to give that advantage.

Mr. HEREFORD. I beg the Senator's pardon. When a republican Senator from Colorado asked that his bill go through without any complication, it was accorded to him. When the Senator from California asked the same thing for California, it was accorded to him. Why should not the same thing be accorded to the State of West Virginia and the State of North Carolina?

Mr. BLAINE. I do not object to this going on, but I shall immediately move the amendment for New Hampshire.

Mr. ROLLINS. And that is the committee's report.

Mr. WADLEIGH. New Hampshire is in the bill already by the committee's amendment.

Mr. HEREFORD. If the Senate will vote down section 3 and section 4 for the time being, then the bill as passed for West Virginia has to go back to the House. We can then immediately take up the North Carolina bill, which is the next, and then the New Hampshire bill, which is the next, and I will vote with the Senators on the other side to take them up immediately.

Mr. MERRIMON. Why does my friend want to exclude North Carolina? There is no doubt about North Carolina.

Mr. HEREFORD. I propose to take up both of them in the order in which they are in the bill.

Mr. THURMAN. My first inclination was to vote down this amendment in regard to North Carolina; but hearing that there is no objection to that amendment, and as that will give rise to no discussion, I have changed my opinion, and am willing to vote for the amendment.

Mr. HEREFORD. I move, then, that the Senate concur in the amendment in section 3.

The PRESIDING OFFICER. The question is on the amendment of the committee to insert what is known as section 3.

Mr. CONKLING. Mr. President, I wish to vote intelligently and

right upon this question, if I can; but I find difficulty in understanding the position of several Senators. Multiplicity of bills in legislation, like multiplicity of suits in court, is not desirable in itself. If there be before the Senate three States or five States in regard to which legislation is necessary to avoid uncertainty in respect of holding elections, why should they not all be put together? Why is it desirable that, piecemeal, in a separate bill, each State shall be taken up and a provision made of the same general kind in all? My honorable friend from North Carolina says there is no doubt about the case of North Carolina. I suppose he means that it is a manifest case invoking legislative declaration and certainty.

Mr. MERRIMON. There is no controversy about it.

Mr. CONKLING. I accept that from the Senator, and I shall vote with great pleasure for the case of North Carolina or any other State, and that, I may add, without inquiring into the politics of that State; for really I cannot suppose that the question, whether California is likely to vote one way or vote the other way at the next or a succeeding election is a question which a Senator should address to himself in determining whether facilities for holding an election economically and conveniently should be given to California.

But now it is said that in respect of New Hampshire there is a difference of opinion. What is that difference? The Constitution says that no amendment of the Constitution even, no possible contingency shall ever deprive any State of its two Senators in Congress. There can be nothing more elementary, nothing of higher privilege than that. Now what is the attitude of New Hampshire in this regard? A change has occurred in the constitution of that State which change in one theory of construction would leave a hiatus, would leave a time during which New Hampshire will have and can have but one Senator in Congress. Upon another construction, that would not occur, because the Legislature in being would have a right to appoint a Senator and avoid such a contingency. The doubt, then, the controversy is as to which is the true view of the law in this regard.

I have heard that a distinguished lawyer, once a member of this body, has written an opinion one way. I have heard that other lawyers, perhaps of equal eminence, have expressed a doubt, possibly an opinion the other way. Here, then, is a doubt as to the right and power of this State to do that which confessedly it should never be deprived of the power and the privilege of doing.

But some Senator has said that the present Legislature of New Hampshire is republican. Very well; that Senator must see that inevitably the present Legislature of New Hampshire must be republican or democratic, as those two happen to be the great parties into which political sentiment is divided; and therefore there is no more force in that statement than there would be if the same Senator could say that the present Legislature is democratic. Of course it must be one thing or the other; but it happens it is republican. There is nothing in the case which must not inevitably be in every such case, to wit, that a Legislature is in existence; the question is whether it has a right to act or not; and of course a majority belong to one or the other of the two great parties. That is all that can be said. Is that a reason why we should so act that when we get back to another session of the Senate it may be held that the action of the present Legislature is void, or if the present Legislature abstains and it goes over to its successor, that it may be held that it lost its opportunity because it did not act and that the Legislature that convenes in a future year has no power to do this?

Can we justify ourselves any of these facts in exposing the State in question to that risk? I would submit with great confidence to the honorable Senator from North Carolina as a sole referee such a question as that, for although I believe he is a partisan, as I do not deny that I am, I have never discovered that his vision morally or legally was obscured by his partisanship.

I began—but I will not persist in it—to assign the reasons which seem to me to demand of the Senate action on this subject. I think it quite clear that it being brought to our notice, it would be very gross for the Senate to turn away when the subject is presented, and put it aside or postpone it. It seems that there is an interest felt in respect of some of the other States quite sufficient to win success for a measure in respect of them. Because that is so, and because opposition is made to including the State of New Hampshire, I feel bound for one—and I will speak with entire frankness—to vote and insist that these measures be put together, and for the very assurance that keeping them together gives of action upon all of them. If no day for adjournment had been fixed, and we were to have plenty of time, this might readily be conceded; but we are very near the adjournment, and it is quite apparent this morning in the Senate that unless New Hampshire gets her day in court upon this bill she is not to have it; and therefore the very reason made apparent here and almost assigned for excluding that instance from the bill leads me to insist that it shall not be excluded. I shall therefore vote to put North Carolina and New Hampshire and any other State that has a case requiring action together, to the end that if in this wing of the Capitol or in the other wing or in both there is such a contrariety of preference that for political reasons there would be a disposition to select one and leave the other, that disposition may be thwarted, and that we may all be brought to vote upon the merits of each one of these cases and let them go together, and should it be found here or in any other forum in which this may be tried that it is necessary to pass upon all of them in order to pass upon some, and that neither

the preferences of Senators nor any other thing shall make fish of one and flesh of another.

Mr. McMILLAN. I should like to ask—

Mr. SPENCER. Unless this debate shall cease and the vote be taken, I must call for the regular order.

Mr. McMILLAN. I wish to ask a single question in order to know how to vote. I desire to know whether the motion of the Senator from West Virginia was to take up the original bill as it came from the House.

Mr. MERRIMON. The committee reported the original bill with amendments. We could not take up any other.

Mr. McMILLAN. I understand the committee to have reported a bill of its own, embracing West Virginia, North Carolina, and New Hampshire.

Mr. HEREFORD. That is a mistake.

Mr. CONKLING. They reported back the House West Virginia bill thus amended.

Mr. HEREFORD. The amendments are reported on my bill.

Mr. WADLEIGH. Inasmuch as there seems to be no or very little objection to the adoption of the second amendment of the committee, I hope we shall have the vote upon it at present.

Mr. THURMAN. Yes, let us have a vote on North Carolina.

The PRESIDING OFFICER. The question is on the proposition to insert a third section.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be read.

The Secretary read as follows:

SEC. 4. That the present Legislature of the State of New Hampshire may, if it shall so elect, at any time after the passage of this act, and during its session commencing on the first Wednesday of June, A. D. 1878, begin the election of and elect a Senator to represent said State in the Senate of the United States for the term of six years, beginning March 4, 1879; said election of Senator to be conducted according to the laws now in force, except so far as the same relate to the time of making such election.

Mr. THURMAN. I wish to say one word upon this amendment. It seems to me that the reasons suggested by the Senator from New York are the very best reasons why this amendment ought not to be put on this bill. He assumes that another branch of Congress might dissent from this proposition in regard to New Hampshire if it were contained in a separate and independent bill; and therefore to overcome the objection which he supposes that branch of the Legislature will have to this section in respect to New Hampshire he proposes to tie it on to two other sections relating, one to the State of West Virginia, and the other to the State of North Carolina, to make them carry this obnoxious section through the House of Representatives. In other words, he proposes to make a log-rolling bill in which two provisions which both branches of Congress are perfectly willing to adopt, favored by both branches of Congress, shall carry a third proposition which one of the branches of Congress does not want. That is precisely the reasoning of the Senator from New York.

Now, Mr. President, I do not think that is wise for the very same reason that I have been opposed to making appropriation bills carry legislation and thereby compelling a minority here to assent to what they did not like, or a majority perhaps to consent to what they did not like or lose an appropriation bill. For the same reason I am opposed to this idea of making a measure which is approved by both branches of Congress carry another measure about which there may be a difference of opinion.

One word more and I am done. I do not wish to take up time. The question in regard to the election in New Hampshire is not a question free of difficulty at all. I have not thoroughly studied it, but I have looked into it enough to know that it is a question upon which opposite opinions may be honestly entertained. We are told that a distinguished lawyer has given an opinion, and I believe it is an opinion that the present Legislature is entitled to elect. I confess that the inclination of my mind, from the little study which I have given to this subject, is that the present Legislature is not entitled to elect under the law of Congress as it now stands, and that consequently if we were to pass this law it would be repealing the statute which is in force in regard to the election of Senators so far as to affect one single election in the State of New Hampshire. I think I could give such reasons for that that every Senator here would approve them and would see that there was force in them; but I cannot do it now. I am perfectly willing if this be brought up as a separate matter that we shall go to work and settle the question which one of these two Legislatures, the one now in existence or that to be elected next November, shall elect the Senator, so that there may be no obscurity about it. But I do not think it ought to be tacked on this bill.

Mr. WADLEIGH. Mr. President—

Mr. SPENCER. I shall have to insist on the regular order.

Mr. WADLEIGH. I beg that the Senator from Alabama will allow us to pass this bill.

Mr. SPENCER. Then stop the debate.

Mr. WADLEIGH. I have only risen to say a word and then ask that the vote be taken. I do not propose to say anything that will give rise to discussion. The Legislature of New Hampshire is now in session and it is desirable that this question should be settled at once.

Mr. SPENCER. I presume that the Senate understand this. If the Senator wants to pass his bill, let us vote without debate.

Mr. WADLEIGH. I wish to say but a single word.

Mr. SPENCER. Well, say it.

Mr. WADLEIGH. The Senator from Ohio would have us believe that there is some doubt as to whether this Legislature or the next is entitled to elect. That is a matter which greatly concerns the people of New Hampshire. It is desirable that that question should be settled at once so that they may not put themselves in a position from which they cannot be extricated without great embarrassment. Accordingly a bill was presented to this body by the Senator from Wisconsin, [Mr. CAMERON,] and referred to the Committee on Privileges and Elections, which reported unanimously that this Legislature cannot elect the Senator, that the next Legislature must elect. That shows to us clearly that unless this bill passes there must be a vacancy in this Senate from the State of New Hampshire for three months in the next Congress. That is the reason why this proposition should pass.

Mr. THURMAN. Is there any probability of Congress being in session during those three months?

Mr. WADLEIGH. I do not know about that.

Mr. WHYTE. I ask the Senator from New Hampshire why the governor of New Hampshire cannot appoint for the vacancy until the Legislature meets in June?

Mr. BLAINE. He cannot do that if the previous term has fully expired.

Mr. WHYTE. Suppose this Legislature has power to elect and does not elect, is not that a vacancy?

Mr. BLAINE. Then the power of the governor does not come in.

Mr. WHYTE. It does, apparently.

Mr. BLAINE. Not at all.

Mr. DAWES. Every precedent of the Senate is against that.

Mr. BLAINE. The Senator from Maryland is too good a lawyer to make that assertion.

Mr. WADLEIGH. Having examined the precedents, I am inclined to think the governor cannot appoint.

Mr. BLAINE. Of course the governor cannot appoint. Nothing is better settled than that. The honorable Senator from Ohio [Mr. THURMAN] will give his assent to that, if the term has fully expired. The PRESIDING OFFICER. The question is on the amendment just reported including New Hampshire.

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

Mr. EATON. I desire to say that I should vote to place New Hampshire in this bill but for the unanimous report of the Committee on Privileges and Elections. Unless that be explained in some way, I do not see how I can vote for the amendment.

Mr. MERRIMON. The Senator is mistaken. There is not a unanimous report.

Mr. EATON. I understood from the Senator from New Hampshire that the Committee on Privileges and Elections have unanimously reported that this Legislature has not the power to elect a Senator from New Hampshire. I so understood him.

Mr. WADLEIGH. Certainly.

Mr. EATON. Am I right?

Mr. WADLEIGH. Yes, sir.

Mr. EATON. A committee of this House has passed upon the question unanimously.

Mr. INGALLS. Lest the statement of the Senator from New Hampshire may put me in a false position, I desire to say that I did not concur with the majority of the committee in the report submitted upon this subject.

Mr. WADLEIGH. The Senator from Kansas was not present when the subject was considered and did not vote upon it. The rest of the committee concurred in the report. Now I understand my friend from Connecticut [Mr. EATON] to say that because it is certain there must be a vacancy in this Senate from the State of New Hampshire unless this amendment prevails and becomes a law, therefore he is in favor of not passing the bill; or, in other words, now that he has ascertained beyond all doubt that if this bill does not pass there will be a vacancy from the State of New Hampshire, he is in favor of not passing the bill. It seems to me that that furnishes the strongest reason why the Senate should pass the bill.

Mr. CONKLING. If the Senator will allow me one moment it does furnish a very strong reason, but I think he omits a part of the case which he has a right to state. Not only is that so, but the Committee on Privileges and Elections has reported that owing to an inadvertence, owing to a change of the constitution of New Hampshire, an oversight, not having this in view at all, the State has fallen into this calamity. Why? Because we have a general statute on the books which operative will create this vacancy. Now I think the Senator from New Hampshire is well warranted in saying that the whole case stated in that way makes the strongest reason why the Senate ought not to turn around and say because we can inflict this injury upon New Hampshire we are going to do it. It seems to me the argument is all the other way.

Mr. MERRIMON. Mr. President, that is not the way to put the case.

Mr. SPENCER. Unless there is a vote, I shall call for the regular order.

Mr. MERRIMON. I only want a vote.

The PRESIDING OFFICER. The question is on the amendment. The Secretary proceeded to call the roll.

Mr. BLAINE, (when Mr. HAMLIN's name was called.) My colleague [Mr. HAMLIN] is paired on this question with the Senator from Mississippi, [Mr. LAMAR.] If present, he would vote "yea."

Mr. HARRIS, (when his name was called.) I am paired on this question with the Senator from Arkansas, [Mr. DORSEY.]

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

Mr. THURMAN, (when his name was called.) On this question I am paired with the Senator from Vermont [Mr. EDMUNDS] who is unwell. If he were here, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. PADDOCK. On this proposition I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, he would vote "nay" and I should vote "yea."

Mr. LAMAR. I should vote "nay," if I were not paired with the Senator from Maine, [Mr. HAMLIN.]

Mr. SPENCER, (who had voted in the affirmative.) On political questions I am paired with the Senator from New Jersey, [Mr. McPHERSON.] Consequently I withdraw my vote.

Mr. DAWES. I am paired on political questions with the Senator from Connecticut, [Mr. BARNUM,] but his colleague [Mr. EATON] does not seem to think this such a political question as to require me to pair with him; otherwise I would pair. I make this remark because the Senator from Alabama [Mr. SPENCER] has considered himself paired for that reason. I therefore leave my vote standing with the consent of the Senator from Connecticut.

The result was announced—yeas 23, nays 24; as follows:

YEAS—23.

Allison,	Christianey,	Ingalls,	Patterson,
Anthony,	Conkling,	Jones of Nevada,	Plumb,
Blaine,	Conover,	Kirkwood,	Rollins,
Booth,	Dawes,	McMillan,	Saunders,
Burnside,	Ferry,	Mitchell,	Spencer,
Cameron of Pa.,	Hoar,	Morrill,	Wadleigh,
Cameron of Wis.,	Howe,	Oglesby,	Windom.

NAYS—24.

Bailey,	Davis of Illinois,	Johnston,	Morgan,
Bayard,	Eaton,	Jones of Florida,	Ransom,
Beck,	Eustis,	Kernan,	Voorhees,
Butler,	Gordon,	McCreery,	Wallace,
Cockrell,	Grover,	Maxey,	Whyte,
Coke,	Hereford,	Merrimon,	Withers.

ABSENT—24.

Armstrong,	Dorsey,	Kellogg,	Randolph,
Barnum,	Edmunds,	Lamar,	Sargent,
Bruce,	Garland,	Matthews,	Saulsbury,
Chaffee,	Hamlin,	McPherson,	Sharon,
Davis of W. Va.,	Harris,	McDonald,	Teller,
Dennis,	Hill,	Paddock,	Thurman.

So the amendment was agreed to.

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

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

The bill was read the third time, and passed.

On motion of Mr. WADLEIGH, the title was amended so as to read: "A bill amending the laws with reference to elections in certain States."

COURT AT DANVILLE, VIRGINIA.

Mr. DAVIS, of Illinois. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3392) to change the time for holding terms of the district court for the western district of Virginia at Danville, have had the same under consideration and have instructed me to report it back with a recommendation that it do pass. It is a very simple thing; it just changes the time of holding court, and I ask that it be put on its passage at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that the regular terms of the district court in the western district of Virginia, at Danville, shall be held on the Tuesday after the fourth Monday in February, and on the 15th day of November; but if the last-mentioned day shall fall on Sunday the term shall commence on the following day.

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

BILLS RECOMMENDED.

Mr. DORSEY. I ask unanimous consent to have the bill (S. No. 530) for the relief of Alexander Davis recommitted to the Committee on Claims. I will state that there was a misunderstanding on the part of the Senator who reported the bill.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) That order will be made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 82) for the relief of Gustav A. Hesselberger;

An act (S. No. 342) for the relief of Phoebe Henrietta Groesbeck;

An act (S. No. 644) for the relief of Dwight W. Hakes; and

An act (S. No. 998) for the relief of George R. Dennis, of Maryland.

COMMITTEE SERVICE.

Mr. ALLISON. At the request of the chairman of the special committee charged some days ago with an investigation into the election in Louisiana in 1876, I move to reconsider the vote by which several Senators on that committee were excused from service. I think those Senators will finally be willing to serve upon the committee, as it is a duty assigned to them. It is not agreeable to any Senator, I suppose, to remain here during the vacation, but it is quite as convenient to all as to any. I therefore move to reconsider the vote by which they were excused.

Mr. SPENCER. I suggest that the Senator from Iowa had better wait until those Senators are present. I do not see any of them here.

Mr. PADDOCK. What is the question?

The PRESIDING OFFICER. (Mr. ANTHONY.) The Senator from Iowa moves to reconsider the vote by which several Senators were excused from the special committee which was raised at the request of the Senator from Ohio, [Mr. MATTHEWS.]

Mr. DAWES. Does the Senator ask to have action at this time?

Mr. SPENCER. Just enter the motion.

Mr. ALLISON. It is very important that the committee should be completed to-day.

Mr. HEREFORD. I hope this matter will be laid over until those Senators come in.

Mr. ALLISON. I saw the Senator from Florida a moment ago, and the Senator from Maryland is here.

The PRESIDING OFFICER. Will the Senate reconsider the vote by which the Senator from Illinois [Mr. DAVIS] was excused from service upon that committee?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is, shall the Senator from Illinois be excused? [Putting the question.] The noes have it, and the Senator from Illinois is not excused.

The PRESIDING OFFICER. Will the Senate reconsider the vote by which the Senator from Maryland [Mr. WYTHE] was excused from serving upon the committee?

Mr. WYTHE. I hope the Senate will not force me to serve on this committee. If it is to last during the summer, it will be absolutely impossible for me to attend.

Mr. ALLISON. I hope the Senator from Maryland will not press his excuse. On behalf of the chairman of the committee, who is unable to be in his seat to-day, I beg that the Senator will not ask to be excused from serving upon the committee.

The PRESIDING OFFICER. Shall the vote be reconsidered?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the request of the Senator from Maryland [Mr. WYTHE] that he be excused from service on the committee.

The Senate refused to grant the request.

The PRESIDING OFFICER. The Senator from Iowa moves to reconsider the vote by which the Senator from Florida [Mr. JONES] was excused from service upon the committee.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the request of the Senator from Florida, that he be excused from service on the committee.

The Senate refused to grant the request.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4802) for the construction of a public building for use by the United States Government in the city of New York; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ABRAM S. HEWITT of New York, Mr. W. A. J. SPARKS of Illinois, and Mr. CHARLES FOSTER of Ohio, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 1208) authorizing the publication for sale of an edition of the narrative of the *Polaris* expedition;

A bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States in relation to the judicial powers and functions of consuls;

A bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes;

A bill (H. R. No. 3250) providing a permanent form of government for the District of Columbia;

A bill (H. R. No. 3892) to change the time for holding terms of the district court for the western district of Virginia, at Danville;

A bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States and for the State of California; and

A bill (H. R. No. 5124) designating the times for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes.

On motion of Mr. BLAINE, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS.

AMENDMENT TO APPROPRIATION BILLS.

Mr. PADDOCK, Mr. DORSEY, Mr. ALLISON, and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5130) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 14, 1879, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, Mr. KELLOGG, and Mr. McMILLAN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and for prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. (Mr. ANTHONY.) With the assent of the Senate the Chair will put the question on the amendments of the Committee on Commerce as they are reached in the reading of the bill.

Mr. WINDOM. Mr. President, the importance of the pending bill is my only apology for asking the indulgence of the Senate for a few moments. I am aware at this late day in the session discussion should be brief. It would be a pleasant task to urge again upon the attention of the Senate the measures which I had the honor to present some four years ago when submitting the report of the Select Committee on Transportation Routes to the Seaboard; but to do so would extend the scope of my remarks beyond the limits that would be proper just now. Though I have not abated an iota of my faith in the general plan of improvements recommended by that committee, I shall, to-day, confine myself to the discussion of only two of the routes embraced in it, namely, the Mississippi River and the "northern water route."

A careful analysis of the bill under consideration will disclose the fact that a very large part of its items of appropriations are in some way connected with these two great systems of internal transportation; and hence in examining their merits I shall really discuss the general features of the measure. With this idea in mind, cast your eye over a map of the United States, and you will see how largely those two water systems figure in this bill. All the items for the improvement of the Hudson River and the great lakes, including their numerous ports and harbors, and all those for the Mississippi River and its ten thousand miles of navigable tributaries, and the thousands of miles of smaller streams connected with those tributaries, belong primarily to this class. These will embrace nearly all the items of appropriations for works within more than twenty States.

Before I take my seat I shall endeavor to show that the items for improvement of ports on the Atlantic and Gulf coast may also be properly included as a part of these great systems embraced in the two routes I have named. The enemies of internal improvements are in the habit of selecting a few items of minor importance in the river and harbor bill, and by holding these up to ridicule they endeavor to cast odium upon the entire bill. This may be an effective mode of argument, but it can hardly be called a fair one. Were I framing a bill there are some items in this one that I would omit, and there are many others which I would largely increase; but on the whole the good it contains is so greatly in excess of its errors that I give it my most cordial support.

The virulence of opposition usually exhibited against river and harbor improvements has always seemed to me unaccountable. Of all the appropriation bills, except a small part of the sundry civil, this is the only one that leaves anything to show for the expenditure. The hundreds of millions appropriated in the other bills are like myriads of rain-drops falling on the parched sand of the desert, only to pass at once from sight without leaving a trace behind, while the limited sums so grudgingly given for internal improvements remain to bless and enrich the country for all time.

Mr. President, the people of the Mississippi Valley have long waited, worked, and prayed for a free and unobstructed river, but the first century of our national life closed without the realization of their desires. Recent operations at the South Pass have, however, encouraged the belief that at last we are on the eve of a great commercial revolution, through which this grandest pathway of commerce will assert its rights and demonstrate its power.

Commercial as well as political revolutions are often traceable to the genius, the will, and the sublime courage of a single individual. The Erie Canal, which united the lakes with the Hudson River, directed the course of empire, rendered the great West a possibility, and made New York one of the first commercial cities on the globe, is the creature of Clinton's genius and courage.

Lesseps, by his canal across the low and narrow isthmus which separated the waters of the Red Sea from the Mediterranean, turned the course of commerce between Europe and the East Indies.

The recent success of our own countryman in providing an open and deep channel at the mouth of the Mississippi, and thereby giving to one-third of the Union a new and direct pathway to the markets of the world, is an achievement second to neither of these. Indeed, the world has known few, if any, physical triumphs grander than that which promises to link the name of James B. Eads with immortality.

Where the muddy waters of the Mississippi meet the waters of the Gulf their motion is suddenly arrested, and the immense quantities of sediment borne by the river from the many thousands of miles of alluvial shores above is suddenly precipitated, and thus bars and shallows are formed which encircle the entire delta. While the land has been thus steadily advanced seaward at the rate of about three hundred and forty feet per annum, the entrance to the river has been obstructed by the vast deposits which choked the passes for several miles from the Gulf.

For half a century these mighty floods have bidden defiance to the skill and power of man. Captain Eads, recognizing the fact that a direct contest with such gigantic forces was utterly futile, conceived the idea of adapting his plans to their own laws, and thereby harnessed them into his service, subdued the hitherto imperious, unconquered river, and compelled it to perform the servile work of dredging its own channel to the sea. Congress being unwilling to risk the money for this enterprise, Captain Eads gave expression of his confidence and courage by proposing to go on with the work at his own cost, asking no aid from the Government until he had demonstrated his power to command the physical forces which he sought to control.

When that great work shall be recognized as an accomplished fact, and the largest ocean vessels shall pass the Balize, and at the docks of New Orleans compete for the commerce borne upon ten thousand miles of river navigation, a power will be evoked in behalf of an unobstructed river as irresistible as that which during the late war demanded an undivided ownership in its waters.

Already the effects of the jetty improvement are manifest in the trade of New Orleans. Three years ago her exports of wheat and corn were merely nominal. In 1876 she exported 2,376,237 bushels and in 1877, 4,029,660; an increase of 70 per cent. in a single year. This southern tendency of trade through the jetties is also indicated by increased commercial activity at Saint Louis, and by a marked deflection of the course of shipments of grain from interior towns in Iowa, Nebraska, and Southern Minnesota.

The valleys of the upper Mississippi, and of the Missouri Rivers, are now the battle-ground of commerce, between the eastward and the southward movements. The forces on the side of the southward movement are the trade interests and enterprise of Saint Louis, the north and south railroads, cheap transportation on the river, the capital and commercial enterprise of New Orleans, and the new competitive influence of large ocean steamers at her docks.

On the side of the eastward movement are the invincible courage and enterprise of Chicago, the east and west railroads, the great transportation interests involved in the northern water-line, Canadian capital and the transportation interests on the Saint Lawrence, the capital and commercial enterprise of New York City, and the vast ocean tonnage always at her wharves. Chicago and New York on the one side, and Saint Louis and New Orleans on the other, are now marshaling these tremendous forces for the impending struggle. In this contest, which will affect directly the interests of one-third of the people of the United States and indirectly the interests of all the rest, competition in transportation and in trade will be evoked to the fullest extent, and the two water-routes will bear by far the most important part.

In this competition lie the possibilities of remunerative prices for the products of agriculture, of cheaper food to the consumer, of the development of vast areas of country hitherto inaccessible, and of our control of the markets of Europe. The best interests of the whole country, therefore, require that both of these rival water lines

shall be put in the highest practicable state of efficiency. My chief purpose to-day is to speak in behalf of the improvement of the Mississippi route, but I cannot forget that either will lose half its value, if the competitive power of the other be withdrawn or impaired.

Let us then briefly inquire what is necessary to place them both in the most efficient condition attainable at reasonable cost, and what results may be expected from the improvements proposed.

THE NORTHERN WATER ROUTE.

By this I mean the Lakes, the Erie Canal, and the Hudson River. The conditions necessary to its highest efficiency are:

First. A free harbor and improved terminal facilities at New York.

Second. A practically free canal.

Third. Improvement at the Sault Ste. Marie, and removal of obstructions in the Saint Clair and Detroit Rivers.

Fourth. Improvement of the harbor at Duluth and other Lake ports.

Fifth. One or more artificial water-ways connecting the Mississippi River with the Lakes.

The first and second of these conditions must probably be secured, if at all, by the city and State of New York. I am glad to see that the people of the Empire State have at last become conscious of the fact, that the commercial supremacy of their great city can only be maintained by developing and utilizing to the utmost, her natural advantages for cheap transportation by means of the Erie Canal and the Hudson River, and that they are now directing their attention to the reduction or entire abolition of tolls on the canal, and to the improving and cheapening their terminal facilities.

They now appreciate the fact that in railroad connections with the West they have no advantage over Baltimore and Philadelphia. The experience of the last year has shown that their chief reliance, if not their only hope, is in the water route. In this they have an immense advantage over both of those cities.

The comptroller of the State of New York in his last annual report says:

In the first week of December, 1877, by water route and railroad New York received 918,924 bushels of wheat and corn, Baltimore received 587,384 bushels, and Philadelphia received 322,300 bushels.

In the second week of December, 1877, the water route was closed, and New York received 581,839 bushels, Baltimore received 744,965 bushels, and Philadelphia received 400,406 bushels.

In the third week of December, 1877, with the water route closed, New York received 556,945 bushels, Baltimore received 867,740 bushels, and Philadelphia received 487,900 bushels.

With the water route New York received 918,924 bushels and Baltimore received 587,384 bushels.

With the water route closed New York received 536,945 bushels and Baltimore received 867,740 bushels.

Baltimore has but one road from the West, while New York has in addition to the Erie Railroad, the New York Central with its four tracks.

With the Erie Canal, New York is one of the first commercial cities of the world; without it she would be in danger of losing her proud pre-eminence. If the same wise and courageous statesmanship, which planned and executed that great work, shall still guide her counsels, the teeming West will continue to pour her exhaustless treasures into the lap of the Empire City, thereby enriching her people and contributing to the proud destiny due to her position.

But no narrow policy on her part will retain and increase the trade now so evidently slipping away from her wharves, and her marble palaces of commerce. Her great water line to the West has supplied the cheapest internal transportation ever known on this continent, and has successfully met and vanquished all contestants. But a new and most formidable competitor is just entering the field. An open, deep, and unvexed channel to the sea, draining the commerce of the West as naturally as it does the waters of twenty States, is an antagonist of no mean proportions. To meet it, New York must no longer rely upon her present advantages. She must not only give to commerce a free harbor and a free and improved canal, but she must also exert her powerful influence for the removal of all obstructions and impediments to the movements of commerce on the lakes. Nor will this be enough. To give the northern route its highest degree of efficiency and power, the lakes and the Mississippi must be connected by an artificial water-way which will make

THE UPPER MISSISSIPPI RIVER THE BASE LINE OF ITS COMMERCE,

and thereby unite the two great systems of lake and river transportation.

The wheat and corn fields of the continent are rapidly moving westward. Within a very short time one-half of the grain crop of the United States will be grown west of the Mississippi River. Very nearly, if not quite, half the wheat sent to market is raised there now. When these immense crops shall reach the western bank of that river, they will refuse to bear the burdens of railroad transportation further, and will be transhipped to barges and steamers for New Orleans. The two hundred miles of costly railway transport, from the Mississippi to the lakes, will, in the not distant day of cheap river transportation, prove an insuperable barrier to the eastward movement from all the vast section of country west of that river. That barrier can only be removed by artificial water connections between the river and the lakes. Fortunately we have at least three routes which nature seems to have provided for this purpose. Two of them—the Hennepin Canal, in Illinois, and the Fox and Wisconsin

Rivers, in Wisconsin—I had the honor to suggest to the Senate some five years ago, in a report on the subject of internal transportation. Another route, believed by many to possess equal if not greater merits, is found by way of the Saint Croix and Saint Louis Rivers from the Mississippi to Lake Superior at Duluth.

The latter will afford the most direct water-route from the great wheat center of the continent to the lake, and should be at once carefully surveyed, with a view to its early improvement. If not deemed advisable to make all of these connections at once, the one which is cheapest and of greatest practical value should be constructed without delay. With either of these connections, vessels can be loaded at any point on the banks of the Upper Mississippi and have unbroken water transport to the wharves of New York. Without such connections, as I have already said, the two hundred miles of costly railway transport will effectually prohibit the wheat and corn grown west of the Mississippi from reaching the Atlantic seaboard by way of the lakes and Erie Canal. Why? Simply for the reason that it will cost more to carry a bushel of grain over that distance to Chicago or Milwaukee than to move it to New Orleans. You ask, if this be true, why has it not gone that way heretofore? For two reasons:

First. Because the bars at the mouth of the Mississippi River prevented the establishment of lines of large ocean vessels from Europe to New Orleans, and presented difficulties and obstructions to commerce which were practically insuperable. Rather than encounter the delays, accidents, and uncertainties incident to the New Orleans route, the commerce of the West chose to climb the Alleghany Mountains and bear the onerous burdens necessarily imposed by railroads. All of these difficulties are now substantially removed, and soon will entirely disappear.

Second. The railroads extending beyond the Mississippi were parts of great through lines to the East, and such discriminations were enforced against the river towns as made it cheaper to ship the longer distance to lake ports than to stop at the river. This last difficulty is easily remedied. The Legislatures of some of the States have already prohibited such discriminations, and the rest will very soon do so. With an open, deep channel to the sea, and the unjust discriminations against river towns prohibited by State or congressional legislation, the bulky and heavy products of the country west of the Mississippi will neither bear the onerous railway charges to the lakes, nor climb the Alleghany Mountains on their way to the sea. They will either have a cheap and convenient artificial water-way from the river to the lakes, and thence to Atlantic ports, or they will float with the current to New Orleans and thence by ocean steamers to Liverpool.

The equipoise of trade is much more delicate than may be supposed. A very slight modification in cost of transportation will frequently work a complete revaluation in the balances of commercial forces. This fact is well illustrated by a recent reduction of tolls on the Erie Canal of only one-half cent per bushel. During the season of 1876 (prior to said reduction) the canal carried 28,841,100 bushels of grain, while for the corresponding period of 1877, under reduced tolls, it carried 43,712,500 bushels, being an increase of 14,871,400 bushels, caused by the reduction in cost of only one-half cent per bushel. That this increase on the canal was not caused by the large crop of 1877 will appear from the fact that the total amount received at the seven principal seaboard markets in that year was less by 10,516,032 bushels than in 1876. It was merely a transfer of freight from the railroads to the canal, for what was gained by the latter was lost by the former. Competition was so strong between them, and the equipoise of commercial forces was so delicately adjusted, that a reduction of only one-half of one cent per bushel in the cost, by canal, turned the wavering balances in its favor.

In view of such facts as these, may it not be safely asserted that the northern route must be extended westward until it makes the Mississippi its base line of transportation and trade, or it will soon cease to control or even to share the commerce of a large portion of the country west of that river? And if that commerce cannot afford to go by the water-route it will certainly not do so by rail. The merchants and other business men of New York and the East appear to be aroused to the necessity of reducing the cost of transportation on the Erie Canal; but they are apparently still oblivious to the greater necessity of extending their cheap water line to the Mississippi.

However important a free canal may now seem to them—and they cannot overestimate its value—it will not be long until they will agree with me, that the extension of their cheap water-route to the Mississippi is even more important. Once on the lakes, the heavy and bulky products of the farm and the forest are reasonably sure to follow the water to the ocean, and this will be true even with the present status of the canal. The difficult question soon to be encountered will be, "How shall these commodities be induced to come to the lakes from points beyond the Mississippi River?" I repeat that in the near future they will not come at all unless some means of transport cheaper than by railroad shall be provided.

THE RED RIVER VALLEY, LAKE WINNIPEG BASIN, AND COUNTRY ALONG THE NORTHERN PACIFIC RAILROAD, THE NATURAL ALLIES OF THE NORTHERN ROUTE.

There is one very important section of the Northwest that is geographically tributary to the lakes; I refer to the rich and fertile country traversed by the Northern Pacific Railroad, the Red River Valley, and the vast area of productive land drained by the streams tributary to Lake Winnipeg. The Valley of the Red River of the north, recently opened to settlement by the construction of the North-

ern Pacific Railroad, is destined, at a very early day, to become the center of wheat production in the United States. There is probably no other place in the world that combines so many elements of successful wheat-culture as this valley or that promises greater results to agriculture. Though situated midway in the continent, it is near the point where the two greatest water lines of the world converge, and where the competition between them will always be sharpest.

By reason of this competition the products of that valley will be landed in New York, New Orleans, and Liverpool as cheaply as those of many parts of the Middle States, and farms that are now selling for \$5 per acre, or even less, will soon command as high prices as those of Central Ohio or Indiana. Its soil, its climate, the character of its population, and the unparalleled tide of immigration now pouring into it, all give assurance of the great future just opening upon it. The abounding fertility of that region has been fully demonstrated by the agricultural operations of the last few years, but the vast extent of country embraced in the Red River Valley, the Lake Winnipeg Basin, and the country tributary to the Northern Pacific Railroad is but little understood. Indeed, its proportions are so colossal that the mind does not readily grasp them. From the center of Minnesota it reaches toward the northwest, a distance of fifteen hundred miles. From Duluth it extends along the line of the Northern Pacific Railroad, with only here and there a strip of sterile country, a distance of two thousand miles.

Let us pause a moment, Mr. President, and try to comprehend its magnitude. Starting from Saint Paul you may travel toward the northwest over what is capable of becoming a continuous grain-field, a distance greater than from Saint Paul to Boston. From Duluth you may travel westward along the line of the Northern Pacific Railroad over a soil of luxuriant fertility, among mines of exhaustless wealth, and through forests of matchless grandeur to the Pacific Ocean.

This immense region, with its almost boundless resources, and its immeasurable capacity so soon to be developed, is, from its geographical position, naturally tributary to the northern water line. Does it not present possibilities of trade worthy the ambition of the proudest marts of commerce? As I have said, its products will find their natural and most convenient outlet at Duluth, whence they will follow the lakes, the Erie Canal, and the Hudson River to tide-water. But the trade centers and transportation lines that would command and control this vast commerce must not presume upon their natural advantages to the neglect of necessary improvements, for competition will be as active here as anywhere on the continent. The commercial interests of the Mississippi route will never surrender this agricultural empire. Indeed, I think, for reasons already stated, that this locality will long continue to be the debatable ground between the eastward and southward commercial forces, and in the competition that will result from this will be found one of the great and commanding elements of its future prosperity.

The Northern Pacific Railroad, having its terminus on the lake at Duluth, will be the natural ally of the lake and canal route, but other railway lines, now being pushed into the heart of that country from the south and east, will compete for the transportation of its products to some convenient point on the great river, where they will meet the southern trade forces drawing them down its current toward Saint Louis and New Orleans.

The navigation of the Red River will also constitute an important element in this competition. The small sum necessary for its improvement will make it one of the principal lines of transportation between the Winnipeg Basin and the Northern Pacific Railroad at Moorhead, and other roads soon to connect with it at Fergus Falls and elsewhere.

If, therefore, those who are especially interested in the trade centers and transportation lines, so largely dependent upon the success of the lake and canal route, would avail themselves of their natural advantages over the commerce of this region, they must spare no efforts to push forward to completion the Northern Pacific Railroad; to improve the navigation on the Red River of the North; to perfect the harbor and other shipping facilities at Duluth; to remove the obstructions to commerce at the Sault Ste. Marie, Saint Clair flats lime kilns, &c.; and generally to put their entire line in the highest possible state of efficiency.

So much as to the conditions necessary to the greatest success of the northern water line. Let us now hastily review some of the

CONDITIONS NECESSARY TO THE HIGHEST ATTAINABLE EFFICIENCY OF THE MISSISSIPPI RIVER ROUTE.

In 1873 the Select Committee on Transportation Routes to the Seaboard, after a most careful and thorough investigation of this subject, authorized me to submit to the Senate a report, which, among other recommendations, contained the following:

1. The improvements necessary on the Mississippi route are:
2. The opening of the mouth of the river so as to permit the passage of vessels drawing twenty-eight feet, estimated cost \$10,000,000.
3. The construction of reservoirs at the sources of the river, (if upon a careful survey they shall be deemed practicable), estimated cost \$114,000.
4. Improvements upon a system to be provided by the War Department at all intermediate points, so as to give from three to five feet navigation above the Falls of Saint Anthony.
5. From four and a half to six feet from that point to Saint Louis.
6. And from eight to ten feet from Saint Louis to New Orleans, all at the lowest stages of water, estimated cost \$5,000,000.

The light thrown upon this subject during the four years that have

elapsed since this report was submitted has only confirmed my opinions as to its practicability and importance. Some of these recommendations have since passed from the realm of theory to that of accomplished fact, and have already demonstrated that, while their probable cost was largely overstated, their value was not overestimated. Reviewing them in the presence of four years of experience and study, I see nothing to take back or to modify, and I now adopt them as the best and most comprehensive statement I can make as to the wants of the Mississippi, and the practical conditions necessary to its highest efficiency and greatest power as a transportation route.

THE JETTIES AT THE SOUTH PASS.

In pursuance of these recommendations, a bill was passed by Congress providing for the contract, to which I have referred, whereby Captain Eads undertook to provide and to guarantee, for ten years, a channel three hundred and fifty feet wide and thirty feet deep, at the mouth of the river, for the sum of \$5,250,000, to be paid in installments as the work progressed, and no payments to be made until after satisfactory results therein named should be produced. The success of this great enterprise seems now to be well assured.

You will observe, Mr. President, it is to cost only about half the amount stated by the committee. That calculation was based upon the estimated cost of the then proposed Fort Saint Philip Canal, a bill for the construction of which, at a cost of \$8,000,000, passed the House of Representatives in 1874, but was defeated, on the motion of the Select Committee on Transportation, and the jetty system adopted instead. By this action of Congress from three to five million dollars were saved and a far better channel to the sea was secured.

SURVEYS OF THE RIVER.

Recognizing the fact that the success of the jetties, at the mouth of the river, would at once open up a commerce with the world that would demand the prompt improvement of the entire river, and in order to be prepared for the execution of the work, the Select Committee on Transportation recommended, and Congress appropriated money, in 1874 and 1875, for an extensive system of surveys, under which the river was apportioned by sections, and experienced engineers placed in charge of the several divisions. Those surveys have been partially completed, and their results reported to Congress by the Secretary of War. An examination of these reports shows that "the construction of reservoirs at the sources of the river," and the improvements necessary to give "from three to five feet navigation above the Falls of Saint Anthony," and "from four and a half to six feet from that point to Saint Louis," are entirely practicable, and at a cost even less than was estimated by the select committee. The surveys from Saint Louis to New Orleans are not sufficiently thorough to enable me to speak with certainty of the cost of that portion of the river, but there is no doubt whatever of the entire practicability of obtaining eight feet of navigation, at a cost which will bear no comparison with the benefits to be secured by it.

THE UPPER MISSISSIPPI.

This part of the river presents no difficulties that deserve a moment's consideration in view of the results which would ensue from its improvement. About the only considerable obstructions to a depth of four and a half feet navigation, between Saint Paul and Saint Louis, are found between Saint Paul and La Crosse, covering a distance by river of some two hundred miles.

In compliance with the plan of surveys just mentioned this section of the river was surveyed two years ago by Mr. Montgomery Meigs, under direction of Colonel Macomb, in order to ascertain the cost necessary to "give four and a half feet navigation" at low water. The report made in detail is summarized, and the estimated cost of improving the channel of the Mississippi River between Saint Paul and La Crosse, to give four and a half feet navigation at low water, is as follows:

Wings and dams.....	\$133,999 80
Ripraping shores as needed.....	75,000 00
Scraping with Long's scraper.....	75,000 00
Engineering.....	30,000 00
Contingencies, 10 per cent.....	31,690 98
Total.....	345,690 78

Considered with reference to the commerce to be accommodated, the immense products of agriculture to be moved to market, the vast area of fertile country to be developed, and the population to be benefited by this improvement, the sum required is utterly insignificant and Congress should not hesitate to appropriate it. The river and harbor bill recently reported from the House of Representatives, containing an aggregate of more than \$7,000,000, appropriates only \$250,000 for deepening the channel of the river above the Des Moines Rapids, a distance of some six hundred miles. For a small stream not constituting part of a grand system of transportation this sum would be generous, even extravagant. For the Upper Mississippi, prior to the revolution in its commerce wrought by the success of the jetties, it would have been extremely liberal; but for the Upper Mississippi, constituting as it now does six hundred miles of one of the world's grandest avenues of commerce, it is utterly inadequate.

Congress should realize the fact that the commercial conditions and requirements of the Mississippi have totally changed within the last eighteen months. Prior to that time its commerce was mainly local, and the improvements required such as were suited to the character and volume of its trade. Now, that it has become a great national

and international highway, and is soon to bear a most important part in our contest, with other food-producing nations, for the control of the world's markets, it demands entirely different treatment. Instead of only \$250,000 for the six hundred miles above the Des Moines Rapids, we should at once appropriate the \$345,000 estimated as necessary to give four and a half feet of navigation from Saint Paul to La Crosse. Why not? To divide this amount, and thereby extend the work over two or three years, is to largely increase its cost and unnecessarily postpone its completion.

The great vice of our system of appropriations for internal improvements consists in the fact that they are scattered over too much territory, and are generally so minutely subdivided as to accomplish but little. The results are waste, extravagant cost, and general disappointment. Everybody knows that the time has come for a thorough improvement of this river; that it can be done much more economically now than hereafter, and that to appropriate at one time enough to complete a given section will cost far less than to divide it into two or three sums, and thereby extend the work over as many years. General J. M. Simpson, an experienced officer of the Engineer Corps, speaking of appropriations for another part of the river, says:

I am satisfied that seven appropriations of \$1,000,000 each, would accomplish fully as much as twenty of \$500,000 each, in the prosecution of works of the character required in the Mississippi.

In other words, about 30 per cent. of the money is wasted by the system of appropriations heretofore pursued. The amount required for the execution of the Meigs plan of improvement between Saint Paul and La Crosse is small. The nature of the improvements is very simple. The work is urgently required. The comparatively small appropriations contained in the bill can only increase the cost of the improvements, postpone the benefits, and thereby impose a tax upon the products of agriculture, many times greater than the entire cost of the proposed improvements.

To illustrate. A saving of only one cent per bushel on the wheat crop of last year in Minnesota alone would amount to \$400,000, more than enough to make the entire improvement of that section of the river. An improvement from Saint Paul to La Crosse that will give four and a half feet of navigation at low water will decrease the cost of transportation several cents per bushel. By what mistaken theory of public policy shall we appropriate only \$250,000 this year, and the balance next, or at some more distant time, thereby compelling the great agricultural interests of that region to bear for two years or longer a burden, which can as well, and with greater economy to the Government be removed in twelve months?

When the contract for removing the bars at the mouth of the South Pass was authorized by Congress it was generally understood to be a part of one great system, which should be speedily followed by the thorough improvement of the entire river. I certainly so understood it, and in advocating that measure took occasion to express my confidence that such would be its necessary effect.

The general plan of improvement from which I have quoted contains no suggestion of greater practical value than that in relation to the

CONSTRUCTION OF RESERVOIRS AT THE SOURCES OF THE RIVER.

The surveys and examinations already made disclose a most remarkable topographical adaptation to this end. Results so great, seem only to await the expenditure of sums comparatively so small, that I venture to ask the special attention of the Senate to this part of my subject.

A reconnaissance made in 1869 by Frank Cook, civil engineer, under the direction of General G. K. Warren, United States Engineer Corps, shows that by means of a dam at Pakagama Falls and another at the outlet of Mille Lacs, which are estimated to cost only \$114,000, a supply of 47,093,862,400 cubic feet of water can be secured, and that this will be sufficient to "supply at Saint Paul the difference between a three and a five foot stage (of water) one hundred and five days."

A survey, made by Major Farquhar, Corps United States Engineers, two years ago, was somewhat more thorough and covered a larger number of lakes than the reconnaissance of Mr. Cook.

Major Farquhar estimates that for the sum of \$483,551 reservoirs can be made by which a supply of 95,571,848,607 cubic feet of water can be stored. This it will be observed is more than double the amount proposed to be secured by the dams mentioned by Mr. Cook, and though the expense is considerably greater the benefits would doubtless be correspondingly larger.

The difference between "a three and five foot stage (at Saint Paul) for one hundred and five days" means all the difference between good and bad navigation, between cheap and costly transportation. It will extend the river navigation from Saint Anthony Falls to Saint Cloud, eighty miles farther into the great wheat-fields of the Northwest. When added to the four and one-half feet to be secured by confining the waters and narrowing the channel below Saint Paul, as proposed by Mr. Meigs, it will give a permanent depth of probably five to five and one-half feet all the way to Saint Louis.

The section of the Mississippi River proposed to be improved by means of these reservoirs embraces one-third of its entire length, and constitutes the chief element of its competitive power. It is this part of the river that will afford the benefits of competition and cheap transportation to that vast northwestern agricultural region of which I have spoken. If you take into account only its benefits to the present products of that country, embracing Minnesota, Iowa, Wisconsin, the Red

River Valley, Dakota, and Manitoba, it will be seen that no more important work asks for public recognition; but when you estimate the wants of the near future its value is almost immeasurable.

William H. Seward comprehended something of the vast extent and grand future of these "highlands in the center of the continent," when in 1860, speaking from the steps of the court-house in Saint Paul, he gave expression to his enthusiasm in these prophetic words:

I have never until now occupied that place where I could grasp the whole grand panorama of the continent, for the happiness of whose present people and of whose millions of millions it is the duty of an American statesman to labor. * * * Here is the central place where the agriculture of the richest regions of North America must begin its magnificent supplies to the whole world. On the east, all along the shore of Lake Superior, and on the west stretching in one broad plain, in a belt across the continent is a country where State after State is yet to rise, and whence the productions for the support of human society in other crowded States must forever go forth. * * * I now believe that the last seat of power on the great continent will be found somewhere within a radius not very far from the spot where I stand, at the head of navigation on the Mississippi River, and on the great mediterranean lake.

Mr. President, the topographical conditions, at the sources of the Mississippi, seem to have been providentially arranged to meet the wants of this remarkable region, and to constitute a part of nature's munificent provision for supplying that country with a cheap outlet to the sea, and for making the Mississippi River the grandest artery of commerce on the face of the globe.

I wish I could impress upon the Senate the importance and value of this work as it lies in my own mind. Its execution is, I am sure, only a matter of time, but its advantages are so certain and so great in comparison with its cost, that I am unwilling to await the slow processes by which such works are usually consummated. May we not at least hope that Congress will appropriate money enough at this session to complete the surveys, which have already disclosed such remarkably favorable conditions, so that if deemed practicable the work of construction may be inaugurated at an early day?

THE LOWER MISSISSIPPI.

The improvements necessary to provide from "eight to ten feet navigation between Saint Louis and New Orleans" are somewhat more difficult and expensive than those above Saint Louis; but I repeat that their cost is insignificant in comparison with the benefits to be secured.

The bill introduced by the honorable Senator from Missouri, [Mr. COCKRELL,] who takes so active an interest in this subject, provides for a commission whose duty shall be to complete the surveys of that section of the river, prepare and present to Congress a systematic plan of improvement, and superintend its execution. This seems to me to be a move in the right direction, so far as this portion of the river is concerned, and I beg to assure the Senator of my cordial support in his efforts to secure its passage. I should be glad to see the jurisdiction of his commission extended to the head of navigation, for the purpose of giving uniformity to the general system of improvement, providing the work above Saint Louis shall not be postponed thereby.

Thanks to the foresight of Congress in making liberal appropriations for surveying that portion of the river, those surveys are now sufficiently advanced to justify the immediate commencement and vigorous prosecution of the work. The improvements required are so simple, and comparatively so inexpensive, that no reasonable excuse can be made for postponement.

Having endeavored to show what is necessary to their highest efficiency and power, let us now see what these two routes are doing and will do to supply cheap transportation to the country.

THE PRESENT PERFORMANCES AND FUTURE POSSIBILITIES OF THE NORTHERN ROUTE are well presented in a recent address, by Mr. Alonzo Richmond, president of the Buffalo Board of Trade, from which address I extract a few facts. The following is his statement of the actual earnings, expenses, and profits of a steamer, with barge in tow, from Chicago to Buffalo:

EARNINGS.	
Forty-five thousand bushels of corn, at 2 cents.....	\$900 00
Barge, 80,000 bushels of corn, at 2 cents.....	1,600 00
	\$2,500 00
Up steamer, 1,200 tons of coal, at 60 cents.....	720 00
Up barge, 21,000 tons of coal, at 60 cents.....	1,260 00
	1,980 00
	4,480 00
EXPENSES.	
Steamer.....	1,700 25
Barge.....	1,114 40
	2,814 65
Profit.....	1,665 35

Allowing this steamer and barge a four-cent freight down, and up freight at \$1 per ton for coal, the account would stand as follows:

EARNINGS.	
Earnings down, 125,000 bushels corn, at 4 cents.....	\$5,000 00
Earnings up, 3,300 tons coal, at \$1.....	3,300 00
	\$8,300 00
EXPENSES.	
Steamer and barge.....	2,814 65
Profit.....	5,485 35

With no return cargo the profits would be \$2,185.35. The expense account of this trip, which is given in detail, includes everything except interest on the capital invested in vessels. From

this it will be seen that grain can be carried at a fair profit from Duluth, Milwaukee, or Chicago, a distance of a thousand miles, to Buffalo, for from two to four cents per bushel—say an average of three cents.

The actual earnings, expenses, and profits from Buffalo to New York City, via the Erie Canal and Hudson River, are given in the following "statement of a trip of a steamboat and its consort:"

Down 16,870 bushels of corn at 4 cents.....	\$674 80
Up 300 tons, free, at 60 cents per ton.....	180 00
	854 80
Tolls and expenses.....	524 10
Profits.....	330 70

At six cents per bushel and the same return freight as above given, the profits would have been \$668.10 for the round trip. From these facts and a most careful investigation of this subject, made five years ago, I am entirely satisfied that grain can now be carried from Duluth, Milwaukee, or Chicago, to New York City during the season of navigation, at a fair profit for eight cents per bushel, and with a free canal, improved lake harbors, and unobstructed lake navigation for enlarged vessels, it can and will be done for an average of five cents per bushel. True, the actual average charges from western lake ports to New York City during the season by this route have been considerably higher than these figures, being about ten cents per bushel on wheat, but its recent transactions show what are the reasonable probabilities of this route when it shall be relieved of burdensome exactions in the shape of tolls, and when it shall be properly improved and brought under the competitive influence of another route possessing equal advantages.

The Chicago Tribune of the 18th instant reports that—

The going rate of lake freights yesterday was one and three-quarter cents on corn to Buffalo, though some carriers asked two cents.

Through rates by lake and canal were dull at seven cents for corn and eight cents for wheat to New York. Lake and rail rates were quoted at nine and one-half cents for corn to New York and eleven cents to Boston.

I have thus far omitted one of the most powerful elements which constitute the competitive forces of the northern route, namely:

THE SAINT LAWRENCE ROUTE.

At present this competition is not very effective or powerful because only the smaller lake crafts can be used; but the Canadian people, who have always manifested more liberality and wisdom in the improvement of their water lines than we have, will soon have completed the enlargement of their canals so that the largest lake vessels can pass and deliver their freights at Montreal or Quebec without breaking bulk. The water-line from western lake ports to Liverpool via Montreal is several hundred miles shorter than via New York. The rates from Chicago to Montreal in 1876 were from 9 to 11 cents per bushel, and about the same, or possibly a little higher, in 1877. It is confidently expected that the enlargement of the canals will very greatly reduce these charges and thereby add the enterprise and capital of Montreal and other Canadian ports to the trade forces of the eastern movement.

WHAT THE MISSISSIPPI RIVER ROUTE IS NOW DOING AND WHAT IT WILL DO WHEN IMPROVED.

In a report which I had the honor to submit to the Senate in 1873, it was stated that the evidence taken by the Select Committee on Transportation Routes to the Seaboard justified the conclusion—

That upon the completion of the entire improvement of the Mississippi River wheat and corn can be transported from Minnesota, Iowa, Wisconsin, Illinois, Indiana, Missouri, and other points above Cairo to New Orleans for an average of twelve cents per bushel; that the cost from Saint Paul will not exceed seventeen cents.

That the—

Total cost from Saint Paul to Liverpool will not be more than thirty-nine cents.

And that this reduction if it could have been—

Applied to the grain crop of 1872 in the Western States would have saved to the farmers of that section for that single year over \$42,000,000.

This estimate of the reduction in transportation that might reasonably be anticipated from the improvements of the Mississippi River was regarded in certain quarters as somewhat sanguine. But the experience of the past five years, and the results already produced by the success of the jetties at the mouth of the river, show that upon the completion of said improvements, the cost of transportation will be reduced quite 50 per cent. below the estimates submitted in said report, and that the savings to the farmers of the West and the consumers of the East and South will be correspondingly increased.

That calculation was based upon a charge of 7½ cents per bushel from Saint Louis to New Orleans on an improved river, but we find that with a channel of only twenty-two feet in depth, instead of thirty feet, between the jetties, and the improvements above that point not commenced, the actual charges are far below my estimate; the reduction thus far having been mainly effected by the fact that large ocean vessels can now pass in and out of the river without delay or inconvenience.

Mr. Henry M. Sweetzer, president of the Elevator Company at Evansville, Indiana, writes under date of April 23, 1878:

The elevator to-day contracted for 100,000 bushels bulk corn to New Orleans, Louisiana, for five cents per bushel, giving fourteen days' storage on the barges at New Orleans. The rate from New Orleans is different from day to day, according

to the tonnage. To-day corn can be landed in Liverpool from our elevator here for twenty cents per bushel. The lowest it has ever been is seventeen cents per bushel to Liverpool. The highest price we have paid from here to New Orleans is eight cents per bushel.

The navigation from Saint Louis to New Orleans is better than from Evansville, and the cost of transportation should be somewhat less.

I entertain no doubt whatever that when the improvements contemplated shall be finished, the charges from Saint Louis to New Orleans will not exceed three to four cents per bushel, with probabilities even below that small figure; and that six to eight cents from Saint Paul to New Orleans, and even eighteen to twenty cents from Saint Paul to Liverpool, may be confidently anticipated. Indeed the possibilities of low freights down the current of a great river, where only enough propelling power is needed to keep the vessel in the channel, and when a ton of water gravitating toward the sea will carry with it a ton of freight, are almost inconceivable.

The economies of such transportation are limited only by the quantity and regularity of the down cargoes, and the supply of return freights. An experimental trip, made by the towboat *Future City* with five barges, (each fifteen hundred tons capacity,) in which a careful account was kept of the actual expenses, showed that the total cost from Saint Louis to New Orleans was seven-tenths of one mill per ton per mile—equal to one-half cent on a bushel of corn for the entire distance. This illustrates the fact that the actual cost of transporting heavy freights down the current of a river is almost nominal, and that with a large and constant business a charge of not more than three to four cents per bushel from Saint Louis to the Gulf, six to eight cents from Saint Paul to New Orleans, and as low as twenty cents from Saint Paul to Liverpool, will afford a fair compensation to the carrier, and therefore may be relied upon as approximating the permanent charges.

The benefits from such rates to the whole country would be tenfold greater every year than the entire cost of the improvements proposed. The saving to my own State in a single year would repay twice over the cost, including the cost of the jetties at the South Pass.

The corn crop of Illinois for 1877 is reported by her State board of agriculture at 269,889,742 bushels. A saving of only five cents per bushel on that crop alone would more than pay for the entire improvements proposed. The system of improvements I have suggested would save at least twice that amount.

Though the railroad charges for cheap and heavy goods would be reduced and regulated by the water lines, yet it is very clear, I think, that

RAILWAYS AND WATER ROUTES ARE NOT ANTAGONISTIC BUT MUTUALLY HELPFUL TO EACH OTHER.

Referring to the enunciation of this view some few years ago, in the report of the Select Committee on Transportation, I am gratified to see that the conclusions there stated are sanctioned by the high authority of Mr. Freycinet, the French minister of public works, in his recent report on the railway system of France. Let me quote a few words:

Navigable water-ways play an important part in the production of the wealth of a country. It was thought at one time that their usefulness was about to cease and that they would soon give place entirely to railways. That rather superficial view has not been long in being modified after an attentive examination of the facts. It has been found that navigable water-ways and railways are not destined to supplant but to support one another. Each has its particular attributes. Railways take the least cumbersome traffic, that which requires speed and regularity and bears most easily the cost of carriage; water-ways take heavy goods of low value, which only pay for being carried when the cost of carriage is low, which afford railways only an illusory revenue and encumber instead of feeding them.

Navigable water-ways fulfill another object: their mere existence checks and moderates the rates on goods which are sent by railway; they are a warning to railroad companies not to exceed the limit beyond which trade will not hesitate to sacrifice regularity to economy. In this respect navigable water-ways are much more serviceable than competing railways, for these, fighting each other with equal weapons, generally end by coming to an understanding to avoid inevitable ruin, while the canal-boat and railway naturally divide the traffic by taking that which suits each best.

In this country the trunk railway lines have for years struggled in vain to compete with water, in the movement of heavy cheap products, where time was not important and when their destination could be conveniently reached by water. Frequent attempts have been made by railroad managers to pool the eastward-bound business, between the railroads and steamboat lines on the lakes, but these efforts have resulted in complete failure, because of the refusal of the independent steamboat lines to join in such an arrangement. A case of this kind is said to have occurred recently at Chicago.

The fact is that railroads are not adapted to the transportation of cheap and heavy farm products over long distances. The attempt to do so has generally been attended with loss, either to the railroad or to the farmer. This fact is now admitted by many of the leading railroad companies. The recent report of the Illinois Central Railroad directors to the stockholders says:

Finally, in regard to the competition of several years past between water communication from Chicago eastward and the trunk railways—which latter determined at one time to take the traffic from Illinois to the seaboard regardless of cost or profit—it is well settled that the interstate railways have played a losing game. During eight months of water communication the facilities for taking by water are so much improved that the actual cost of water transportation to the seaboard is less than half the actual cost of rail transportation.

It is admitted that the outlays made to increase the carrying capacities of the railways have been improvident, and since the reduction of the tolls upon the Erie Canal by the State of New York, cheap water communication is so firmly estab-

lished that the effort to take freight by rail during the summer months has failed, as indicated by the reports of several of the leading railways. During the contest freight was carried in large volume at about half of the actual expense incurred.

It is not only true, as stated by this company, that the railroads "have played a losing game" in their effort to compete with the water, but it is equally true that the farmer plays "a losing game" when he is compelled to rely on them for the transportation of his grain. It is not their fault that they cannot perform impossibilities. And it is utterly impossible for them to carry such commodities at rates that will fairly remunerate themselves, and at the same time afford a living profit to the producer. If there were no cheaper means of moving this class of farm products to market than can be supplied by the railroads, the great agricultural development, existing in States west of the Mississippi River, would have been impossible, and their growth and prosperity would suddenly cease. The prostration and ruin that would result to the productive industries of those States would prove equally ruinous to railroad property. If their people could not sell at a profit, they could not buy. To the extent that their power to buy is diminished, the railway traffic in those articles which alone pay them a profit is reduced.

The success, if not the very existence, of many of our leading railroads would be impossible without the water routes. The cheap transportation, which the latter supply, stimulates the productions, and increases the wealth of the distant interior States, and, by reason of the prosperity thereby induced, gives to the railroads a remunerative travel, and a paying traffic in these lighter and more costly articles, which constitute a very large proportion of their profits. Without these cheap water lines agriculture in those States would languish for lack of compensation, and if their present population remained there at all, they have but little means to travel, or to purchase from the East those more costly articles of commerce, which can bear railway charges. Immigration to those States would be checked or would wholly cease, because they would offer but little inducement to any one to go there. Exportation from them to foreign markets would be impossible, because the cost of reaching the seaboard would prohibit competition with other more favored nations. No, Mr. President, the railroads cannot dispense with the water routes. Each is necessary to the prosperity of the other. Each has its sphere which the other cannot fill.

In the words of the French minister of public works just quoted, "Water-ways take heavy goods of low value, which only pay for being carried when the cost of carriage is low, which afford railways only an illusory revenue and encumber instead of feeding them." It is this characteristic of water-ways that enables them to meet the wants of the distant interior, and thereby gives it the power to supply the railways with that kind of traffic which requires speed and regularity, and bears most easily the cost of carriage. This argument is illustrated and confirmed by the Erie Canal and the New York Central Railroad. The latter runs nearly its entire length alongside the canal, and yet there is probably no more prosperous railroad in the United States.

Not only are our water-ways indispensable to the development and prosperity of the interior of the continent, and hence to the prosperity of all, including the railroads themselves, but

CHEAP WATER TRANSPORTATION ALONE ENABLES US TO SELL OUR SURPLUS IN THE FOOD MARKETS OF THE WORLD.

If this be true, Mr. President, then there are few public questions more important than this. If the farmer of the West cannot sell his products, the other great interests of the country cannot prosper. We are to raise more grain than ever before. It must find a market, or one-half the business of the nation will languish and the rest will be paralyzed. The grain shipped to foreign markets does not go from the Eastern or Middle States. They raise but little more than they consume. It comes from the distant West, and it is certainly true that the question, whether we can sell or not, will turn upon a very few cents per bushel in the cost of reaching the seaboard.

The Senate will pardon a brief quotation, on this point, from a speech I had the honor to deliver on this floor some four years ago:

America and Russia are the great food-producing nations of the world. Great Britain is the principal market. For many years America and Russia have been active competitors for the supply of that market. Until recently the farmers of the West have had the advantage of the wheat producers on the Don and the Volga; but a few years ago Russia inaugurated a system of internal improvements by which the cost of transporting her products from the interior to the seaboard is greatly reduced. The result is shown by the importations of wheat into the United Kingdom during two periods of five years each.

From 1860 to 1864, inclusive, Russia supplied 47,376,809 bushels, and during the same period the United States furnished 127,047,126. From 1868 to 1872, inclusive, Russia supplied 117,967,022 bushels, and the United States only 116,462,380 bushels. An increase during the latter period as compared with the former of 70,590,213 bushels from Russia, and a decrease of 10,584,746 from the United States.

The first of these periods (1860 to 1864) covered our four years of war, when a million and a half of men were engaged in destroying each other, and in consuming and wasting the products of the country. In the latter period (1868 to 1872) several years had passed since the dark war cloud had rolled away. Our armies had returned to their homes and become producers, instead of consumers and destroyers. It would seem that we should have gained upon our great competitor, during the latter period, instead of being almost driven from the field. Why our shameful failure in the contest? Simply because of our costly transportation from the interior to the seaboard. Russia had, between the two periods named, improved and cheapened her access

to the sea, while in the United States the years from 1868 to 1872, inclusive, are memorable for their exorbitant transportation charges, resulting, as they did, in general organizations of the people, known as "Patrons of Husbandry," "Grangers," "cheap transportation leagues," &c., for the purpose of securing relief from burdens too intolerable to be longer endured.

It was during this last period, that in many parts of the interior corn was used for fuel, because it would not sell for the cost of carrying it to market, and though wheat commanded a fair price at Liverpool, the cost of moving it from the farm to that market consumed its entire value and left no profit to the farmer. These high charges operated as a protection to the Russian producer, whereby he was enabled to triumph over the American farmer in the food-markets of Europe.

Then came the financial revulsion of 1873. How much this falling-off in our exports of breadstuffs, and the consequent paralysis of our agricultural energies, had to do in bringing it about, I do not know; but the revulsion came, and with it came a great reduction in the cost of transportation. This reduction was partly due to the "hard times." But it was also largely owing to the increased size of lake craft, the reduction of tolls, and improvements in canal transportation, which occurred about that time and made much lower rates possible.

From 1868 to 1872, inclusive, the average cost of transporting a bushel of wheat by water from Chicago to New York was 23 cents, while for the four years 1873 to 1876, inclusive, the average was only 13 cents per bushel. What effect did this reduction have upon the wavering balances of competition between the United States and Russia? Let statistics answer.

For the several periods just mentioned the importations of wheat (and wheat flour) into Great Britain from the United States and Russia were as follows:

	Five years, 1868 to 1872, both inclusive.	Five years, 1873 to 1876, both inclusive.	Four years, 1873 to 1876, both inclusive.
United States.....	Bushels. 137,647,126	Bushels. 116,462,380	Bushels. 203,638,035
Russia.....	47,376,809	117,967,022	63,622,642
Annual average for same period, in bushels:			
United States.....	25,409,425	23,292,476	50,909,508
Russia.....	9,475,360	23,553,404	15,965,660

Thus it appears that during the five years of high transportation charges in this country (1868 to 1872) our average annual exportations of wheat to British markets fell off 8 per cent., while Russia, availing herself of her cheaper access to the sea, by means of her improved rivers, increased her average annual exportations to these markets about 250 per cent; but that during the period of four years (1873 to 1876) when our internal transportation charges from Chicago to New York had fallen from 23 cents to 13 cents per bushel, our exportation to British markets suddenly increased from 23,292,476 bushels to 50,908,508 bushels per annum, (or 118 per cent.,) while Russia's exportations decreased, during the same period, from 23,553,404 bushels to 15,905,660 bushels per annum, (or 32 per cent.)

Starting in the race, in 1864, with less than 40 per cent. of our exportations, the producers of Russia, under the protection afforded by our high transportation charges, had in 1872 overtaken and fairly distanced their American competitors; but when that protection was withdrawn by the reduction of ten cents per bushel in the cost of reaching the seaboard, they fell behind again to less than 30 per cent. of our exportations to that market. The "all rail" charges from Chicago to New York, for the third period, (1873 to 1876,) averaged twenty-five and one-half cents per bushel, which would have precluded all possibility of successful competition with Russia.

From these facts it is apparent that the question "Can we sell our grain in Europe against those who raise grain in Europe?" can only be answered in the affirmative by our water-ways. Without such rates as they can afford, our surplus crops will not find a market, but "will be left on our hands to bear down the price of that which we use," and to paralyze the industry of half our people. Our railroads cannot compete with the cheap transportation of the Danube any more than they can with that of the Mississippi. *The farmers of the interior of this continent are therefore wholly dependent upon the water routes for a sale of their surplus grain.*

With the Mississippi River and the great northern water route thoroughly improved as I have indicated, and in active competition with each other, the genius and enterprise of the American farmer will always be able to command the markets of the world, and hence to find a sale for his surplus products. The more thoroughly these are improved, the cheaper will be their rates, and the more complete our victory over our foreign competitors. The argument on this point is so well presented in a recent letter from Ex-Governor Seymour to myself, that I will take the liberty to read an extract. He says:

The whole country has been stirred up about the kind of money we should use. However grave this may be, it is a little matter compared with the question of our ability to sell to the world what we raise on our lands. If we can do this, we shall

have all the gold and silver we want. If we fail to do this, we shall be poor. The change of times drives men from the city to the country. Those who come here from Europe are mostly those who till the soil. A like state of things exists elsewhere. War may for a time make a call for our grain, but we must not count upon wars which may not take place, and which in any event will soon be over.

Can we then sell our grain in Europe against those who raise grain in Europe? We can if it does not cost too much to get it there, and this will turn on a very small sum. The question is not if it cost three cents more to get it to market, how much this will tax the States of the West, but will this little charge stop the sale of our grain abroad? The men who know most about the trade say that at most times it will. If three cents profit can be made on it, it will be bought. If not it will be left on the hands of our farmers to bear down the price of that which we use in this country. If it costs three cents too much to carry grain we shall lose many millions of dollars. If the West does not sell its grain it cannot buy of the East what it has to sell. The wheels of commerce and industry will all be checked.

We do not know if there will be a war between Britain and Russia. But all must see that we are to have a long fight with Russia for the markets of Europe, and upon this turns the whole question of the revival of the trade and the prosperity of our country. Can railroads give us a victory? No one thinks more highly of them than I do. We cannot do without them. They have uses of their own which water routes cannot meet. On the other hand without water routes they will and do charge more than they should. They have cost too much. They cannot live unless they make pools with each other. In other words, they say openly that it is not their policy to carry for a low price and thus make trade, but to carry less and charge more.

I cannot add to the force of this statement. In nothing has the great statesman of New York shown more wisdom than in his long, able, and persistent advocacy of the improvement of our water-ways.

Mr. President, if these improvements were of a local character, and their benefits confined to any one section of the Union, I would hesitate to advocate them in this presence. But feeling assured that their national character and their beneficent results to the whole country are apparent to all, I make this appeal to the Senate with the utmost confidence.

Senators, I plead for your favor in behalf of the agriculture and commerce of sixteen States directly interested in these improvements—States whose population comprise one-third of the Union and whose territorial area embraces more than a million square miles.

The river sought to be improved constitutes the main artery of ten thousand miles of internal navigation, and drains an area which for extent and fertility is unrivaled on the face of the globe. The total agricultural products of the States bordering upon it and its navigable tributaries, including Kansas and Nebraska, reached as long ago as 1870 the enormous sum of \$1,250,000,000. If it be true, as is affirmed in the very able Government report on internal commerce for 1876, prepared by Mr. Joseph Nimmo, jr., that "the total value of our internal commerce is at least twenty-five times greater than the value of our foreign commerce," then it is undoubtedly true that the commercial value of the exchanges made by those States, and which are directly affected by the condition of navigation in the Mississippi River, will exceed \$6,000,000,000 per annum.

Stupendous as are these figures, they do not even approximately express the magnitude of the interests involved in the navigation proposed to be improved. It is not these sixteen States alone that are to be benefited, though that would seem to be enough to nationalize the work, but the permanently reduced cost of transportation, that will result from it through competition, will be of immense value to every State east of the Rocky Mountains.

To make this fact more apparent consider briefly

THE NATURE, EXTENT, AND CONSEQUENCES OF THE COMPETITION TO BE SECURED BY THE PROPOSED IMPROVEMENTS.

The principal elements of this competition are the southward and eastward trade and transportation forces, to which I have already referred. The chief instrumentalities by means of which those forces will exert their power are the Mississippi River on the one side, and the northern water route on the other. How evenly their advantages will be balanced, when the improvements which I have suggested shall be completed, and how very cheaply the exchanges of property between the various parts of the country can then be made, have already been shown.

Both routes constitute indispensable parts of one grand system. If the efficiency of either be impaired by failure to make the necessary improvements, the value of the other will be greatly diminished. Each is needed to regulate the other, and both as regulators of railway charges. Each has some advantages which the other lacks, and some impediments which the other has not; but on the whole their trade forces, commercial facilities, and economic capacity for cheap transportation will be so evenly balanced as to insure a healthy, active, and permanent competition.

It will be as impossible for them to combine to put up prices, as to effect a combination of interests between Chicago and Saint Louis, or New York and New Orleans. The interests of the lines themselves are necessarily antagonistic; and as each will be an open, free highway to everybody who chooses to float a vessel upon its waters, combination will be simply impossible, and competition the inevitable law of their existence.

The focal point of that competition will be in that portion of the Northwest which lies near the head of navigation on the Mississippi River, because there these two great water-ways will meet, and from thence diverge, the one to the Atlantic Ocean, the other to the Gulf of Mexico. Here, of course, the contest for commercial supremacy will be strongest and most active. Here will be the central battleground between the trade and transportation forces of the two routes,

and consequently here will be given the cheapest transportation rates to the seaboard.

But the competitive power and influence of the two great contestants will not be limited to any one locality, but will extend to nearly every State in the Union, and will hold in check and regulate the charges on every railroad from the interior to the seaboard.

The wide sweep of competitive influence exerted by the Erie Canal is not generally understood or appreciated. You would doubtless be surprised, Mr. President, if told that the "little ditch" which runs through your State holds in check and regulates nearly every leading railroad east of the Mississippi River, and that it exerts a marked influence on the cost of transportation over all the country extending from the interior of the Gulf States to the Saint Lawrence River, and from the great plains at the eastern foot-hills of the Rocky Mountains to the Atlantic Ocean. And yet such is the fact.

Lest it may be thought that my enthusiasm on this subject has betrayed me into an exaggeration, I will give you the words of Mr. Albert Fink, formerly of Louisville, Kentucky, a gentleman who has no prejudice in favor of water transportation, but whose ability and experience as a railroad manager is recognized everywhere. Mr. Fink has given more attention to the philosophy of transportation and written more wisely with regard to it than any other man in the United States, and so high is his standing among practical railroad men that when the four great trunk lines—the New York Central, Erie, Pennsylvania, and the Baltimore and Ohio—were unable to refrain from "cutting each other's throats," Mr. Fink was chosen their commissioner to regulate rates and prevent ruinous competition among themselves. I quote:

OFFICE OF COMMISSIONER NEW YORK CENTRAL,
ERIE, PENNSYLVANIA, AND BALTIMORE AND OHIO RAILROADS,
No. 346 Broadway, New York, May 3, 1878.

DEAR SIR: In your letter of April 29 you asked me to explain the effect of the opening of navigation on the lakes upon the rates of transportation charged by the railroads extending from the West to the interior of the Gulf States. You are aware that when the rates are reduced between Chicago and New York on account of the opening of canal that this reduction applies not only to Chicago but to all interior cities (Saint Louis, Indianapolis, Cincinnati) to New York. If that was not the rule, the result would be that the roads running, say, from Saint Louis, Indianapolis, and Cincinnati to Chicago would carry the freight to Chicago, from which points low rates would take it to the East and leave the direct road from the interior points to the seaboard without any business. Hence, whenever the rates are reduced on account of the opening of navigation from Chicago and lake ports the same reduction is made from all interior cities, not only to New York, where the canal runs, but to Philadelphia and Baltimore. Although the latter cities have no direct water communication with the West, yet they receive the benefit as far as railroad rates are concerned, the same as if a canal were running from the lakes direct to these cities, because whenever rates from Chicago to New York are reduced it is necessary to reduce the rate from Chicago to Boston, Philadelphia, and Baltimore; otherwise the business would all go to New York.

The reduction of the rates from Chicago and Saint Louis to Baltimore causes a reduction in rate on shipments via Baltimore to Atlantic ports—Norfolk, Wilmington, Port Royal, Savannah, Brunswick, and Fernandina, &c.—and from there into the interior Atlantic Gulf States—Augusta, Atlanta, Macon, Montgomery, Selma, &c. The roads running from Chicago and Saint Louis via Louisville and Nashville or Memphis and Chattanooga to the same points are obliged to follow the reductions made via the Baltimore route, and which were primarily made on account of the existence of the Erie Canal and the opening of navigation.

The same way in regard to the west-bound business. When rates are reduced from New York to Chicago, the roads from New York to Louisville reduce their rates on shipments made by way of Louisville to Memphis, Nashville, Montgomery, Selma, &c., and the southern transportation lines via Norfolk, Wilmington, Charleston, Savannah, &c., have to reduce their rates to meet those made by the northern lines to the same points.

It appears from the above statement that the Erie Canal and the lakes exercise their influence over the southern country until it reaches a line where low ocean rates made to the Gulf cities—Mobile, New Orleans, and Galveston—exercise their influence upon the rates to the adjacent interior points, so that it may be said that all the rail rates are kept in check by water transportation.

There need be no fear that extortionate rates will be charged by railroad companies; on the contrary, the fear is that water competition will be so effective as to prevent railroads from securing paying rates.

Very truly yours,

ALBERT FINK.

Hon. WILLIAM WINDOM,
Washington, D. C.

Mr. President, this sketch of the territorial extent of the influence exerted by the Erie Canal is drawn, not by an enthusiastic advocate of water transportation, but by a cool-headed, practical railroad manager, of great ability and large experience, who has long been accustomed to watch the performances of water-ways from the railroad stand-point, and to measure their power with reference to its effect on railway rates.

The sweep of regulating power and competitive influence, that will be exerted by the improved Mississippi River, will be quite as great in extent, and as beneficial in effect, as we have seen exerted by the Erie Canal, and in addition it will be in constant operation. It is a common argument against the value of the northern route that it is closed by ice for several months each year. This fact does doubtless greatly impair its power for good, but it also affords one of the strongest arguments in favor of the Mississippi route. Without it the regulating and restraining power of the water lines would be withdrawn several months every year, during which time the agricultural and commercial interests of the country would pay an enormous penalty in the form of burdensome railway charges. But with the improved Mississippi, open nearly all the year from Saint Louis to the Gulf of Mexico, water competition will be always present.

On the same principle and for the same reasons that the Erie Canal during the season of navigation holds in check and regulates

all the railroads between the Saint Lawrence River and the interior of the Gulf States, the Mississippi route will, during the whole year, cheapen the cost of internal transportation over all the country between Saint Paul and New Orleans, and between the Mississippi River and the Atlantic Ocean. Is this statement too broad? Let us see. One of the necessary results of a sharp and active competition between these two great internal water-ways, when improved as I have suggested, will be that each will have its connecting lines of vessels on the ocean and the Gulf, which will run not only to foreign ports, but also to our own seaboard cities. So that in effect the "northern route" will extend from the head of navigation on the Mississippi River via New York City around the Atlantic Coast to Florida; and the Mississippi route from the same point via New Orleans around to Savannah, Richmond, Baltimore, New York, Boston, and Portland, thus completely encircling the eastern half of the continent, and offering to every seaboard city, easy and cheap water connection with every other, and with all the trade centers of the interior situated on either of said routes.

Now, suppose the railroads, from the interior to any of said seaboard cities, take advantage of the suspension of navigation on the lakes and Erie Canal to charge unreasonable rates. Commodities from the interior of the continent which do not require celerity of movement will be sent to the Mississippi River, or some of its navigable tributaries, at such points as are not closed by ice, from which they will go to New Orleans, where they will take cheap ocean transport to any of those cities, and be distributed by short railway carriage to the interior of the Atlantic and Gulf States. The same will be true of return freights from the seaboard cities to the interior of the Middle and Western States. If the railway charges shall be excessive, cheap and bulky goods will be sent by ocean vessels to New Orleans, and thence by the Mississippi River, and its numerous navigable tributaries, to the various cities on their banks, whence they will take short railway transport to their destination.

During the season of canal navigation these connecting coast lines will contribute largely to the efficiency and competitive power of their respective routes, and will go far to insure to all parts of the country the benefits and advantages of cheap transportation.

In view of these facts, I am safe in asserting that when these two great routes are properly improved, the active, healthy competition that will result will regulate and hold in check the charges on almost every railroad in the country, and that their beneficent sway will extend to every State and nearly every county east of the Rocky Mountains, giving to the producer better compensation and to the consumer cheaper bread because of such improvements.

Mr. President, does my enthusiasm overrate the importance of this subject? Come with me to the State that has so long honored me with her favor, and from her highlands, which constitute the watershed of the continent, view this question with reference to its bearings upon the future of our country, and you will pardon my enthusiasm. Standing upon that eminence we look down upon the broadest, richest, and most magnificent agricultural region of the world. Around us, spread out in almost boundless extent and incomparable beauty, are the fertile plains which constitute the wheat garden of America. Our feet touch the very center of that vast agricultural area which within a decade is to send forth supplies to feed the nations of the earth. Contemplating Nature's munificent endowment of this region in soil and climate, and remembering that it is midway between the oceans, and much of it beyond the reach of successful railway transportation, the question naturally arises how are its immense products to find their way to the world's great markets? The answer is written by the finger of the Almighty in the face of the continent. The provisions of Providence are as wonderful in the natural facilities for commerce, as in the abounding fertility of the soil and the exuberant healthfulness of the climate. At your feet, so near together that you can almost step from one to the other, the two greatest internal water systems of the world take their rise. The one winding its way through reedy swamps, dancing over cascades, surging in the billows of the great lakes, plunging over mighty cataracts, and slumbering in dreamy canals, finally loses itself in the Atlantic, midway to the ports of Europe. The other, less ostentatious and capricious in its course, gently pursuing its way through fertile valleys and luxuriant prairies, stretching out one arm to the Rocky Mountains and another to the Alleghanies, receiving through its numerous tributaries the drainage of half the continent, and touching the borders of a dozen States in its majestic sweep, after a course of twenty-five hundred miles mingles its mighty flood with the waters of the Gulf of Mexico.

These two great water-ways are the marvelous provisions of Providence for carrying the products of a continent to market. Are they not on a scale commensurate with the magnificent resources of the country they were designed to serve?

Never was a nation so richly endowed with the materials of wealth and the facilities for commerce! Nothing is lacking unless it be the statesmanship to utilize them. It is in our power to make such improvement of these natural advantages as will insure to our people cheap transportation at home, and the permanent control of the food markets of Europe. The work can be done more cheaply now than for many years past, and more cheaply, it is to be hoped, than for many years to come. The benefits to commerce and agriculture that will

result will repay a hundredfold their cost, while the expenditure necessary to their completion will contribute toward the relief of much suffering, by giving work to many thousands of people now in sore distress for lack of employment.

I know well, Mr. President, what the answer will be to this last proposition. We have often heard it during the last five years, and it is as heartless as it is impolitic and unsound. I shall be told that "this is not a paternal Government;" that "it is not a soup-house organized to feed those who cannot feed themselves," and that "it is no part of its duty to furnish employment for the people." The argument couched in this or similar language is so common, and expresses a principle in statesmanship so broad, that I am tempted to pause a moment to examine it. In one sense it is doubtless sound, but in another and broader sense it is utterly false and pernicious. It is true that no government is under obligation to support the idle, but it is also true that one of the highest and most sacred obligations of statesmanship is to so direct and shape the public policy as, if possible, to furnish the opportunity for employment to all who desire work. Especially is this true in a "government of the people, for the people, and by the people."

CAPITAL AND LABOR.

The laborers of this country embrace a very large majority of those who constitute "the Government" and for whom it was formed. It is as much the duty of the state to protect and encourage labor as to guarantee the safety of capital. Both capital and labor have their appropriate spheres in which they are alike indispensable to the well-being of the state. But the hoarding capitalist and the lazy communist are equally the enemies of the state. Both would exact a living from the community without rendering it an equivalent. Both would blight the prosperity and destroy the happiness of the nation if they could; the one by withholding, from selfish motives, the very life-blood of its commerce and industry; the other by overturning the social fabric, in order that he may riot upon the accumulated savings of honest industry. For the one I should like to provide taxation, and for the other powder and shot. But for the honest labor of the country I would be glad to provide employment and fair remuneration, and for its capital safe and paying investments.

Do you say that this is a difficult policy to put into practical operation? I admit it. But there are two distinct lines of legislation, one of which leads in this direction and the other away from it. I would adopt the former. Let me illustrate my meaning. When the panic of 1873 came, frightened capital everywhere retired behind bolts and bars, and thereby denied employment to millions of working people. Two lines of policy then presented themselves to the statesmen of this country. One was, by the manifestation of courage and confidence, to inspire like confidence in others. The other was to join the panic-stricken multitude and vie with them in deploring the "hard times" and in foreboding individual and national bankruptcy. The one would encourage private enterprise to renewed exertions; the other would intensify and prolong the general distress.

The latter policy was adopted by that class of public men (unfortunately too numerous) whose only idea of statesmanship is to lock and double bolt the National Treasury; to dismiss every employé possible without regard to the wants of the public service; to suspend all public works and improvements, no matter how necessary or important, and under the mock banner of sham "economy" to shout themselves hoarse in bewailing the hopelessness of the times. The only result of this policy is to recruit the ranks of the unemployed and increase the universal distress.

This class of statesmen congratulated themselves on the fruits of their policy as they saw Government bonds advancing in the market. They forgot that the enhanced value of our bonds at home did not mark an advance in the prosperity of the people, but rather that it measured the diminished uses for money and the increased paralysis of business. Capital, shrinking from investment in private enterprises, is willing to accept the lower rate of interest offered on Government bonds rather than remain wholly idle. Hence, while the Government, as represented by its bonds, has apparently grown richer, the people have actually grown poorer.

The men whose capital consisted of money in hand have also grown richer by reason of the stagnation in business. The general depreciation in values only measures the appreciation of their money.

If instead of acting in concert, through panic, the moneyed men of the country had deliberately conspired together to devise a plan to add most rapidly to the value of their money, they could not have pursued a more successful one than was adopted through financial distrust in 1873. And if the Government had been one of the conspirators, it could not have aided them more effectually than it has done by its policy of repression. Money loaned at 10 per cent. interest in 1873 would not have paid its owners nearly so well as hoarding has done. A dollar loaned at that rate five years ago would be worth only 50 per cent. advance now; but the dollar hoarded has so depressed the value of most other property that it will now buy nearly double as much of many articles as it would then. The public policy of repression, misnamed "economy," to which I have referred, has been by far the heaviest contributor to this state of things. It has added largely to the coffers of the "hoarding capitalist" by aiding him to enhance the value of the money locked up in his vault. It has contributed immensely to the power of the lazy and vicious communist,

by the thousands of honest men whom it has driven to desperation through enforced idleness and consequent want.

I yield to no one in my devotion to true economy; but the bastard thing which demagogues have called by that name I despise. True economy consists in the development of resources, and the increase of wealth by an honest, judicious, and careful application of means to that end; but the "economy" of the demagogue is the mere pretense of saving money in order to gain votes. True economy seeks to give employment to labor that it may add to individual comfort and national wealth; but the spurious thing misnamed "economy" is only the miser's pitiless parsimony. True economy would revive private enterprise, stimulate commerce, and encourage agriculture by judicious public expenditures and improvements; but sham "economy" would not expend a dollar for these purposes, though it be demonstrated that such expenditure would be repaid a hundredfold by the increase of national and individual wealth.

There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

It is manifest that Solomon had in mind the distinction I am trying to draw, and that there were sham, as well as real economists, even in his day.

What we needed when the panic came was courage and wisdom on the part of our public men: wisdom to devise judicious, safe, and practicable measures by which our wealth and resources would be developed, and incidentally the labor of the country would be employed, and courage to make necessary expenditures for that purpose. Instead of joining in the general rout of panic-stricken capitalists and contributing to the universal distrust, and thereby to the enforced idleness of the people, it was our duty to have calmed their fears and inspired their courage by a manifestation of our own courage and confidence.

Mr. President, the statesmanship of the present and of the future must deal with great commercial and industrial questions. Some of these are now pressing upon us. A mere negative policy will not solve them. Positive and practical measures are required. We are now at what, in machinery, is called the "dead point." A little well-directed effort will pass it and the stagnant wheels of industry will move again. Have we the wisdom to make that effort?

There are probably two million idle people in this country who would gladly work. The material losses that result from this cause are enormous, to say nothing of the demoralization and suffering that accompany it. These two million of people are capable of earning \$2,000,000 daily. Every day they remain idle entails a loss upon the nation equal to the most disastrous period of the war.

The imperative need of this country to-day is employment. The struggle for bread is one which taxes the fortitude, the courage, and the patriotism of millions of our people far more severely than did the great war. The heroism necessary to face the cannon's fiery mouth, and to walk boldly into the very jaws of death on the battle-field, is nothing compared with the trials of those who, in this land of plenty, are compelled day after day, and month after month, to hear their children cry for bread which they are powerless to earn.

The great peril of the Republic is idleness; its great security is work. "In the sweat of thy brow shalt thou eat bread" is one of the best guarantees of free institutions. He who works at some honest calling is generally a good citizen, but he who is habitually idle is among the Devil's reserves from which he draws his recruits for the dangerous classes of society. The primeval curse has thus become the primal blessing.

For the lazy and vicious who hang about the festering places in our great cities, to breed riot, disorder, and bloodshed, I have no pity. I would visit upon them the severest penalties of the laws they break; but for honest labor, driven to the verge of desperation by want, I have the profoundest sympathy. For the one I would provide the necessary means of restraint and punishment; for the other I would, to the extent of my power, provide employment, not merely for its own sake, but incidentally on such public works as will more than repay their cost. In saying this I only urge once more what I have advocated several times, within the last few years, in this Chamber. The improvements I have urged to-day will not alone supply this great want, but they will contribute toward it in several ways. In the first place their construction will give direct employment to many. If you could trace the doings of a dollar paid for honest labor, you would be surprised how many wants it will supply, and how far it will travel on its mission of mercy.

In the second place, these improvements will open larger areas of country to settlement and profitable cultivation, and will offer additional inducements to people in the crowded centers of population to move out upon the fertile fields, where they can earn an independent living. Nothing will contribute more than this to the future safety and peace of the country. Riot and disorder cannot thrive in the broad fields and pure air of the farm; they are never among its products. The future safety of this Republic will be found in its school-houses and its farms.

Again, these improvements will give cheaper food to the consumer, at the same time that they will insure better prices to the producer, and in many other ways they will aid the right side in this great struggle for bread.

During the rebellion there were two expressions of national faith and courage which have always seemed to me almost sublime. When

the burdens of the war were heaviest, when the hand of the tax-gatherer was everywhere present, and when the very pillars of the Republic were shaken by the shock of battle, we entered upon the bold and colossal scheme of girding the continent with bars of iron, not merely for the purpose of uniting the two oceans, but to demonstrate to the world that war could not arrest the triumphal march of national progress.

When unfriendly nations were conspiring against us and prophesying the failure of republican institutions; when the enemy was encamped within sight of your Capitol, and the sound of his guns was heard in this Chamber, we resolved that this magnificent Dome should rise in its grandeur and massive beauty to proclaim our faith in the triumph of the Republic.

Would that a like faith and courage might animate the public men of this day! Would that Congress might cease talking of how much, and what kind of money we shall have, and address itself to the solution of the great commercial and industrial problems that are pressing upon us! Would that partisan schemes could be forgotten long enough to study how we can best promote the development of our resources, secure a market for our surplus products, and give remunerative employment to labor!

Mr. SPENCER. I move that the five-minute rule be now applied to the bill.

Mr. COCKRELL. I object to the rule being enforced at the present time.

Mr. SPENCER. To what particular section does the Senator wish to speak?

Mr. COCKRELL. To section 4 and the following sections. I prefer to submit my remarks now in order that the Senator may have them to reflect upon before we come to that portion of the bill.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his motion for the present?

Mr. SPENCER. Yes; and I move that when the Senator from Missouri finishes his speech the five-minute rule shall then be applied.

The PRESIDING OFFICER. The Senator from Alabama moves that the five-minute rule be applied to this bill at the conclusion of the remarks of the Senator from Missouri.

Mr. BECK. Can a majority do that?

The PRESIDING OFFICER. A majority may do it, and the question must be decided without debate. The question is on the motion of the Senator from Alabama.

The motion was agreed to.

Mr. COCKRELL. Mr. President, I desire to discuss sections 4, 5, 6, 7, 8, 9, 10, and 11 of the bill making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes. These provisions embrace a bill which I had the honor of introducing into the Senate on the 7th of March, 1878, with the amendment to that bill which was offered by the Senator from Minnesota, [Mr. WINDOM,] extending the provisions of the bill from Saint Louis to the Falls of Saint Anthony. My bill as originally introduced embraced that portion of the river from Saint Louis to the passes at the mouth of the river. The Senator from Minnesota introduced an amendment to strike out Saint Louis and insert the Falls of Saint Anthony, so that the part of the river to be provided for by the bill would be between the Falls of Saint Anthony and the passes at the mouth of the river. I had no objection to that amendment and do not interpose any now that it has been embodied in the amendment reported by the Committee on Commerce. I desire to discuss these sections here in a plain and practical light. I prepared the bill which is here made an amendment, as sections 4 and 5 and up to 11, with a great deal of care and consideration after having examined and studied all the various bills which have been introduced into the Senate and the House at this and former sessions of Congress in regard to the improvement of the Mississippi River. I think that these sections in this bill are entitled to exceedingly favorable consideration. I will now take up the amendments, section by section, and discuss the meaning, force, and effect of each section and of the whole.

Section 4 creates a commission of five engineers, to be appointed by the President, by and with the advice and consent of the Senate, one of them to be the president of the commission, the other four to be assistant commissioners. In the appointment of any men affecting public works we have always had difficulty. Some people insist that the commission must all be composed of engineers belonging to the Engineer Corps of the Army; others want the commission to be composed of civil engineers; others want the commission to be a mixed commission, composed of Army engineers and civil engineers; others want still a different commission, but a mixed commission, to be composed of Army and civil engineers and practical steamboat men; others again want the members of the Coast Survey to be included, and to be a part of this commission. After mature consideration I deem it best to leave the whole matter to the discretion of the President, subject to the confirmation of the Senate, and to make no discrimination or distinction between the officers of the Engineer Corps of the Army, or the officers of the Coast Survey, or civil engineers. The President, by the provisions of this section, is left untrammelled to select the members of this commission either entirely from the Corps of Engineers, or from the Coast Survey, or from civil engineers, or he can combine, and select some from the Army engineers, some from the Coast Survey, and some from civil engineers. I think this is

best. It does not antagonize the interests, the honor, or reputation of the engineers of the Engineer Corps, nor the engineers of the Coast Survey, nor the engineers of civil life. I have no enemies to punish and no friends to reward in this provision of the bill. I only desire to subserve the very best interests of the public.

The commissioners are to be appointed by the President and are to hold their offices at his will and pleasure, subject to the action of the Senate, and not for any given period or tenure.

The existence of the commission will be at the discretion of Congress; Congress will have absolute control over the commission, and can at its pleasure terminate its existence or permit its continuance.

Section 5 defines in part the duties of the commission:

1. Their first duty under section 5 is to direct and complete such surveys of said river between the Falls of Saint Anthony, in the State of Minnesota, and the passes at the mouth of said river as may now be in progress. They are to utilize all the work already done by the Engineer Corps of the Army and by the Coast Survey in all the past, and to cause such surveys as are now being prosecuted by either the Engineer Corps or the Coast Survey or by both to be completed by the Engineer Corps and the Coast Survey, thus causing no conflict and no loss of work already done.

2. Their second duty is to make such additional surveys, examinations, and investigations, hydrographical and topographical, of the water of the river, its width, depth, velocity, and force, and of the land of the river, its banks, their composition, elevation, and general character, as may be necessary, with the surveys already made, to enable the commission to perform their whole duty and to carry out the objects of this act.

To enable the commission to do these duties, to direct and complete the surveys in progress, and to make such additional surveys, &c., as may be deemed necessary, the Secretary of the Treasury, under whose jurisdiction the Coast Survey is, shall detail such force of officers, men, vessels, machinery, and instruments from the Coast Survey as may be deemed necessary, in charge and for the use of said commission, to complete such surveys as the Coast Survey may have already begun, and to make such additional surveys, &c., as the commission may desire. In like manner the Secretary of War, under whose jurisdiction and control the Corps of Engineers of the United States Army are, shall detail such officers, men, vessels, machinery, and instruments from the Engineer Corps of the Army as may be deemed necessary, in charge and for the use of said commission to complete surveys already begun and to make such additional surveys, &c., as the commission may desire.

Thus we utilize all the available forces of both the Coast Survey and Engineer Corps of the Army which can be spared, in the judgment of the respective Secretaries having control, without any additional expense to the Government.

They will prosecute this work under the appropriations already made for the support of the Coast Survey and Engineer Corps of the Army, and not one additional dollar's expense will be created by reason of it, as the officers and men of each of these corps are in the regular employment and pay of the Government, and at the same time does not break up or interfere with the regular and legitimate business of these two branches or arms of the service.

The Coast Survey is already engaged in the survey of the Lower Mississippi.

I read a letter received by me in reply to a letter addressed to the Superintendent of the Coast Survey:

UNITED STATES COAST SURVEY OFFICE,
Washington, June 5, 1878.

DEAR SIR: In the absence of the Superintendent, Mr. Patterson, who will however return from New York to-morrow, it devolves upon me to answer your inquiry.

The Mississippi River has been surveyed continuously from the passes up as far as Donaldsonville, Louisiana, sixty-six miles above New Orleans or one hundred and seventy-five miles from the sea; thus far last season. During the present season the work is in progress at Donaldsonville, Natchez, Vicksburg, Helena, and Memphis, the latter point having long been an objective point of the survey of the Mississippi River by the Coast Survey.

Very respectfully,

J. E. HILGARD,

Assistant, Coast Survey, in charge of office.

Hon. F. M. COCKRELL,
United States Senate.

The Engineer Corps of the Army are also prosecuting surveys of the river at and near Cairo and other points.

To show to what extent the Engineer Corps of the Army have prosecuted these surveys I will now read from the report of the Secretary of War (Engineer Report, volume 2, part 1, 1877, page 125) in regard to the surveys and examinations with a view to the improvement of rivers and harbors:

The survey of the Mississippi River has been carried from five miles above Cairo, Illinois, to a point eight miles above Columbus, Kentucky. The small amount of money available for this survey permitted but little to be done.

I read from part 2 of the same report, page 1106:

MISSISSIPPI RIVER.

Early in November, 1876, Lieutenants D. W. Lockwood and P. M. Price, and Assistant Engineer F. M. Towar, were sent to Cairo to begin a survey of the Mississippi River from Cairo south.

Lieutenant Lockwood was instructed that the objects of the survey were to obtain a good map of the river, to get data for any improvements needed for the purposes of navigation, and to obtain the data needed for the location of levees.

The topographical party under Mr. Towar carried the topography and hydrogra-

phy of the river from a point five miles above the junction of the Ohio and the Mississippi to a point eight miles above Columbus, Kentucky.

As the work could only be done well during the low river, which comes in the late fall and winter, and as the winter was very cold, with much ice in the river, the progress was slow; there was, moreover, but little money available for the work.

I read again from pages 84 and 85 from the same report, volume 2, part 1:

7. *Permanent improvement of the Upper Mississippi River.*—The officer in charge submits, with his reasons therefor, a project for a comprehensive system of improvements of the Upper Mississippi River, at an estimated cost of \$617,393, and recommends for the improvement of several of the worst localities an appropriation of \$75,000.

The Corps of Engineers and Coast Survey will continue and complete such work and do such additional work at the times and places as may be designated by the commission. In these labors they are not permanently separated from their arms of service, but only do such work at the places named by the commission and report the results immediately to the commission, to enable it to do its duty without waiting for the regular annual reports to be made to Secretaries of the Treasury and War, and to be published by Congress before the commission can have the benefit thereof. The Coast Survey and Engineer Corps will, as heretofore, make their annual reports, which will, as a matter of course, embrace the reports made to the commission as well as reports of their other work. If these forces are deemed insufficient for the objects of the commission, then the commission may, with the approval of the Secretary of War, employ such additional forces and provide by purchase or otherwise such vessels, instruments, and means as may be deemed necessary.

The last sentence of this fifth section, inserted at the instance of the Senator from Minnesota, [Mr. WINDOM,] imposes an additional duty upon the commission, to make such additional surveys, &c., of the headwaters of the Mississippi River as may be necessary in connection with surveys already made, to determine the practicability of constructing reservoirs and dams, to save the surplus water in flood time, and to supply the water so saved to the river in low water, so as to increase the water at low water and thus improve the navigation.

Section 6 makes it the further duty of this commission to take into consideration such plans and estimates for the correction and permanent location and deepening of the channel and the improvement of the navigation of the river as may be suggested by any member or members of the commission, and by other persons, and to prepare and mature plans for and estimates of the cost of a general system of works for, first, the correction and permanent location; second, deepening of the channel; and, third, improvement of the navigation of the river between the Falls of St. Anthony and the passes at the mouth of the river. And when so prepared and matured and approved by the president of said commission, to make and submit to the President of the United States a full and detailed report of their proceedings and actions, and of such plans and estimates, for his action thereon.

Mr. OGLESBY. May I ask the Senator one question at this point?

Mr. COCKRELL. Certainly. It is no interruption.

Mr. OGLESBY. Do I understand the Senator to hold that the object of the surveys to be made by this commission is to have reference solely to the deepening of the channel, the straightening of the channel, by increasing the volume of the depth of the Mississippi River at all seasons of the year? Or does the plan also contemplate a provision for protecting the great valley from overflow from the Mississippi River? Is the plan contemplated by the sections under consideration such a plan as is calculated to deepen the channel of the river and to straighten the banks of the river? or do they go further, and provide against the escape of the overflow of the river on to the valleys, the construction of levees, elevating the banks of the river—as I again say, for the purpose of deepening the channel? The reason I ask the question is because the public mind has been possessed with the idea that the trouble with the Mississippi River was not the want of water, not the lack of the depth of the channel but the injury that constantly came from the overflow of the banks. I see the amendment provides that this commission may instantly, whenever they shall believe that it has become necessary, stop all outlets from the river, close all crevasses, chutes, and passes. It would thus seem that the object is to deepen and preserve the body of the water rather than to make provision for its escape. Would this commission be prohibited from taking into consideration the propriety of securing the valley of the Mississippi from overflow by making additional outlets from the river rather than making levees? In place of stopping up all existing outlets, would the commission, under the provision that the Senator is now debating, have scope and power enough to take that view of the subject into consideration also? Does the Senator understand me?

Mr. COCKRELL. I understand the point, and I will answer the question in part propounded by the Senator from Illinois now, and the remaining part I will answer when I discuss section 8, which provides for certain work in regard to crevasses and gaps in the levees, and so on.

This commission, under the section which I am now discussing, section 6, must take into consideration such plans and estimates for the correction and permanent location and deepening of the channel, and the improvement of the navigation of the river as may be suggested by any member or members of the commission and by any other person, and then prepare plans for securing these objects.

Under that section they will have authority to do anything, to con-

sider anything which will tend in their opinion to the correction and permanent location of the channel of the river. Now, by permanent location I do not mean and I do not presume that any Senator could understand any one to mean that we are to confine the great volume of the water of the Mississippi River as you would confine water in a funnel in a pipe by making solid banks or anything of that kind. The correction and permanent location of the channel I apprehend would extend to giving as far as possible a uniformity in width between the banks of the channel proper according to the volume of the water from the Falls of Saint Anthony to the passes at the mouth of the river. It is an established fact, it is a fact which no engineer can deny, it is a fact which no man connected with the Mississippi River can deny, that wherever you find a space in the river of five, ten, fifteen, or twenty miles where there is a uniformity in width between the banks of the river, a uniformity in the width of the channel of the river, you have there a uniformity in the depth. That is sustained by the engineers' reports from beginning to end.

Mr. OGLESBY. I want to state to the Senator that the theory has frequently been advanced—

Mr. COCKRELL. I will discuss that when I come to the other point as to the levees. I do not want to touch the levees now until we come to the section relating to them.

Mr. OGLESBY. The theory has been advanced that outlets from the river might be made to such an extent and in such number leading into the Gulf as would relieve the upper valley from the overflow by granting so many more numerous places of escape for the water. I only wished to know whether under these sections this commission will have the power to take that view of the subject into consideration.

Mr. COCKRELL. I think that theory has been so long since exploded that it is no more a living issue. That is my understanding from reading all the surveys and examinations. I know the theory was at one time advanced that in order to save the alluvial lands of the great Mississippi from overflow you must make escapes for the surplus water, and that that would prevent the overflow; but I do not think that that is now seriously contended for as a means of improving the navigation of the river.

Mr. OGLESBY. I do not know whether there is the slightest utility in that project or not; nor do I know that it has any real virtue; but as you are providing a commission now, as stated by the Senator from Minnesota [Mr. WINDOM] and as provided for by these additional sections, which are to result in a permanent and scientific system as to the navigation or to the utilization of the waters of the Mississippi River, ought your commission to be limited to but one view, or ought it not rather to be left with the greatest possible latitude as to taking all possible views of the subject? I have no such confidence in my opinion that I would insist upon the view I have first suggested, for a moment; but I have heard a great many very intelligent men discuss this aspect of the question, and I think it would be better to leave it open. I do not think it would be well merely to make it take the views that seem to be held in these sections; but it would be better if this commission should have the greatest possible latitude in the management of that difficult question.

Mr. COCKRELL. I think they have the latitude which the Senator from Illinois speaks of. They can take into consideration any measure, any plan, any estimate, which may be suggested by the fertile brain of any one of these five engineers, or by the fertile brain of any man in the United States or in any foreign country. They are to consider all plans and all means which tend to the correction of the channel of the river, which tend to the deepening of the channel of the river, and to the improvement of the navigation of the river.

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

Mr. COCKRELL. Certainly.

Mr. MITCHELL. It is whether in the opinion of the Senator from Missouri the constitutional warrant which exists authorizing Congress to improve rivers and harbors extends so far as to authorize Congress to improve rivers for the sole purpose of protecting the adjoining lands?

Mr. COCKRELL. I understand that question distinctly. It is not raised in this bill; it cannot be raised under the provisions of this bill. This bill is for the river, the correction and the location of the channel, that is, confining it where it extends out two or three miles to a given channel of the same width as it is above and below, so that the water may run in a channel of uniform width.

Now, as the question about the right of the General Government to construct levees or dams or any other means solely and specially for the object of reclaiming overflowed and untillable land, I have not the time now to discuss it.

Mr. MITCHELL. Now, one question, if the Senator will allow me?

Mr. COCKRELL. Certainly.

Mr. MITCHELL. I suppose the object of the Senator is one that I sympathize with heartily so far as I am concerned, namely, to improve the navigation of the Mississippi River so as to make cheap transportation of freight. I presume that is the main object. Now, I want to ask the Senator from Missouri if all freight, grain for instance, wheat, corn, &c., whatever character of grain that goes down the Mississippi River, does not go down in barges to day.

Mr. COCKRELL. Not all. A great deal of the grain is being taken down in barges, and more of it will be from year to year.

Mr. MITCHELL. What other means of transportation is there besides barges?

Mr. COCKRELL. Numerous steamboats; some very fine steamers ply between Saint Louis and New Orleans.

Mr. MITCHELL. Do they carry wheat?

Mr. COCKRELL. They carry any kind of freight that any one can pay them for carrying.

Mr. MITCHELL. How much water do the barges, on which the major part of the transportation goes, draw?

Mr. COCKRELL. The barges vary in their draught of water almost as much as the steamers; they can be constructed to float in a very shallow depth of water, or they can be made to require a greater depth.

Mr. MITCHELL. Is the object of this improvement we are now speaking of—

Mr. COCKRELL. Now let me say to the Senator that you cannot carry wheat or any other product from the Falls of Saint Anthony or from Saint Louis or the mouth of the Ohio River to New Orleans in barges according to the old flat-boat way. Nobody would ever send a bushel of any grain of any kind nor a pound of freight in that way and the people have not done it since railroads have been built through the country. Now to get barges along requires just as great depth of water as for steamers to run, because they must be pulled by steam-tugs or steamboats which draw just as much water as if there were no barges.

Mr. MITCHELL. These tug-boats, however, are small boats of light draught?

Mr. COCKRELL. Some are and some are not. The capacity of these vessels, as a matter of course, will determine their draught. We expect to have a steam-vessel upon that river that will tow ten barges, a convoy of them, and we expect to have barges that will carry fifty thousand bushels of wheat.

Mr. MITCHELL. You expect to reship at New Orleans, or wherever you go, of course.

Mr. COCKRELL. When the barges get to New Orleans there is a river elevator, a steamboat elevator, out in the river and the barges do not go to the landing. The elevator takes the freight from the barge. The barge is taken beside the elevator, or the elevator goes beside the barge, and transfers the cargo from the barge into the vessel which is to transport it to a foreign market, without any handling. It is a mere transfer on water, which as a matter of course makes it a great deal cheaper than if it were to be transferred on land. There is a saving of three, four, or five cents on the bushel. There is a large elevator on the levees at Saint Louis and one at New Orleans, and the transfer can be made there without putting the barge at the landing by the river elevator or the transfer can be made through the elevators at the landing or wharf.

Mr. MITCHELL. Can the Senator tell me what it costs to transport freight from Saint Louis to New Orleans on the Mississippi River now? I do not wish to interrupt him; I only ask for information.

Mr. COCKRELL. It is no interruption, as I have no set speech. Colonel Charles P. Choteau, of Saint Louis, who has been interested in the navigation of the river and is a very intelligent and wealthy gentleman, told me last winter that there was a gentleman at Saint Louis constructing barges and he proposed to transport wheat from Minnesota to the passes at the mouth of the river at five cents per bushel for the entire distance. I believe it has been demonstrated that wheat can be carried from Saint Louis to New Orleans after the improvement of the river at four or five cents per bushel.

Mr. MITCHELL. But now under existing circumstances what is it?

Mr. COCKRELL. What is it by the ordinary rate?

Mr. MITCHELL. Yes, sir.

Mr. COCKRELL. I am advised about seven cents a bushel, my colleague says—from Saint Louis to New Orleans.

Mr. MITCHELL. How far is that?

Mr. COCKRELL. About one thousand two hundred and fifty miles. Now, Mr. President, this commission is to devise a general system for the improvement of the river. When they have so prepared and matured their plan, their system, and the same has been approved by the president of the commission, they are then to make and submit the same to the President of the United States. They are to make to the President of the United States a full and detailed report of their proceedings and action, and then of their plans and estimates for his action thereon.

To guard against hasty or immature action or possible disagreement among the commissioners, the plans for this general system of improvements must be approved by the president of the commission before they are submitted to the President of the United States, and then, before they take effect, they must be approved by the President of the United States.

I deem this only a greater guard against the possibility of unwise action on the part of the commission. I know it is usual to say that a majority must control; that there are five commissioners here and a majority of them ought to be able to devise a plan. This is a grave work, Mr. President. It is the most important measure which this Senate has considered for many years. It will not do to blunder upon the threshold. I desire a plan, a system for the improvement of this great artery of the body of the United States, and its improvement will improve all its tributaries. I want harmony and co-operation in the commission having charge of this improvement. It would be unfortunate if three members of the commission, say the three junior members of the commission, should agree upon a plan against

the protest and the judgment of the president of the commission and another commissioner. It would be almost impossible for that commission to carry out and execute a plan about which there was such a diversity of opinion, such a close division of three to two. And I think that this provision requiring the plan, the system, to meet the sanction and approval of the president of the commission before it is submitted to the President of the United States, is but just and right and an additional safeguard against the possibility of error in this respect. And I say to the Senate that I have not put this provision in with regard to any individual. I want harmony in this work or we cannot have success, and I will show from the engineer reports before me the great disadvantage of a want of harmony and co-operation. I can show from these reports that the very system which has been applied to the mouth of the Mississippi River was recommended by an engineer in 1837, and I can show by a whole series of engineers' reports from that day to this that there has been alternate recommendation of the jetty system, of the fascine system, as they called it then, and the canal system, and the dredging-boat system. They have all had their advocates, and because of a want of harmony failure was the result.

Now, Mr. President, I pass on to section 7:

Mr. MITCHELL. Will the Senator permit me one more question?

Mr. COCKRELL. Certainly.

Mr. MITCHELL. Sections 4, 5, 6, and 7 provide for a commission to be termed the Mississippi River improvement commission, to be composed of five engineers, and provides for their salaries, \$6,000 for the president and \$4,000 for the other members, and appropriates in section 11 \$100,000 for the payment of salaries and expenses. What is the objection, I should like to know from the Senator from Missouri, to imposing all the duties imposed by these several sections on the Engineer Department, instead of on a separate commission?

Mr. COCKRELL. The answer to it is that they will do it when you and I are in our graves.

Mr. MITCHELL. Do what?

Mr. COCKRELL. Get through with a plan of this kind.

Mr. MITCHELL. Who will?

Mr. COCKRELL. They will devise a plan, a general system for the improvement of that river if left to act as they have acted in the past, when you and I are no longer upon this earth if we live fifty years, because they have been at it fifty years and they have not got twenty-five miles of it surveyed to-day continuously, and I will show it by the record.

Mr. MITCHELL. I presume they have made all the surveys they could make with the appropriations they have had. I presume that was the fact.

Mr. COCKRELL. I will discuss this question after I get through the section *seriatim*. I can show a good reason why this commission should exist, why they should be put to a specific work, and why the Engineer Corps although they are able and intelligent and willing to do all they can do under their system and under the appropriations made by Congress, yet cannot alone do this within a reasonable time. We cannot wait five to ten years, the interests of commerce, the interests of the agricultural classes, the producers, demand immediate action.

Section 7 provides that if the plans and estimates or the plans alone shall be approved by the President of the United States, then the Secretary of War shall conduct and carry on the construction and completion of said works according to said plans under the supervision and direction of said commission. And as the commission designate the work to be done and the manner of its execution, and know the objects to be attained, such commission is required, annually, prior to the commencement of each regular session of Congress to make and submit to the Secretary of War, to be by him submitted to the President, full and detailed reports of their proceedings and actions, and of all works and improvements done, and the cost thereof, and the progress and effects of such works, and estimates of the necessary amounts of appropriations for successfully and efficiently carrying on the construction of said works and improvements, and of the completion of such works and improvements according to the plans. Thus Congress will be fully and minutely advised in all matters touching the works of the commission and the works and improvements done, their progress and effects, the cost of the work done, and the probable amounts for the completion, and can properly determine what further appropriations ought to be made.

Section 8, to which I call the attention of the Senator from Illinois, provides that the commission, or a majority, including the president—the provision is put in here for the very same purpose of securing harmony and co-operation—may, prior to the completion of all the surveys and examinations contemplated, and prior to the submission to the President of the United States of the matured or perfected plans and estimates, prepare and submit to the President of the United States for his approval plans and specifications and estimates for such immediate works as may be necessary for closing such outlets of the river and such gaps and crevasses in the levees on the banks of said river as may be necessary in the judgment of said commission to secure an earlier correction and permanent location and deepening of the channel of said river, and as may constitute a part of the general system of works provided for. And if such plans, specifications, and estimates shall be approved by the President of the United States, then the Secretary of War shall cause the immediate construction of

such works in such manner as may be deemed most speedy and economical under the supervision and direction of said commission.

Mr. President, under this section if the commission, after examining the surveys already made and in progress, and after causing to be made such other preliminary examinations as they may desire, shall determine that the closing of these crevasses in the river or the repairing of these gaps or crevasses in the levees on the banks of the river will in any wise tend to correct the channel of the river, secure permanency of its location, confine it within given lines, and will deepen the channel and improve its navigation, then they are to undertake and carry on these works. Power is given to them to start these works as preliminary works, and I will illustrate by this example: suppose the commission should determine that the first result, the first effect necessary to be secured, was a uniformity in the width of the channel of the river, not a uniformity at the time when the river is spreading almost from bank to bank, not a particular uniformity or rock-bound uniformity, but a general uniformity in the width of the channel of the river, according to the volume of the water. Of course the channel is narrower in the middle than it is in the upper or the lower part of it. Suppose they determine that the closing of a certain gap, or a certain crevasse in the river, or the completion of a certain portion of a levee, will have the effect to confine the water of the river within its proper channel, and will to that extent benefit the navigation of the river, tend to deepen the channel, tend to correct the channel, tend to give permanency to the course of the channel, then they will have power to go on and do it under this section, and as a matter of course they will have to take into consideration the very question which the Senator from Illinois suggests, whether it is better that they should turn the water out of the river or keep it within its banks. That would be the very question which they would have to determine, because if they say it is better to let the water flow out of the river instead of confining it within its banks, they would not want to close such crevasses or gaps in the levees.

Mr. OGLESBY. The Senator from Missouri remembers very well that there are periods of high water when the Mississippi River surmounts all its banks and spreads out for miles and miles in extent. It would not seem at first blush that the closing of a chute, a crevasse, or an outlet, would be the remedy at that time; but it would seem a little bit plausible that what would be needed then to assist the escape of this great accumulation of water would be additional outlets rather than the closing of existing ones. When the river is within its banks, then I could see the utility and the wisdom of a general system that might correct the channel and thereby deepen the channel for the purposes of low water, if there ever be a period when there is low water below Cairo, the junction of the Ohio and Mississippi; I mean too low for the purposes of ordinary steam navigation. But there are periods when the river overflows its banks; and it was upon that point, as to the system of this commission when it shall be appointed, and I am rather frank to say to the Senator that I am inclined to favor this scheme. It has struck me as being very plausible; and I did not want the commission so confined that it would lose sight of some mode of escape for the great accumulation of water in the Mississippi Valley in periods of great freshets.

Mr. COCKRELL. I think they will have full power to consider everything connected with the river and its improvements, and full power to examine and consider all the suggestions made by the Senator from Illinois.

These sections do not fix the plan or system to be adopted for the improvement of the river; they leave the whole subject-matter in the hands of the commission for their consideration and determination. They are untrammelled as to the plan or system they are to adopt. They are to originate the plan or system. This is the great object of the commission, to devise a plan, a general system, and then to cause the work to be done according to the plan or system they may devise. I will now consider section 9.

Section 9 provides that when said commission shall have so prepared and matured such plans for and estimates of the cost of a general system of works for the purposes contemplated, and shall have so reported and submitted the same to the President of the United States, and the said plans and estimates, or the said plans, shall have been so approved by the President of the United States, as provided in former sections of the act, then the Secretary of War shall cause said works and improvements to be constructed and completed under the supervision and direction of said commission as rapidly as the appropriations made by Congress therefor shall justify; and it is made a further duty of the commission, or a majority thereof, including the president, to prepare and submit to the Secretary of War detailed plans, specifications, and estimates for said general system of works, or such portion or portions thereof as may from time to time be deemed necessary to secure the earliest and most economical construction and completion of the same or any portion or portions thereof.

It then becomes the duty of the Secretary of War to cause the work and improvements to be done and made, and he shall contract and let said work, or any portion or portions thereof, to the lowest responsible bidders—either by advertising for sealed proposals or bids for the construction, or the construction and completion of said works, or any portion or portions thereof, according to said plans and specifications, or in such other manner as he, the Secretary of War, may

deem best to secure the construction or the construction and completion of such works, or any portion or portions thereof, at the lowest prices and in the best manner, and shall, as a condition precedent to the acceptance or approval of any contract or letting, require of such contractor or bidder such safeguards and such bond or bonds with such sureties and conditions as he may deem necessary to secure the earliest and best construction or construction and completion of said works, or any portion or portions thereof, according to said plans and specifications; and shall prescribe such rules and regulations for conducting such work as he may deem necessary; and in the event of the failure, refusal, or neglect of any contractor or bidder to construct or to construct and complete such work according to said plans and specifications, or to perform and comply with the terms and conditions of the bond, or with the rules and regulations prescribed, then the Secretary of War may rescind said contract or bid, and declare the same forfeited; and select such work, and shall have the same rights and powers in regard to each contract or bid, and to each contractor or bidder, under the first or any subsequent letting or reletting, as given in said act; and no payment shall be made by the Secretary of War for any work done, in whole or in part, until such work shall be accepted by said commission and approved by the Secretary of War.

This section creates just checks and preventives to fraud, collusion, or swindling. Under its plain and stringent provisions there can be no Credit Mobilier combinations. The commissioners cannot pervert the appropriations. They neither receive nor pay them out. The Secretary of War is the custodian of the funds, and he even cannot pay out the funds until the commission shall have accepted the work and he himself shall have scrutinized and approved the action of the commission. To perpetrate any fraud or waste the contractors, the commissioners, and the Secretary of War must conspire and combine together and prove corrupt and venal.

Mr. BECK. The Senator from Missouri will allow me to ask a question, because I confess to a good deal of trouble about this matter, and I really desire to know all about it. The Senator proposes, disregarding the Engineer Corps, to take five engineers and appoint a commission; two of which commission, if their president be one, can have their plans carried into effect; but if three agree and he is not one of the three they cannot. Then in the section the Senator has just read do you not authorize the Secretary of War to make any contract that the commission command without submitting it to Congress, either publicly or privately as they see fit, and on the approval of the majority to pay the money? That seems to me not to have so many safeguards as it ought to have.

Mr. COCKRELL. In regard to the first part of the question of the Senator from Kentucky as to doing away with the Engineer Corps of the Army: I am not touching the Engineer Corps of the Army; I am not touching the Coast Survey, to interfere with them in any way. The President of the United States can select every one of these commissioners from the Engineer Corps of the Army; he can select every one of them from the Coast Survey; he can select every one of them from civil engineers. All we require is five engineers, and it is wholly in his discretion as to the class of persons he selects. He may take one Army engineer, one Coast Survey man, and three civil engineers; he may take three engineers from the Engineer Corps, one from the Coast Survey, and one from civil life. He can constitute the commission just as he pleases.

When this commission, so constituted according to the discretion of the President, have agreed on a plan for the improvement of the river, and the estimates of the plan, and the president of the commission has sanctioned that, and it has been submitted to the President of the United States, and the President of the United States has approved it, then after that has been done, (and, as a matter of course, that cannot be done until the next meeting of Congress, and they are required to make their annual report at the beginning of each session of Congress through the Secretary of War,) then the Secretary of War goes on and causes the work to be done according to the plans and specifications of this commission.

Mr. HOAR. What is there in this section that prevents a contract for \$100,000,000 without any appropriation by Congress whatever?

Mr. COCKRELL. When the commission shall have prepared and matured their plans and estimates of the cost of a general system of work, and shall have reported and submitted it to the President, and the President has approved that, then the Secretary of War shall cause the works and improvements to be constructed and completed under the supervision and direction of the commission as rapidly as the appropriations made by Congress therefor shall justify. He cannot do one solitary particle of work unless Congress appropriates money for the work. It is wholly within the power of Congress from year to year. This commission is required to report to Congress at the beginning of each session everything that they have done. They—

Shall annually, prior to the commencement of each regular session of Congress, make and submit to the Secretary of War, to be by him submitted to the President of the United States, full and detailed reports of their proceedings and actions, and of all works and improvements done, and the cost thereof, and of the progress and effects of such works, and estimates of the necessary amounts of appropriations for successfully and efficiently carrying on the construction of said works and improvements, and also for the completion of such works and improvements according to the said plans.

They are to show what they have done; they are to report what

has been the effect of what they have done, and what it has cost and what it will cost to carry it on for another year; and not only that, but what it will cost to complete it according to the plan, if it takes five years according to the plan, so that Congress will have at the beginning of each session before it in the report of this commission everything that they have done: their plans, with estimates of work, the effect of the work, what it has cost, what more can be done in another year, what it will cost for the year, what additional must be done to complete the work, and what it will cost. Now I will hear the Senator from Massachusetts.

Mr. HOAR. I understand under the eighth section this commission has authority to make estimates for such immediate work as may be necessary for closing up gaps and crevasses in the levees on the banks of said river and as may be necessary to secure an earlier correction and permanent location and deepening of the channel of said river; and if such plans are approved by the President, then the Secretary of War is to cause the immediate construction of such works. Then in the ninth section, the latter part of it, the Secretary of War has a right to contract and let any work or any portion thereof in the mode provided. It seems to me on a cursory reading that these clauses give to this commission and the President of the United States power unlimited by appropriations, and to the Secretary of War, without their approval, power to make unlimited contracts without any restraint by Congress whatever.

Mr. COCKRELL. I do not think the Senator from Massachusetts comprehends the scope and meaning of the entire provisions of these sections of this bill. In the first place, these commissioners hold their offices at the will of the President. They do not hold them for a given term. They hold at the will of the President, subject to the action of Congress, and they are to make a report to Congress at the beginning of each session. They can do nothing unless Congress has first made an appropriation. The appropriation here made is simply for carrying on the work of the surveys. Now, when they have made their plans, when they have approved them by a majority, including the president of the commission, when they have submitted them to the Secretary of War and through him to the President of the United States and they have been approved, then the Secretary of War has charge of the works after that time, subject to the action of Congress. The Secretary of War cannot go on and make a contract for \$5,000,000, or \$1,000,000, or any other sum of money. The Senator from Massachusetts will remember that the law distinctly prohibits any officer of the Government from making any contract for the expenditure of money until the money has been appropriated. That is the law.

Mr. HOAR. But here is a subsequent law.

Mr. COCKRELL. No officer of this Government can expend, or contract to expend, one dollar of money unless Congress has first made an appropriation for that specific object. That is the law. The Senator from Massachusetts admits that that is the law. If I am incorrect I hope the Senator will correct me. I say the law, the general statute, prohibits any officer from contracting any liability unless there has first been an appropriation for it.

Mr. HOAR. Not if we make a subsequent law which authorizes it.

Mr. COCKRELL. Not if we make a subsequent law that alters it and gives him additional power. That is true and that is the very point I was coming to. Now, the general law prohibits the Secretary of War from contracting a liability without having a specific appropriation. I say that this section of the bill does not give the Secretary of War, independent of that statute law, any right, power, or authority to enter into any contract for the construction of any of these works or the expenditure of one dollar of money on them until Congress has first made the appropriation. I desire the Senate to understand me distinctly upon that question. Congress must first appropriate the money. Now suppose this commission be appointed by the President. They go on and they mature their plans for the improvement of the river. They submit them to the President next November, and next November the President approves them, then the whole matter is submitted to Congress, and if Congress does not make any appropriation for carrying out the plans what will be the effect of it? Nothing can be done. The matter will be delayed for action by Congress. I desire the Senator from Massachusetts to consider this point particularly.

What would be the effect of such action? As a matter of course, not a dollar would be expended; no contract for the construction or completion of the works could be let; the commission would be at the end of their power; they could not do a solitary thing.

Mr. HOAR. Perhaps the Senator from Missouri may save his own time and that of the Senate about this point. It is not a question of what he desires, but of what the bill means. He agrees with me that the bill should not mean what I am afraid it does. Suppose this amendment were to be added:

No work shall be done or expenditure made or contract entered into under the powers herein conferred until after an appropriation for the same shall have been made by Congress.

If the Senator will accept that it will save discussion.

Mr. COCKRELL. Let it lie over and I will consider it; I want to compare it with another section. The Senator is aware, as I explained when treating of one section of the amendment—and I desire to call his attention to it—that under a given section in regard to stopping crevasses and places of that kind, temporary work had to be done.

The Secretary of War is to have entire charge and control of the work, just as he has at the present time. Section 10 I will consider next.

Section 10 prescribes the salaries and compensation of the commissioners and authorizes the employment of a secretary, subject to the approval of the Secretary of War, at a salary to be fixed by the Secretary of War; or the Secretary of War may detail from the Engineer Corps of the Army any officer selected by the commission to act as secretary.

Section 11 authorizes the expenditure by the Secretary of War of \$100,000 for payment of salaries and expenses incurred in completing surveys and making new surveys, and in maturing and reporting plans, estimates, specifications, &c.

I have gone through with the general provisions of this bill, and I am sorry I have detained the Senate so long. I desire now simply to discuss one or two other points of a general nature. The first question which presents itself to the Senate is whether there is a necessity for such legislation as this bill contemplates. That is the first question which we ought to determine. Is there any necessity for the passage of a law of this kind? To show the absolute, imperative necessity for a law of the very nature and character which is presented in the provisions of this bill I want to state in the first place that there never has been a survey of the Mississippi River. I want to show to-day that you may take the Coast Survey and all its reports; that you may take the Engineer Corps of the Army and all its reports, and there is no survey of the Mississippi River which will enable either the Coast Survey or the Engineer Corps of the Army or any commission to devise a plan or a system for the improvement of the navigation of the rivers. I propose to prove that just as I say. In the first place I will call the attention of the Senate to the letter from the Coast Survey:

The Mississippi River has been surveyed continuously from the passes up as far as Donaldsonville, Louisiana, 66 miles above New Orleans, or 175 miles from the sea. Thus far last season.

During the present season the work is in progress at Donaldsonville, Natchez, Vicksburg, Helena, and Memphis.

That is all the Coast Survey has done. They have surveyed but 175 miles from the passes of the mouth of the river, and they have projected surveys running to Memphis. No survey, then, has been made by the coast survey from which a plan can be devised. Has the Engineer Corps of the Army ever made such a survey as will enable any one to devise a plan for the improvement of the river? I will first read from Executive Document No. 19, part 2, (Senate,) Forty-third Congress, second session, and I call especial attention to it. In 1874 \$200,000 were appropriated for surveys and estimates for the improvement of certain routes recommended by the Senate Select Committee on Transportation Routes to the Seaboard, of which the Senator from Minnesota [Mr. WINDOM] who has addressed the Senate to-day, was chairman. The engineer assigned to the first route, the Mississippi route, made his first report February 18, 1875, and I now read from this Executive Document. First I read the letter of General A. A. Humphreys, brigadier-general and chief of engineers, dated February 26, 1875:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 26, 1875.

SIR: In further compliance with the requirements of the river and harbor act of June 23, 1874, for surveys and estimates for the improvements recommended by the Senate Committee on Transportation Routes to the Seaboard, I beg leave to submit herewith a copy of the report of Major C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River, between the mouth of the Ohio and New Orleans, which embraces a part of the committee's third subdivision of the Mississippi route, designed to secure a navigation of from eight to ten feet from Saint Louis to New Orleans at the lowest stages of water.

From the great extent of river embraced within these limits, the labors of this party were necessarily confined to such an examination as would disclose the nature and extent of the existing impediments to navigation, and lead to the suggestion of methods to be adopted most likely to secure their removal.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Now I will go to Major Suter's report, dated February 18, 1875:

Among these routes was the Mississippi River, the idea advanced by the committee for that portion of the stream between Cairo and New Orleans being to so improve it as to give from eight to ten feet navigable depth at all stages of water.

The duty of reporting upon this subject was assigned to me, and \$10,000 was allotted to defray the expenses of the necessary examinations.

As the sum was of course inadequate for the careful survey of one thousand miles of a great river like the Mississippi, it was necessary to confine the work to a mere reconnaissance which would enable a general map of the river to be made with approximate correctness, determining at the same time the nature and extent of the existing difficulties to free navigation, together with the methods most likely to secure their removal. This plan having been approved by the Chief of Engineers, was carried out during the summer and early winter of 1874.

An engineering party—

I call the attention of the Senate to this language:

An engineering party was placed on one of the Government steamers and sent into the field with instructions to sketch the river carefully from the pilot-house of the steamer, checking their work by frequent triangulations for widths, and by comparison with the best State maps attainable, for the lengths between known points.

The party passed four times over the portion of the river between Vicksburg and Cairo and twice over the portion between Vicksburg and New Orleans. The work was carefully done and is quite satisfactory. The maps show all the topographical features quite fully, giving the size and position of islands and dry sandbars, and the location of the low-water channel at the time of the survey. The river was not low enough for a good hydraulic survey, and moreover there was

neither time nor money enough available for the purpose; but all available information on this point was collected from pilots and residents along the river.

Done from the pilot-house of a steamboat!

Although the information obtained by this reconnaissance is not sufficiently detailed or extensive to allow estimates of the cost of the improvement recommended to be made, yet it will, I hope, be sufficient to point out the nature of the improvement required and the means by which it can be effected.

Here is the material point:

First in order is the absolute necessity of a careful survey of the whole river.

Mark the language:

First in order is the absolute necessity of a careful survey of the whole river. We have at present really nothing definite to guide us, either with regard to the present situation, or to changes which have taken place in the past. If a careful survey had been made thirty or forty years ago, it would be of inestimable value now, for the effect likely to result from causes now at work can only be rightly inferred from the effect produced in past times by similar causes. This information we have not got, and hence much is left to conjecture which should be known with certainty. This state of affairs should be remedied as soon as possible, so that when in future any work may be needed on the river the data may be at hand for projecting it.

There is probably no branch of engineering which offers more practical difficulties than river hydraulics, nor is there another in which so many perplexing questions are involved, nor where so much patient observation and experiment are needed to obtain successful results.

This is mainly owing to the appalling vastness of the subject arising from the fact that every stream, and in truth every portion of a stream, has its own special characteristics, not necessarily appearing elsewhere, which renders observers singularly liable to generalize on insufficient or erroneous data.

This is what Major Suter said in 1875, that there was no survey of the river that could guide them at all; and that report was approved by General Humphreys, the Chief of the Engineer Corps of the Army.

I will read from General Humphreys's pamphlet, which was issued under date of May 1, 1878. In regard to how that pamphlet was published, I desire to submit a letter which I received in answer to a letter addressed by me to Hon. E. W. ROBERTSON:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1878.

DEAR SIR: Your note of even date is just received, in which you refer to a printed letter, dated May 1, 1878, addressed to me, and signed by General A. A. Humphreys, and desiring to know when I first received or saw this letter, and whether it was sent to me "printed or in writing," and whether I addressed any inquiry by letter, or otherwise, to General Humphreys calling for such letter from him.

In answer to your inquiries I will state that I received General Humphreys's letter in due course of mail on Saturday last, 1st instant, just one month after its date. It was printed, and I have received no written letter from him on the subject of which that letter treats. I would further state that I was surprised to receive such a letter from General Humphreys, as I had not addressed any communication to him, either verbal or in writing, to which such a letter could have been a reply.

Truly yours,

E. W. ROBERTSON,

Chairman Committee on Levees and Improvements of the Mississippi River.

Hon. F. M. COCKRELL,
United States Senate.

I will now read from a letter written by General Humphreys, and dated May 1, 1878, to Hon. E. W. ROBERTSON, chairman of the Committee on Levees and Improvements on the Mississippi River. Remember, I am trying to show that there has been no survey of the Mississippi River which is sufficient to enable anybody to devise a system for its improvement; and I am trying to prove that point by the writing and surveys of the Engineer Corps. I read from this pamphlet of General Humphreys. He refers to Major Suter's report and says:

The report describes the bars, the manner of their formation, the general nature of the bed and banks of the river, the means generally that must be resorted to to deepen the low-water channels and to maintain the depths, and the precautions to be used in proceeding with the work lest new obstructions to navigation should be created in the progress of the improvement. A careful perusal of this able report will make it clear, even to non-professional persons, that to obtain a low-water depth of eight to ten feet is a work of great magnitude and cost, and one of great difficulty, and to be proceeded with cautiously, careful surveys and plans preceding the construction of dams, dikes, &c., and other work.

It will not be difficult to understand that to obtain twenty feet at low water the works must extend over a much greater length of river and at much greater cost. In fact the information does not exist upon which any estimate can be made of the extent and cost of works necessary for a twenty-foot low-water channel. The survey now in progress will furnish the data for the discussion of this and other questions.

Then the survey is not completed. We have only this survey which is in progress. Now I read from page 6 of this pamphlet:

Besides we have no facts to establish that this required work of deepening by the current is practicable at any cost. It is known that there are in the bed masses of gravel in place, and thick strata of hard clay, but it has not been ascertained what the nature of the bed is to the depth to which it must be excavated, nor what thickness of moving sands and moving gravels must be passed through before reaching the firmer strata below.

It is hoped sufficient has been said to show that there is no reason for transferring to other hands the charge of the survey of the river now going on under the Engineer department for the improvement of low-water navigation and protection against overflow.

General Humphreys's letter is directed to a bill which the Senate is not considering. The bill to which he makes his objection is not the bill which I introduced in the Senate; and he is inveighing against provisions which are not in this bill. The provisions of this bill do not take the work away from the Engineer Corps, but they place the Engineer Corps and the Coast Survey so far as completing the surveys already begun, and so far as making such additional surveys as may be necessary, in charge of this commission to give them the information directly instead of letting it go first to the Secretary of War and waiting a year for its publication. I will read further in regard

to the engineers's survey. I read from volume 2, page 1, of the report of the Secretary of War. I will read this at page 81, just to show you how far these surveys have gone. The improvement at Cahokia Chute, opposite Saint Louis, has been going on for years. I am told the city of Saint Louis has spent several million dollars and besides the Government has spent several hundred thousand dollars. I want to show what a complete survey they have of that portion of the river.

C. Improvement of channel opposite Saint Louis, (closing Cahokia Chute).—The work done under the appropriation of \$29,600 has been confined to the revetment of Arsenal Island and the construction of the abutments of the dam. The officer in charge submits a suggestion in connection with this work which is worthy of consideration; the essence of the suggestion being that since the closing of the chute will seriously increase the risk of damage to boats in the harbor by ice, as was conclusively demonstrated by the experience of the last winter, it would be advisable to make the dam a high one instead of low, as now authorized, so as to form a protected pool which may be made a secure and permanent winter harbor. The data for a full estimate of cost not being available, it is recommended that a survey and estimate be ordered.

They recommend that a survey and estimate be made on a work which has been in progress, I suppose, for fifteen or twenty years. I have not looked up the exact date. I now come to page 506 of the same volume:

Having made no special surveys for the purpose, I am not able to submit any estimate of the cost of modifying the project as suggested. The fact that a part of the working equipment belonging to the United States shared in the danger of last winter mentioned above, and to a small extent in the damage, compelled me to share in the anxiety felt by all interested in the exposed property, and justifies this proposition to extend the projected works with a view to obviate such risks hereafter.

Now I will read from page 524 of the same volume:

The improvements at Keokuk and at Rock Island are now near completion, and the encouragement of steamboat navigation seems to demand that some system of improvement shall be applied to the obstructions by shoals and sand-bars, which will hereafter be the controlling features of navigation.

I read from page 536 and I call the attention of the Senator from Illinois to this language:

The Mississippi River below Keokuk as far as Alton, Illinois, embraces many difficult shoals and crossings, which will become of the more importance now that the great canal at Keokuk is so near completion, and boats of all kinds, being no longer stopped by the Keokuk rapids, will be seeking employment on the upper river. The Light-House department has organized and in working order an admirable system of lights, but to stimulate the steamboat trade on the Upper Mississippi a comprehensive system of improvements is needed, and before executing these, surveys are needed.

With the surveys made under your direction, (1874 and 1875,) under the call for surveys of transportation routes to the seaboard, we have a very good knowledge of the present state of the river from Keokuk to Saint Paul. The great improvements at Rock Island, also, and at Keokuk, have had most admirable surveys made of them, but below Keokuk there is a blank, and to fill this blank I beg leave to submit the following estimate:

For building one quarter-boat and outfit complete.....	\$3,000 00
Five months' hire of a small tow-boat, at \$25 per day.....	3,750 00
Expenses of surveying party, five months, at \$1,500.....	7,500 00
Draughting, office expenses, &c.....	3,000 00
Total.....	17,250 00

From Keokuk to the mouth of the Illinois River, one hundred and sixty miles, it has not been surveyed at all, and the engineer's report shows it. I now quote from page 546:

And in order to perfect the scheme of improving the Upper Mississippi River between Saint Paul and the mouth of the Illinois River, there should be granted the further sum of \$17,250, as there have been no examinations in that part of the river between Keokuk, Iowa, and the mouth of the Illinois River, a distance of some one hundred and sixty miles, all of which should be thoroughly surveyed before the estimates for said scheme can be perfected.

I think I have shown that there have been no surveys of the river made by the Engineer Corps of the Army. The question is, have any surveys of the river been made by any civil commission? A commission was appointed under the act of June 22, 1874, in regard to the alluvial basin of the Mississippi River. I will quote from what this commission says.

I read the letter of General Humphreys transmitting the report, Executive Document No. 127, House of Representatives, Forty-third Congress, second session:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 22, 1875.

SIR: I transmit herewith the report to His Excellency the President of the United States of the board of commissioners appointed to examine into the question of protecting the alluvial lands of the Mississippi River against inundation.

I beg leave to say that the views, plan, and recommendations of this board meet with my full concurrence. The surveys proposed by the board are equally necessary, whatever system of administration may be adopted for executing the plan of protection proposed.

Compared to the magnitude of the work, the estimated cost of these surveys is small. They are essential to determine the exact location, dimensions, and cost of the levees, and may proceed simultaneously with the execution of the plan of protection. They should be begun at once, and the sum of \$160,000 is their estimated cost for the first year, the appropriation of which is recommended. Their total cost, extending over a period of three years, is estimated to be \$300,000.

A wide distribution of this report is very desirable, both in the alluvial region and to the engineering profession; and as its cost will be comparatively small, (the report making about 125 printed octavo pages,) the printing of 10,000 copies is respectfully recommended.

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

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. WILLIAM W. BELKNAP,
Secretary of War.

Now I quote from page 3 of the report of General Warren, confirm-

ing precisely what General Humphreys has said in regard to these surveys:

The foundation of the report of the commission rests upon your invaluable surveys and investigations, which, begun in 1850 and continued till 1861, are published in the great work *The Physics and Hydraulics of the Mississippi River*, and upon the protection of the alluvial region against overflow, &c., and upon the further contributions to these subjects contained in your published official reports in 1866 and 1869. The commission has obtained the additional data upon subsequent floods, and the results of the more recent experience in building and rebuilding levees, as far as they are attainable, so that their report is in a great measure exhaustive of the subject and the conclusions reached may be considered entitled to confidence.

The only want of information that now exists is in regard to the exact configuration of the land and water, which is as yet too indefinite to enable exact and proper location of levees to be made. The commission estimates that the necessary hydrographical and topographical surveys will occupy three years and cost about \$300,000. These surveys should be begun at once and \$160,000 is desired for the first year. The results of the surveys can be almost immediately made applicable to level, location, and construction.

Now, this commission was composed of General Warren, Major Abbott, Captain Benyard, of the Corps of Engineers, Jackson E. Sickles, and Paul O. Hébert. On page 28 they say:

Notwithstanding this, it is a fact that no continuous topographical and hydrographical survey of the Mississippi River throughout the region between Cape Girardeau, in Missouri, and New Orleans, has ever been made. The only good survey of any considerable portion of it was made under Captain (now General) Humphreys, in 1851, along the west bank of the Mississippi from Red River to Baton Rouge, and thence by both banks to New Orleans.

At this date the changes which have occurred require even this survey to be repeated. There was a reconnaissance-map of the bends of the Mississippi, from its mouth up to the junction of the Kaskaskia River, Illinois, made by Lieutenant Ross, of the British army, in 1765, which, though comparatively rude, serves to show the general relations of the bends at that time. There was also a reconnaissance-map of the bends of the Mississippi, from Saint Louis to New Orleans, made in 1821, by Captain Young, Captain Poussin, and Lieutenant Tuttle, United States Army, under direction of the board of engineers. The maps were not published, and are on file in the Engineer Department.

We have also the general features of the river as given by the United States land surveys, which form the basis of existing maps, but these have little practical engineering value now. A few other surveys of localities have been made carefully, but are limited in extent. Lines of levels for special purposes and for railroad locations have also been run in various directions across the alluvial basin, but they are not numerous enough nor sufficiently connected to answer other than general purposes.

The surveys of lines of levees where built are generally very partial and do not furnish the data required for a thorough consideration of the levee question even in their special localities.

In our opinion, therefore, a thorough survey of the river Mississippi and its tributaries should be at once commenced and be prosecuted as rapidly as practicable throughout the overflowed districts.

This survey should determine all matters relating to the river-beds, such as heights of the banks, the places where caving is taking place or otherwise, and the past history of such changes, as far as it can be made out. The depths at all points of interest should be determined by sounding. Level-lines must be run with greatest care, so as to determine the slopes of the water surface and of the land, and the elevation of all high-water marks of which the record may still be preserved. Wherever difficulty will be found in disposing of rain-water drainage, the survey should be extended to cover all the country between the river-banks and the high lands, so as to give the extent and elevation of all high ridges and the depths and capacities of all natural water-courses. Borings in some localities will also be required, to determine the nature of the substrata. Wherever the surveys are carried, convenient permanent bench-marks should be established with greatest care, and legal enactments should protect them by severe penalties from being disturbed or removed. Above Memphis, on the Mississippi and along some of the tributaries in the alluvial region, questions of navigation are also to be considered, and the surveys should be made to meet the requirements of such cases.

A careful consideration of the extent and requirements of the survey shows that not less than two years will be occupied, under favorable circumstances, in performing the field-work, and that another year will be required to finish the office-work.

I think I have established that there have been no surveys either by the Coast Survey, the Engineer Corps of the Army, or by civil engineers, or a commission. There has been no survey of the river. The next proposition to which I will direct the attention of the Senate is that there can be no general system for the permanent improvement of the river until such surveys and examinations are had. I hope the Senate will not require me to discuss this question which is too practical and too plain to every one's mind. There can be no general system for the improvement of the Mississippi River until you know what that river is and what the bed and banks of it are. That is plain, common sense. It is absolutely necessary that there should be a survey before any system of improvements can be made.

If it would not detain the Senate, I should like to trace the history of the surveys of the Mississippi River and show what they have been. The first act in regard to the survey of the Mississippi River was in 1819. It appropriated \$6,500 for making the survey of water-courses tributary to and west of the Mississippi River, and those tributary to the same river northwest of the Ohio. The next survey was ordered in 1820. In 1824 some additional surveys were ordered. In 1829 surveys were ordered, and continuously from that time surveys have been made on this little point in the river and that little point in the river, but there has been no continuous survey and there have been no surveys of all parts of the river, even at different times.

The third proposition is that there can be no economical or judicious expenditure of appropriations until a general system is adopted. I think that is a self-evident proposition. You cannot judiciously expend the appropriation made for the improvement of the Mississippi River until there is a general system and plan to carry out, to which these appropriations are to be applied. You may expend money at this point on the river and it may produce disastrous effects on another point of the river. You may spend money there and it may injure some other point. We want a general system and plan,

and we cannot expend the money judiciously and economically until we have that general plan. It will give co-operation and it will be economical. To show what the Government has done in regard to public works, I will detain the Senate but a moment.

June 30, 1876, there were completed in the United States, 77,470 miles of railways, of which Congress aided in the construction of 13,722½ miles by grants of lands in some cases to the States, which granted the same lands to the railways, and in the others to corporations in the States and Territories. The following statement shows the States to which grants were made, and the corporations in the States and Territories to which grants were made, the number of miles of completed railway, the estimated number of acres which the States and corporations may receive, the estimated number of acres already certified or patented to the States and corporations, and the value of the lands actually certified or patented, estimating them at \$1.25 per acre, and the lands lapsed and declared forfeited by Congress. The fractions of acres are included in the aggregate, but not given in the details, showing that the Government has given to the States and corporations to complete 13,722½ miles of railways 38,052,530 acres of land amounting, at \$1.25 per acre, to \$47,565,662, and bonds, including the interest paid by the United States and not refunded and interest due June 30, 1876, amounting to \$91,637,928.32, making an aggregate grant of \$139,203,590.32 to secure the completion of these 13,722½ miles of railroads.

Land grants given to railroads in the United States.

States and Territories.	Railway completed—number of miles.	Estimated acres granted.	Estimated acres certified or patented.	Value at \$1.25 per acre.
Illinois	705½	2,595,053	2,595,053	\$3,243,816 00
Mississippi	406	1,137,130	935,158	1,168,947 00
Alabama	782	2,708,135	2,832,309	3,540,386 00
Florida	947	1,760,467	1,760,468	2,200,585 00
Louisiana	152	660,411	1,072,405	1,340,506 00
Arkansas	536	2,753,171	2,368,494	2,960,617 00
Missouri	703	1,949,175	1,894,253	2,367,816 00
Iowa	1,580	4,215,327	3,855,129	4,818,911 00
Michigan	1,005	3,343,125	3,218,129	4,022,661 00
Wisconsin	393	3,558,452	2,625,489	3,281,861 00
Minnesota	1,745	7,876,638	6,437,582	8,046,977 00
Kansas	1,654	4,947,090	4,176,156	5,220,195 00
Total	9,927½	37,504,087	33,700,629	42,125,781 00
Corporations.				
Pacific railroads in—				
California	866	150,281,766	8,359,491	10,449,363 00
Colorado	298			
Dakota	196			
Indian country	155			
Nebraska	832			
Nevada	460			
Oregon	227			
Utah	255			
Washington Territory	106	183,216,133	38,052,530	47,565,662 00
Wyoming Territory	400			
Aggregate	13,722½	187,785,853	42,060,120	52,575,150 00
Deduct acres lapsed and declared forfeited by Congress		4,569,120	4,007,590	5,009,487 00
Bonds granted to Pacific railroads in States, &c., as above:				
Principal			\$64,623,512 00	
Interest paid by United States			25,075,710 96	
Interest due			1,938,705 36	
				91,637,928 32
Total grants in land and bonds				139,203,590 32

Thus to secure the completion of 13,722½ miles of railways the Government has actually granted in lands and bonds the enormous sum of \$139,203,590.32, being \$10,144.22 per mile for each mile built.

If we take it for granted that by the recent sinking-fund act the Government shall be fully indemnified for the bonds granted and interest paid, and only estimate the land grants, then we have 38,052,530 acres of land actually given to secure 13,722½ miles of railroad, and estimating the lands at \$1.25 per acre they amount to \$47,565,662, or \$3,466.25 per mile, not estimating the 183,216,133 acres covered by the grants but not yet certified or patented. Suppose, when all the roads projected under Government aid are completed, that they, with the roads already completed, shall make 17,500 miles and 100,000,000 acres of land only shall be patented, then we will have 17,500 miles of railway aided by Government with lands to the quantity of 138,052,530 acres, amounting, at \$1.25 per acre, to \$172,565,662, not counting the bonds given, being \$9,860.89 per mile.

These railroads when completed belonged to corporations, and charged freight for everything transported upon them. They are not national highways, but they belong to corporations and to individuals, and they charge the Government for what it freights upon

them. Now, let us look at this Mississippi River and its tributaries. The Mississippi River and its tributaries have 17,674 miles of waterway, navigable by steam-vessels, as shown by the following statement:

Waters of Mississippi River and tributaries navigable by steam-vessels, as estimated by a Government topographical engineer.

	Miles.
Mississippi River and branches proper, navigable.....	7,097
Ohio and branches, navigable.....	3,292
Missouri and branches, navigable.....	2,655
Red River and branches, navigable.....	3,630

Total miles of navigable waters of Mississippi and tributaries..... 17,674

These navigable waters extend into and can furnish transportation for the products of the States of Louisiana, Texas, Arkansas, Mississippi, Tennessee, Alabama, Kentucky, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, Wisconsin, Minnesota, Iowa, Nebraska, Kansas and Missouri—eighteen States—and the Territories, known as Indian Territory, Dakota, and Montana—three Territories; and in addition to these eighteen States and three Territories which have navigable tributaries within their borders waters from the States of New York, Maryland, Virginia, North Carolina, Georgia, and Colorado and the Territories of New Mexico and Wyoming flow into these navigable tributaries. The area thus drained is 1,237,311 square miles, amounting to 791,879,040 acres of land.

Here are 17,674 miles of navigable river. If we give to these miles of navigable river the same amount which the Government has given to railroads, what will be the difference? These rivers will be open to the navigation of everybody, free. The Government upon its vessels can transport free and every individual can do the same. They will become national highways, inland seas. We are not asking \$9,860 per mile. We are not even asking \$900 per mile, one-tenth part of what the railroads have received, in order to open up 17,674 miles of navigable water. Austria has spent more for the improvement of the Danube alone than the United States has spent for the improvement of the Mississippi River and all its tributaries.

This bill is not for the purpose of draining the Treasury; it is for the purpose of taking from the Treasury just such amounts of money as can be judiciously and economically and effectively employed in the improvement of the river. We do not want to spend one dollar unnecessarily, we want to economize. We do not want to throw money away. Hence we ask for a general system of improvements:

You may say that this commission is a new departure. I have heard it said that it is a new departure. It is not a new departure. I have the documents before me to show that the question of improvement of the mouth of the Mississippi River agitated the country and the Government from 1819 to 1874, and that some would recommend a canal and others would recommend fascine work, a jetty system. In 1874 the House of Representatives passed a bill to provide for the construction of the Fort Saint Phillip Canal, in the State of Louisiana, at an estimated cost of \$10,000,000. That bill was sent to the Senate and the Senate committee non-concurred in it and asked to be discharged from its further consideration, and reported a bill for the appointment of a commission to go and examine the mouth of the Mississippi River and make their report to Congress concerning it. Section 3 of the act of June 23, 1874, provided:

SEC. 3. That a board of engineers, to be composed of three from the Army, one from the Coast Survey, and three from civil life, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of all said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

A board of engineers, three from the Army, three from civil life, and one from the Coast Survey, was appointed, and they made a report to Congress, and the jetty system under Captain Eads was the result of that. We had eight feet of water at the mouth of the Mississippi. We have now twenty-three or twenty-four feet, and yet we have been at work on the mouth of the river surveying it and making plans, first by one and then by another, from 1819 up to 1874, and we had never got over eighteen or nineteen feet of water, and that was by constant dredging, and the moment the boats were taken away it would fill up again. In 1874 this commission, three Army engineers, three civil engineers, and one from the Coast Survey, was appointed by the President for the purposes named in the act quoted. They made their report, and the plan or system of jetty-work was the result, and we have the result of the work under that plan.

Give us a plan for the improvement of the Mississippi River and its tributaries and we will secure from ten to twelve feet of water at the lowest stage of the water from Saint Louis to the mouth of the river. We are not asking for twenty feet but for from ten to twelve feet of water, and we can get it with an expenditure of \$10,000,000, in my humble opinion; but we will never get it even with the cost of \$50,000,000 unless we have a plan, a system for work, and a system for the expenditure of the money. I believe that this bill devises the means whereby a system will be planned and carried out. It gives the forces which will mature a plan and present it to the coun-

try, and when presented its completion will be under the control of Congress from year to year. The Engineer Corps of the Army will still conduct the work under the Secretary of War, or the Secretary of War can conduct it by contract, as may be deemed most economical.

I will not detain the Senate with discussing the great importance of this work and the necessity for the improvement of the river. We cannot get the improvement of the river without means to devise a plan for its improvement. The importance of the improvement I will not discuss. Think of it! This great Mississippi River, with nearly eighteen thousand miles of navigable water, with its head resting upon Canada and its mouth in the Gulf; every drop of water in that great river and all its tributaries within the territory and boundaries of the United States, draining and being navigable into eighteen States and three Territories, having a population now of over twenty million people, and having commerce upon that river of hundreds of millions of dollars annually, not by the thousand or the million but by the hundreds of millions! No one can tell what great good will result to this country and to the people of this great valley if the Senate will adopt this amendment and give us the means to devise a system and plan for the improvement of the Mississippi River. I trust that the Senate will give us this plan. It will not cost much, comparatively, to give it a trial. It will not cost one-half as much as we have been spending annually for making surveys here and there upon the Mississippi River. Give us this commission. Let us see what they can do. They can do no harm if they do no good. They will report to Congress in December next. Give us this opportunity. I trust that all the friends of the improvement of the Mississippi River and its tributaries and all who are interested in the prosperity of the country will join in voting for these sections giving us this commission and let us have an opportunity of maturing and agreeing upon a system for the improvement of the navigation of this river.

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

Mr. SPENCER. I hope not.

Mr. SARGENT. Let us run on with this bill for an hour or two longer.

Mr. PADDOCK. Would it be in order to move after this executive session a recess until half past seven?

Mr. ANTHONY and others. Oh, no.

Mr. PADDOCK. If the Senate is going to adjourn on the 17th it is about time that we should begin to hold night sessions. It seems to me we lose the best part of the evening for the consideration of such bills.

Mr. SPENCER. I hope the motion to go into executive session will be withdrawn.

Mr. ANTHONY. I will withdraw my motion if the Senator in charge of the bill desires me to do so; but, as for taking a recess, that is a most extravagant idea.

Mr. SPENCER. I insist that debate is out of order.

Mr. ANTHONY. No, sir; the Senator from Nebraska has a right to move a recess, my motion being withdrawn, and he has moved one.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) Does the Senator from Rhode Island withdraw his motion that the Senate proceed to the consideration of executive business?

Mr. ANTHONY. I withdraw it.

Mr. PADDOCK. It seems to me we had as well begin to hold night sessions now as at any other time.

Mr. ANTHONY. We had better sit here until seven o'clock rather than take a recess. The time that we spend in a recess we extend so much further into the evening, and we do not do half as much when we come back and hold a session in the evening as when we sit on until we adjourn.

Mr. PADDOCK. I for one should not feel like adjourning before eight o'clock unless we take a recess. I think it is very desirable that we should use every moment of time we can possibly command every day, in order to finish this session. It is important to ourselves and important to the country that we should complete the business of the session and get away.

The PRESIDING OFFICER. Does the Senator submit a motion for a recess.

Mr. SARGENT. A recess from now until half-past seven. ["No, no."]

Mr. PADDOCK. I do not insist on it.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. SARGENT. I renew it. If Senators move in the middle of the afternoon to go into executive session, I am for a recess.

Mr. ANTHONY. But I have withdrawn the motion to take an executive session.

Mr. SARGENT. But it is hanging over us.

Mr. ANTHONY. No; it is withdrawn. I withdrew my motion at the request of the Senator who has charge of the bill. He desires to go on with it.

Mr. PADDOCK. My personal preference is to take a recess, but I shall yield to the wish of the Senate.

Mr. SPENCER. I hope we shall go on with the bill.

Mr. BLAINE. We shall do more in an hour and a quarter now than we shall do by taking a recess and coming back to-night.

Mr. ANTHONY. A great deal more.

The PRESIDING OFFICER. The reading of the bill will proceed. The Secretary proceeded to read the bill, which had been reported by the Committee on Commerce with amendments.

The first amendment reported from the Committee on Commerce was to strike out lines 21 to 23, inclusive, of section 1, in the following words:

For improving New River, from Lead Mines in Wythe County, Virginia, to mouth of Greenbrier River, \$15,000.

Mr. JOHNSTON. I wish to reserve that amendment in the Senate. I will not disturb it now.

Mr. SPENCER. Let the clause be stricken out now, and we can reserve it and have a separate vote in the Senate.

Mr. JOHNSTON. I only want to reserve the right to have a vote on it in the Senate.

The PRESIDING OFFICER. The amendment will be considered as agreed to and reserved for a separate vote in the Senate after the bill shall have been reported from the Committee of the Whole.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 24 of section 1, to increase the item "for improving Cape Fear River, North Carolina," from \$85,000 to \$160,000.

Mr. MORRILL. This is doubling the appropriation; I hope it will not be agreed to.

Mr. KERNAN. Before we vote I wish to ask the gentleman in charge of the bill what is the amount of the bill in the aggregate as reported to the Senate?

Mr. SPENCER. As the bill now stands at this moment, with the committee's amendments, the aggregate amount of the appropriation is \$8,272,700.

Mr. KERNAN. How much was it when it came from the House?

Mr. SPENCER. Seven million three hundred thousand dollars.

Mr. KERNAN. So that it was \$7,300,000 as it came from the House, and as it is reported now it is about \$900,000 more. I think as we go on we must see if we cannot reduce the amount of the bill. The Treasury is in no condition to have eight millions of money appropriated for rivers and harbors now. We shall have to issue bonds to get the money, as I understand it. I trust we shall look into the bill with a view of trying, where it can fairly and judiciously be done, to reduce the amounts rather than increase them.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee in line 24.

The question being put, there were on a division—ayes 27, noes 16.

Mr. SARGENT. I ask for the yeas and nays on the amendment, and I wish to say one word.

The bill is too large. Every Senator knows that the bill is entirely too large; it takes more money from the Treasury than the Treasury can afford. The bill ought not to be more than one-half the size it now is. I propose to have the yeas and nays upon this amendment, which is a large item of increase, in order to see what the policy of the Senate is to be. I will not waste the time of the Senate in discussing it, except to make a general remark, which cannot be disputed truthfully on any side of this Chamber, that the bill is entirely too large.

Mr. MORRILL. Without any special hostility to this appropriation more than to others I must say that the sentiments expressed by the Senator from California I believe are well founded. I called for a division in order that we might here, in a case where the appropriation was doubled, settle whether the Senate is disposed to increase or even to continue some of the very largest appropriations in this bill. I am quite disposed to vote for liberal appropriations for these improvements, but this is too heavy a load to carry.

Mr. RANSOM. I do not propose at this late hour of the day and still later hour of the session to detain the Senate upon this amendment, but one word I will say.

I beg to inform the Senate that there is a special report of the chief of the Engineer Corps of the United States in favor of this improvement; and in his report he says that the amount which has been proposed by the Senate Committee on Commerce is indispensable, not to the completion, but to the safety of the improvement which has been already made. I have so often explained to the Senate the importance of the improvement that I will not detain the Senate with any statement of the kind now. The engineer expressly says, in one of the strongest reports the English language is capable of, that this appropriation ought to be made, that the sum ought not to be any less, and that the appropriation is necessary for the preservation of the work.

The PRESIDING OFFICER. On this amendment the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHRISTIANCY, (when his name was called.) On this bill I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who is opposed to every amendment which increases the amount and in favor of every one which decreases it. For that reason I do not vote on this amendment.

Mr. DORSEY, (when his name was called.) I am paired with the Senator from Connecticut [Mr. EATON] upon the passage of the bill, but specifically reserved all questions on amendments, and so I vote "yea."

The roll-call having been concluded, the result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Allison,	Dorsey,	Jones of Florida,	Paddock,
Anthony,	Eustis,	Kellogg,	Patterson,
Armstrong,	Ferry,	Kirkwood,	Plumb,
Burnside,	Gordon,	Lamar,	Ransom,
Butler,	Grover,	McMillan,	Saunders,
Cameron of Pa.,	Hereford,	Matthews,	Spencer,
Cameron of Wis.,	Hill,	Maxey,	Whyte,
Cockrell,	Hoar,	Merrimon,	Windom,
Coke,	Johnston,	Mitchell,	Withers.

NAYS—14.

Beck,	Harris,	Morrill,	Teller,
Booth,	Kernan,	Oglesby,	Voorhees.
Davis of Illinois,	McCreery,	Sargent,	
Dawes,	Morgan,	Saulsbury,	

ABSENT—26.

Bailey,	Conkling,	Hamlin,	Rollins,
Barnum,	Conover,	Howe,	Sharon,
Bayard,	Davis of W. Va.,	Ingalls,	Thurman,
Blaine,	Dennis,	Jones of Nevada,	Wadleigh,
Bruce,	Eaton,	McDonald,	Wallace,
Chaffee,	Edmunds,	McPherson,	
Christiancy,	Garland,	Randolph,	

So the amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will proceed. The Secretary continued the reading of the bill. The next amendment of the Committee on Commerce was to strike out lines 30 and 31 of section 1, as follows:

For improving mouth of Nemoni Creek, Virginia: Completing the improvement, \$5,000.

Mr. WITHERS. I reserve the right in the Senate, if I think it proper, to have a separate vote upon those amendments which strike out appropriations passed by the House for my State, Virginia. I do not care to obstruct the passage of the bill now.

The PRESIDING OFFICER. The Senator from Virginia reserves the right to call for a separate vote on the amendment in the Senate. It will be considered agreed to now if there be no objection.

The reading of the bill was continued to lines 38 and 39 of section 1, where occurs the following item:

For improving harbor at Norfolk, Virginia, \$20,000.

Mr. WITHERS. I give notice of an amendment I shall propose as soon as it is proper to do so to increase the appropriation to \$50,000; and I think I can present such considerations to the Senate as will almost certainly secure the increase asked.

The next amendment of the Committee on Commerce was, after line 39 of section 1, to insert:

For improving French Broad River, North Carolina, \$15,000.

Mr. BECK. I move to strike that amendment out.

Mr. SARGENT. Non-concur.

Mr. BECK. That is what I mean. I hope we will non-concur in the amendment. I desire to say a few words upon it. I am sorry that it happens to be the French Broad River of North Carolina, instead of some little creek in Kentucky; it is not because it is in North Carolina, I desire to assure both the Senators from that State, that I make the objection. I desire to test the sense of the Senate in regard to this and a number of other items of the same sort. If this is inserted I hardly see why we should strike out "for improving New River, from Lead Mines in Wythe County, Virginia, to mouth of Greenbrier River, \$15,000," or any other of that sort of local improvements.

As I understand it the French Broad River is a very nice little river or creek rising somewhere up in North Carolina and running down into East Tennessee, starting in the mountains between the Cumberland range and the Blue Ridge many hundreds of miles from the sea. It is in no way connected with any navigation that the United States controls that I know of. Its improvement is purely a local matter within the State of North Carolina, just as a great many other items of this sort in this bill are. It is from such things and of them that this bill is made up, illustrating the idea of the Senator from Minnesota [Mr. WINDOM] who announced, while making a very excellent speech in many other regards, that this bill could not be defeated because it gave aid to more than twenty States, and as the Senator from Virginia [Mr. WITHERS] announced just now that he is opposed to striking out anything that helps or is for his State. This bill seems to be arranged on that idea every year—no worse or not much worse this year than before—to give each Representative and each Senator a certain interest in the bill, certain things for his own State that he cannot very well go home and admit having voted against, and therefore many are compelled to vote for the whole, knowing that the whole system is vicious; not one-half of them could pass on their own merits or otherwise than in a log-rolling bill.

The French Broad River is, in my judgment, a fair test of whether we are going to take up every saw-mill stream and improve it with the money of the whole people under the patronage of the United States. This item is no worse than many others. Let my position be understood; I desire only to make the test here because it is a very good test on a very nice little river. I beg pardon for having called it a creek; it is a very pretty local river. Let me say that we are brought face to face with this fact, that we have already a deficiency in our

revenues of not less than twenty-five, I think thirty-five million dollars, and we are appropriating money for everything that anybody asks as though we had such a surplus that we did not know what to do with it. When you take up the Mississippi, the Ohio, the great harbors of the lakes, and the harbors of the seaboard, the life-saving stations, and matters of that consequence, I will vote as high appropriations as any man in the Senate; but when you come to improving little rivers and streams within a single State, I hope I shall be able to vote against them all, no matter where they are.

Whenever the United States applies any money to a stream, and sends out its surveyors to make surveys or make recommendations on the application of anybody, the moment a dollar is applied by the United States the whole jurisdiction of the State is lost over that river, and all the improvements and right to change or control it belongs to the United States from that time on, and that whether the improvements started are right or wrong and whether the State wants them or not. The decision of the Supreme Court in a very late case is that from the very moment Congress recognizes a stream by making a survey and making an appropriation for it, it then becomes a river belonging to the United States and the States are required to surrender their jurisdiction; a collision between saw-logs floating on it, or anything that happens on it goes into the admiralty courts of the United States to the exclusion of the right and jurisdiction of the State courts. I do not propose to be a party to bringing about that condition of things.

The Mississippi, the Ohio, the rivers between States, rivers that are great highways, occupy very different relations, and ought to be provided for by Congress, and provided for well, and their navigation made as safe as possible; but when it comes to small local streams in a State—

The PRESIDING OFFICER rapped with his gavel.

Mr. BECK. I agree that I have spoken my five minutes; but I make the point or order that you cannot limit debate on a river and harbor bill, which is not a general appropriation bill, to five minutes, when objection is made. I make that point. I understand it was so decided on a point made by the Senator from Vermont [Mr. EDMUNDS] two years ago. I do not know whether I am correct or not, but I am so advised.

Mr. SPENCER. By a vote of the Senate the five-minute rule was applied to this bill.

Mr. McCREERY. I rise to ask if it is in order for me to yield my time to my colleague. ["No!" "No!"]

The PRESIDING OFFICER. The Senator from Kentucky makes a point of order.

Mr. BECK. I do not care about speaking more. I knew how it would result when I objected to the five-minute rule.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. BECK. I shall look up the decision to which I have referred.

Mr. MERRIMON. Mr. President, I am very sorry indeed that the Senator from Kentucky should seem to have made a sort of a lead against a river in North Carolina.

Mr. BECK. If it was in my own State I would do the same thing.

Mr. MERRIMON. It is very manifest from the Senator's speech that he has not informed himself very well about the character of the stream he has been talking about. The French Broad is a very respectable river; one of the most considerable streams in this country, and that portion of it which it is proposed to improve, when the improvements are made, will be as navigable as any stream in the country for the purposes contemplated in its improvement. He puts his objection mainly on the ground that it is a stream that rises in North Carolina and is confined to North Carolina. That is not the fact at all. The stream rises in North Carolina and runs into the Tennessee River, which communicates with the Ohio and that with the Mississippi, and it is as much entitled to improvement and there are as many weighty reasons why this stream should receive attention and be improved in the way suggested as 50 per cent. of the streams in the United States that are improved by appropriations of money made by Congress. You might as well say you will not improve the Mississippi above the falls of Saint Anthony as to say you will not improve this river because it is in North Carolina. The objection would be as good in one case as in the other, and the suggestion that it is a spring branch or a creek has no foundation in fact at all. It is an attempt to burlesque a serious proposition and without a single fact to sustain the suggestion in the speech that is made.

Then, in addition to that, the Senator proposes to revive here the discussion in reference to the French Broad River, in North Carolina, which took place two years ago, when, after a thorough discussion and examination of the whole subject, Congress determined that it was wise and proper to improve the river. Ten thousand dollars have been expended already and I suppose the Senator proposes to throw every dollar of that money away. It seems to me a very unwise way to carry on improvements that have already been inaugurated by the Government. We had all the discussion here upon a former occasion as to whether it was wise to appropriate money to make the improvement, and money has been expended to that end, and the appropriation asked for now is to carry out and complete the work which has already been inaugurated.

My friend from Texas [Mr. MAXEY] calls my attention to the ap-

propriation that was made for this river by the act of 14th August, 1876:

For the improvement of the French Broad River between Brevard and the Buncombe County line, North Carolina, \$10,000.

I do not care to waste the time of the Senate. If it was material I could go on to show that this river is a meritorious one, that this work is a meritorious one, and I would do it; but I do not care to consume the time of the Senate in such a fruitless debate. The work has been embarked upon; \$10,000 have already been appropriated and a considerable portion of that money expended; and I take it that we are not so silly as to throw away the money that has been appropriated in the past. This river is more meritorious than 50 per cent. of the streams that are improved by appropriations.

Mr. BECK. I move to reduce the appropriation from \$5,000 to \$1,000, withdrawing the former proposition to amend.

Mr. MERRIMON. It is \$15,000. Why would the Senator reduce it to \$1,000? He certainly cannot be serious about it.

The PRESIDING OFFICER. The Senator from Kentucky moves to amend the amendment of the committee.

Mr. BECK. We are under the five-minute rule, and I have a right to make the motion to reduce.

Mr. MERRIMON. I see your point now.

Mr. BECK. I did not see the point the Senator from North Carolina made as plainly as he sees the one I now make. I asserted that this was a little mountain stream rising in North Carolina. It runs into the Holston, the Holston into the Tennessee, the Tennessee into the Ohio, the Ohio into the Mississippi, and finally its waters, or some of them, reach the Gulf of Mexico. I suppose because it runs into some river that runs into some other river, and that river runs into some other river, and that finally gets to the sea, therefore it is a navigable stream and under the jurisdiction of the United States; and the Senator from North Carolina is amazed that I do not see that! It is assumed that all rivers are navigable up to the spring branches and all under the jurisdiction of the United States and all must be appropriated for by Congress! If we are to go into this general business of improving and adapting rivers and harbors we must go that far in order to be consistent. And then it is said this river (so called) has been appropriated for before. Of course it has been. The same system that has brought out this little local stream in the river and harbor bill started all the evils we have been suffering from year to year. It is the first step that costs. Whenever you break through the line of true principle and make an appropriation to catch somebody, that act catches somebody else. Nobody wants to be left out in the cold; and as the Senator from Minnesota said, twenty States are interested in this bill, so you cannot beat a bill of this sort. I have no idea of being able to defeat a bill of this sort. I understand that no matter if it were eighteen million instead of eight it would pass; and the larger it is the better—the more votes it would get.

But I repeat that the great navigable streams which divide States, the great streams on which the commerce of the country is borne, are the only streams that the Congress of the United States ought to improve; and the harbors where the ships of all the States and of other countries land, and the harbors on the Lakes, matters that cannot be touched or controlled by any State and that belong to the commerce of all the States, where each State has the same right as any other State—these are the things that ought to be improved, and whenever Congress goes further to oblige somebody or to enable somebody to make some political capital at home it proceeds on a false principle.

As for the French Broad, I do not know but what this is a very handsome little river. Its friends seem to think so. I see by the map that it rises between the Blue Ridge and the Cumberland range, runs through the State of North Carolina, forms the headwaters and becomes a branch of the Holston, which is itself a branch of the Tennessee, which is itself a branch of the Ohio; and therefore I say without any regard to its being in North Carolina—and I am rather sorry it is not in Kentucky instead of North Carolina so that I could have made the question just as well and taken the responsibility for doing so—but I will say this to Senators: Kentucky came into the Union with Vermont, first of the new States; we have the Kentucky River, the Green and the Barren Rivers, forty times as important as this; and we have improved them ourselves. We never had a dollar from the United States in the hundred years of our existence to aid in any one of them.

Mr. SPENCER. Why, Mr. President, there are appropriations in this bill for rivers in Kentucky.

Mr. BECK. There are surveys ordered; I see some gentlemen from the House got in one for the first time.

Mr. SPENCER. And there are appropriations here.

Mr. BECK. If there is any river wholly in Kentucky that ever got a dollar—except the Big Sandy, between Virginia and Kentucky, and the Cumberland and Tennessee, that run through three or four States, and the Ohio, that runs along our borders—I am not aware of it.

Mr. SPENCER. There are appropriations in this bill for the Cumberland.

Mr. BECK. The Cumberland runs through three different States. It is not a Kentucky river.

Mr. SPENCER. There have been appropriations for it for years and years.

Mr. BECK. The Senator from Alabama knows where the Cumberland runs as well as I do; it runs through three different States.

Mr. WITHERS. I ask my friend if the Cumberland River does not rise in Kentucky, just as the French Broad rises in North Carolina; if it does not run through Tennessee, just as the French Broad runs through Tennessee, and if it is not identical in every particular so far as regards its character for the purposes of this bill.

Mr. BUTLER. I find on line 162 that the sum of \$60,000 is appropriated for the improvement of the Cumberland River above Nashville, Tennessee.

Mr. BECK. The Cumberland River has been appropriated for, I suppose, time out of mind. It runs to Nashville, Tennessee, which is a great port, and away beyond that; and so does the Tennessee; and they both debouch into the Ohio through Kentucky. But the Kentucky River is a river four times as important as the French Broad, rising in Kentucky, running through Kentucky, falling into the Ohio River, navigable for one hundred miles and more, and not a dollar was ever asked for it from the United States. The Green and the Barren Rivers rise in Kentucky and run through Kentucky, both over three times as important as the French Broad, and we have improved them at our own expense, not a dollar asked of the Federal Government. The Tennessee and the Cumberland are in no sense Kentucky rivers. That is all an avoidance of the question I make. I call for the yeas and nays on this proposition, that we may all understand whether we are to improve every stream and every creek up to its headwaters, because it somewhere in its course may be a branch of an important stream.

Mr. WINDOM. I rise to say that the Senator from Kentucky misunderstood my remark. He has twice quoted it under a misapprehension. The first time he quoted it I thought I would let the matter pass unnoticed, but, as he has repeated it, I will refer to it.

I did not say these items interested twenty States and therefore the bill could not be defeated; but I did say, in speaking of the two great water systems which I wish to see improved, that the items for those systems, including their tributaries, extended to twenty States. I was merely arguing the great national importance of the general plan of improvement which I was advocating, and did not once suggest that because of these twenty States being interested therefore the bill must pass. The idea never entered my mind.

Mr. BECK. I beg the Senator's pardon. I made a note at the time, saying "You cannot defeat bills affecting more than eighteen States."

Mr. WINDOM. I should say the items here affect every State in the Union.

Mr. MERRIMON. I do not want the Senate to vote under the misapprehension that this river is a creek or a spring branch, as the Senator from Kentucky would have the Senate understand. Such is not the fact. It is a river of very considerable size. I know it well; I was raised upon its banks. It is about two hundred yards wide, and the reports of the engineers upon a former occasion showed that the average depth upon the shoal, of water in the river, was thirty inches. The object of this appropriation, as of the former appropriation, is to enable vessels to pass over these shoals, to cut a way through these shoals so that vessels may pass up and down the river. It is not all shoals, but one or two shoals are in the way.

One word more in reply to the Senator from Kentucky. He lays down the doctrine that Congress ought not to appropriate a dollar except where streams pass from one State to another. If you were even to concede that, this river does come within that rule. But take my State. The Cape Fear River rises in North Carolina and passes into the sea in North Carolina, a larger stream than the Ohio that passes by his own State. Take the Neuse River, a larger stream still, that rises in North Carolina and passes into the sea in North Carolina.

Mr. BECK. Those are tide-waters.

Mr. MERRIMON. Take the Roanoke, another stream which passes through Virginia at one point a very small distance.

Mr. BECK. Has any improvement ever been made on any of these rivers above tide-water by the United States?

Mr. MERRIMON. Certainly.

Mr. BECK. When and where?

Mr. MERRIMON. Upon the Roanoke an appropriation has been made, and it is not only done in North Carolina but it is done all over the Northwest.

Mr. BUTLER. And done in Kentucky by line 375:

For the improvement of Big Sandy River from Catlettsburgh, Kentucky, to the head of navigation, \$12,000.

Mr. BECK. As I said before, the Big Sandy is the dividing river between Virginia and Kentucky, and is no more a Kentucky river than a Virginia river, and both States have jurisdiction over it to the middle, and the United States had it because it is a State boundary line.

Mr. RANSOM. Mr. President, I have been too long in the Senate to take up its time in discussing a question of this sort at any length; but I desire to say a word to my friend from Kentucky. I know his kind disposition toward our State. I know there can be nothing in the history of North Carolina, or in the character of her people, or in his personal relations toward my colleague and myself, that can provoke this discussion on his part. I appreciate his purpose in it; I know it is patriotic; but I beg leave to state to the Senate, and especially to my friend from Kentucky, not the reasons why I favor

this improvement, but a few facts in order that no prejudice may arise from the remarks which the Senator from Kentucky has made against the bill generally.

I beg leave to say to my friend from Kentucky, what he is not expected to know, that the modesty of North Carolina has always kept her moral and physical resources in the shade. I will tell the Senator, and it gives me great pleasure to say so, that perhaps the greatest genius this age or any other age has produced, I mean Lieutenant Maury, in that great work which was the inspiration of most of the improvements of this time, the beginning of the great promise which the Senator from Minnesota assured us of to-day, said that this French Broad, this little creek as my friend misapprehends it to be, is to be the great connecting link between the waters that flow into the Atlantic and the waters that flow into the Mississippi; and in perhaps the ablest paper which ever has been written or ever will be written upon the physical geography of this country, he lays down the French Broad River as the great link between these two water systems. Why, sir, if it had been in Kentucky, as it is in North Carolina, and if it had been my friend's duty, as it has been mine, to wade through this report of the engineers, he would have seen that the French Broad River is perhaps the largest mountain stream, not only in this country, but in the world.

The French Broad River runs through an immensely rich country, but thinly populated, a country, the geologists say, abounding in minerals of the richest character. Railroads are just penetrating through it; and as they strike it, as the engineers say they will in a short time, and as my colleague and I both know they will, it becomes a part of the great line of intercommunication between the two systems of business of this continent. This is not a little toy or plaything that we have brought here; it is a great system of improvement. And let me say to my friend from Kentucky what I know he must respond to, that there lives in that district a hardy race of men who for one hundred years of the great trials of our country—I will not speak of its recent great trouble—have manifested their patriotism and love for this Union. They have never had a dollar before from the public Treasury. They live upon this noble river. They see it flow by them. They see five, ten, twenty, and a hundred million dollars voted to other works of improvement, great works. They love their stream; they read what is said about it, and they see it. It is in their name that I ask the Senate to vote this little appropriation.

Mr. CHRISTIANCY. Mr. President, I wish to ask the Senator from North Carolina whether this French Broad is navigable all the way from the west line of North Carolina down to the Tennessee, where the latter stream is navigable; or whether there would not be a great length on that river or the two rivers together which is not navigable even if that portion in North Carolina were rendered navigable?

Mr. RANSOM. There will be no portion of unnavigable water between the connecting lines of railroad in the two States. The two lines will strike the river so as to make communication continuous. I will say candidly to my friend, the Senator from Michigan, that there will have to be, to make this a thoroughly and continuously navigable stream, other work to be done on this river. It is a mountain stream, and there will have to be other work done upon it, just as there has been upon the Hudson, just as there has been upon the Ohio, just as there has to be now upon the Mississippi, just as there has been on other streams above tide-water in this country.

Mr. CHRISTIANCY. My reason for asking here was that we have in the United States probably fifty thousand miles of streams situated just as this would be. It might be a very desirable thing to have them all improved to the head, but it strikes me as better economy to make our appropriations beginning at the mouth of the streams and going upward, so that there may be a continuous line of navigation; and when we reach the line of North Carolina, it seems to me it would be time enough to make the appropriation on that part of the stream which lies within that State.

Mr. RANSOM. To my friend from Michigan, from whom I expected nothing in the shape of a shallow opposition to the improvement of rivers and harbors—I can understand it from Kentucky, but I did not expect it from Michigan—I beg leave to say that this improvement is in connection with further improvements to be made down the same river through Tennessee until it strikes the Muscle Shoals, and under the system that the engineers have adopted this improvement is being made on different parts of the stream, not taking the whole stream together, but making it upon different parts of the stream, so that when the improvement is completed the navigation will begin at the mouth of the river and go up as far as navigation is practicable.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment of the committee.

Mr. BECK. I withdraw the last amendment. I merely wish a test made upon disagreeing with the committee's amendment, and I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 17; as follows:

YEAS—35.

Allison,
Anthony,
Armstrong,
Burnside,
Butler,

Cameron of Pa.,
Cameron of Wis.,
Coke,
Conover,
Dorsey,

Eustis,
Ferry,
Gordon,
Hereford,
Hill,

Hoar,
Howe,
Johnston,
Jones of Florida,
Kellogg,

Kirkwood, Maxey, Patterson, Spencer,
Lamar, Merrimon, Plumb, Whyte,
McMillan, Mitchell, Ransom, Withers,
Matthews, Paddock, Saunders,

NAYS—17.

Bailey, Harris, Oglesby, Voorhees,
Beck, Kernan, Rollins, Wallace,
Booth, McCreery, Sargent,
Davis of Illinois, Morgan, Saulsbury,
Dawes, Morrill, Teller,

ABSENT—24.

Barnum, Cockrell, Garland, McPherson,
Bayard, Conkling, Grover, Randolph,
Blaine, Davis of W. Va., Hamlin, Sharon,
Bruce, Dennis, Ingalls, Thurman,
Chaffee, Eaton, Jones of Nevada, Wadleigh,
Christianity, Edmunds, McDonald, Windom.

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out lines 44 and 45 of section 1, in the following words:

For improving Roanoke River, North Carolina, \$4,000.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in line 46 of section 1, to increase the item "for improving harbor at Charleston, South Carolina," from \$5,000 to \$200,000.

Mr. WITHERS. I should like to hear from the Senator having the bill in charge the reason for this very large increase of this appropriation. I am not unaware of the importance of the harbor. It was \$5,000 in the House bill and it has been increased to \$200,000.

Mr. SPENCER. General Gillmore, of the Engineer Corps and the engineer in charge of that district, appeared before the committee and insisted that \$250,000 should be given, that that amount was absolutely necessary in order to preserve the harbor from damage. After a good deal of questioning he finally said he could get along this year with \$200,000. He so fully impressed the committee with the necessity of this work that my recollection is that they voted unanimously to grant this amount, \$200,000.

Mr. WITHERS. I am much obliged to the Senator. I wanted to get the facts before the Senate.

Mr. SPENCER. I can read the report if you wish.

Mr. WITHERS. Oh, no.

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

The yeas and nays were ordered.

Mr. SARGENT. I apologize for detaining the Senate by asking for the yeas and nays on a proposition to increase the bill \$195,000. I hope my excuse will be accepted.

Mr. BUTLER. I desire to say a single word in reference to this amendment. The proposition to appropriate only \$5,000 was inserted in the House. After the passage of the bill a report was made by General Gillmore, the engineer in charge of Charleston harbor, upon the proposition to improve the harbor. That report was acted upon by the Board of Engineers of the Army and unanimously recommended. The amount asked for was \$250,000. The committee have agreed to give us \$200,000. I have a letter in my hand now from General Gillmore which I can read for the benefit of Senators if they desire, and which explains the whole project.

Mr. ALLISON. I think it had better be read.

Mr. BUTLER. I will read it.

WASHINGTON, May 23, 1878.

Hon. M. C. BUTLER:

DEAR SIR: In response to your verbal request that I would present to you in writing such suggestions and explanations as I might wish to make concerning the project for improving the entrance into Charleston Harbor, South Carolina, now before the Senate Committee on Commerce, I ask leave to submit what follows:

The feasibility of the plan may be regarded as beyond question. In my judgment it will secure a greater depth over the bar by at least one and one-half to two feet than the low water depth of twenty-one feet, which is adopted in the project as the minimum.

That was the number of feet at low water over the bar designed by him originally. We have now thirteen feet over the bar at low water, and eighteen feet at high water.

The importance of the locality, and the propriety of making the improvement being also conceded, there is only one point to which I would direct special attention, and that is the probable cost of the works.

My estimate of the total cost, amounting to \$1,800,000, was intended to be a very liberal one, embracing all possible contingent expenses, and I have ascertained from inquiries which I have made within the last two weeks among quarymen and contractors, that it will bear a very considerable reduction.

I assumed that the stone might have to be brought from the North, and I placed its cost at \$5.50 per cubic yard measured in the jetties. I have since learned that stone suitable for the purpose can be procured on Cape Fear River near Wilmington, North Carolina, from the same quarry which furnished the rip-rap used upon the dam at New Inlet near the mouth of the river. The contract price delivered and placed in position on the work was \$1.59 per cubic yard, and the contractor, who is also the owner of the quarry, informs me that a fair profit was made at that price, and that, adding the extra cost of ocean transportation to Charleston, \$3.75 to \$4 would be a very liberal price for the stone delivered and put in place upon the Charleston works. I could close a contract now at \$3.75, and I think at \$3.50, for all the stone needed upon the two jetties.

The mattress work for foundation and heaving was estimated at \$1.50 per square yard two feet thick or \$2.25 per cubic yard. This item may be reduced about 20 per cent. if furnished and laid by contract.

My estimate made an allowance for subsidence, compression, and contingencies of 26 per cent. on the in-shore ends of the jetties and 37 per cent. on the seaward ends. A reduction can well be made on these amounts. I think the subsidence due to the weight of the structures and the character of the underlying material will be very small. General Wright, who is a member of the board to which the plan was referred for report, authorizes me to say that he coincides with this opin-

ion. The amount of compression to be made up by adding more stone will depend on the quantity of mattress work used in the structures, and is not difficult of computation. I am informed that there has been no subsidence in the New Inlet dam, which is a work of the same character as the proposed jetties, and rests upon a similar bottom.

In my opinion 20 per cent. would be an ample allowance for subsidence, compression, and contingencies.

The items in my estimate for dredging, raking, and eighteen months' use of the United States dredging steamer Henry Burden, amounting to \$102,000, I am not willing to reduce. I propose to increase it to \$150,000.

The \$65,000 allowed for office expenses, superintendence, inspections, &c., for four years would not be too large, if no other works are carried on by the superintending engineer charged with the Charleston works. If, however, the works of improvement on the Savannah River, and in other localities on the coast, for which appropriations have been made or may be made, continue as heretofore under one officer, the office expenses would be divided among the several appropriations, and \$12,000 per year for the Charleston project would suffice.

On account of the reduced price of the stone, the saving to be effected by using mattress work in the heart of the jetties will be lessened. I would place it at \$50,000, instead of \$247,000, as given in the original estimate.

The amended estimate would, therefore, be substantially as follows, for jetties one-half mile apart at the sea-ends.

Amended estimate for the jetties at Charleston Harbor, with a half mile gap between them:

145,400 square yards of mattress foundation for both jetties, two feet thick, at \$1.25 per yard	\$181,750
209,600 cubic yards of riprap for both jetties, at \$4 per cubic yard in place	838,400
Add 20 per cent. for subsidence, compression, and contingencies	1,020,150
Add for dredging, raking, and services of the United States dredging steamer Henry Burden	204,030
Add for office expenses, superintendence, &c.	150,000
	48,000
	1,423,180
Deduct for mattress heaving, whenever admissible	50,000
Total	1,372,180

It is hoped that the amount first appropriated will be sufficient to lay the foundation of one jetty through its entire length and place stone enough upon it to keep it secure.

For the south jetty this will require \$355,000, and for the north jetty, \$275,000.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Lieutenant-Colonel Engineers,
Brevet Major-General United States Army.

General Gillmore stated—

The PRESIDING OFFICER. The Senator's time is up.

Mr. BUTLER. I was just going to say that General Gillmore stated to me that \$250,000 was about as little as he could get along with, but subsequently said he might manage to get through the first year with \$200,000. Hence I hope the amendment will be adopted.

Mr. BECK. I rise only to say that this is one of the character of improvements for which I am willing to vote any amount of money that a respectable engineer will say is necessary. The commerce of the world enters that port. It is a very different thing from the saw-log streams we have been talking about before.

Mr. BUTLER. I will trespass a moment to say that I hold in my hand the report of the engineers on this project of General Gillmore, signed by General Wright, General Tower, and General Gillmore.

Mr. KERNAN. Do they say that they think the plan is feasible?

Mr. BUTLER. Entirely. They are unanimous in their report.

The Secretary proceeded to call the roll.

Mr. OGLESBY, (when Mr. DORSEY's name was called.) The Senator from Arkansas [Mr. DORSEY] retired from the Chamber a few moments ago to go to the Committee on Appropriations, and asked me to pair. He, if here, would vote "yea." As I paired with him, I suppose in good faith I ought to be presumed to be willing to vote "nay;" but I am rather inclined to think if he were here I should vote "yea" too. Under the circumstances I shall not vote.

The roll-call having been concluded, the result was announced—yeas 41, nays 7; as follows:

YEAS—41.

Allison,	Cockrell,	Kellogg,	Patterson,
Anthony,	Coke,	Kernan,	Plumb,
Armstrong,	Conover,	Kirkwood,	Ransom,
Bailey,	Dawes,	Lamar,	Saunders,
Bayard,	Eustis,	McMillan,	Spencer,
Beck,	Gordon,	Matthews,	Voorhees,
Booth,	Hereford,	Maxey,	Windom,
Burnside,	Howe,	Merrimon,	Withers,
Butler,	Ingalls,	Mitchell,	
Cameron of Pa.,	Johnston,	Morgan,	
Cameron of Wis.,	Jones of Florida,	Paddock,	

NAYS—7.

Conkling,	Harris,	Morrill,	Teller,
Davis of Illinois,	McCreery,	Sargent,	

ABSENT—28.

Barnum,	Dorsey,	Hill,	Rollins,
Blaine,	Eaton,	Hoar,	Saulsbury,
Bruce,	Edmunds,	Jones of Nevada,	Sharon,
Chaffee,	Ferry,	McDonald,	Thurman,
Christianity,	Garland,	McPherson,	Wadleigh,
Davis of West Va.,	Grover,	Oglesby,	Wallace,
Dennis,	Hamlin,	Randolph,	Whyte,

So the amendment was agreed to.

The reading of the bill was resumed and continued. The next amendment of the Committee on Commerce was to strike out lines 52 and 53 of section 1, as follows:

For improving Choctawhatchee River, Florida and Alabama, \$10,000.

Mr. CONOVER. I hope the Senate will not agree to the amendment to strike out that improvement of the Choctawhatchee River. It was put in the bill in the House. For what reason the Senate committee saw fit to strike it out I do not know. The improvement has been going on there for the last three years. I understood the parties engaged in it have their machinery there and all the instruments for doing the work. What object there is in abandoning it now I do not know. I hope the Senate will not strike it out.

Mr. SPENCER. The reason the committee struck that appropriation out was because the river is a small river running through a very sparsely settled country, and there are no steamboats running on it, the entire business being rafting logs.

Mr. CONOVER. I give notice that I shall reserve the amendment when the bill comes into the Senate, and will not press a division now. Inasmuch as the river runs through Alabama as well as Florida and the Senator from Alabama abandons his portion of it, I will let my portion go until the bill comes into the Senate.

The amendment was agreed to.

The next amendment was, to strike out lines 60 and 61 of section 1, in the following words:

For removing bar at Urbana, Virginia, \$10,000.

The amendment was agreed to.

Mr. WITHERS. I give notice that I shall ask a separate vote in the Senate.

The next amendment was, to strike out line 64 of section 1, as follows:

For Port Clinton, Ohio, \$10,000.

Mr. MATTHEWS. I should like to inquire of the chairman of the committee the ground on which that amendment is proposed. I am myself not familiar with the facts in regard to the case; but I was informed by my colleague that in his opinion the amendment ought not to prevail.

Mr. SPENCER. The reason the committee moved to strike out that appropriation was the fact that it is not recommended by the Engineers department. We could find nothing in the report of the engineers recommending the appropriation.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce to strike out the clause.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was in line 67 of section 1, to strike out "Warrior" and insert "Warrior;" in line 70, to strike out "Warrior" and insert "Warrior;" in the same line before "Tombigbee" to strike out "Lower;" in line 71 before "Tombigbee" to strike out "Upper;" and after the same word to insert "above Columbus;" so as to make the clause read:

For improving the Warrior and Tombigbee Rivers, Alabama and Mississippi, \$40,000; of which sum \$25,000 shall be expended on the Warrior and Tombigbee and \$15,000 on the Tombigbee above Columbus.

The amendment was agreed to.

The next amendment was in the item "for improvement of ship-channel in Galveston Bay, Texas, between Boliver Channel and Red Fish Bar," to strike out after "\$75,000," in line 74 of section 1, the following words:

And the appropriation made for this work by the act of 14th of August, 1876, is hereby made available for the same part of said channel.

Mr. MAXEY. I beg to call attention to the lines proposed to be stricken out, especially the attention of the member of the Committee on Commerce having charge of this bill. The lines proposed to be stricken out are:

And the appropriation made for this work by the act of 14th of August, 1876, is hereby made available for the same part of said channel.

By reference to that act of 14th of August, 1876, it will be found that that appropriation was in these words:

For the continuing of the work on the ship-channel in Galveston Bay, \$72,000, to be expended between Red Fish Bar and Morgan's Point.

That is, that it has to be expended under that. In the same act the board of survey is ordered—

To cause a survey for a ship-channel through Galveston Bay, beginning at twelve feet water in the mouth of the San Jacinto River and running out of the mouth of said river east of Morgan's Point to the present channel, through Red Fish Bar; thence through the same, extending through Galveston Harbor, passing west of Half-Moon Shoals and Pelican Island, and to twelve feet water in Galveston Channel; and to cause an estimate of the cost of the same to be made and of the comparative merits of the same, with the route to the head of Bolivar Channel; and of the effects of the completion of each of said channels on the Galveston Harbor as to shoaling or deepening the same, and report the same to Congress by the 1st day of December, 1876, the cost thereof not to exceed \$10,000, to be paid out of the \$40,000 hereinafter appropriated.

By reference to the map which I have here it will be found that the appropriation of \$72,000 made by the act of August 14, 1876, was first to be placed north of the Red Fish Bar, which is here. [Indicating.] The reason for that was that there was a conflict between the city of Houston, which lies north of the Red Fish Bar, and the city of Galveston, which lies down at this point, [indicating,] as to the route the ship-channel should take from Galveston Bay, it being contended by Galveston that the digging of the channel through by Bolivar Point, which is there, [indicating,] would necessarily cause, by the water going up north of Galveston, going here [indicating] caus-

ing the water from the harbor to strike that here [indicating] would form an under-tow which would carry the water around Bolivar Point and thereby shoal Galveston Harbor. For that reason the Senate made this order for this survey, which, I will state, was the only survey which was then ordered. That survey has been made and was reported to Congress according to that act. The only object is to cut that loose. It makes no additional dollar of appropriation whatever, but enables the appropriation of the 14th of August, 1876, to be now available, for which reason I ask, as I have explained it and I think it is understood, that the amendment may not be concurred in so that the lines be restored. I ask the Senator in charge if my statement is not satisfactory.

Mr. SPENCER. The committee struck out the clause because they did not understand the explanation now made by the Senator from Texas. As far as I am concerned I have no objection to the amendment being disagreed to.

Mr. MAXEY. I understand the committee thought this would make a double appropriation. That is a mistake. It does not make an additional appropriation at all.

Mr. MORRILL. That money has been covered into the Treasury.

Mr. MAXEY. No, sir; it has not been covered into the Treasury, because the Senator will notice that that survey was ordered to be made and reported upon, and this appropriation could not be availed of until that survey was made and reported, so that not one dollar is reappropriated.

Mr. ALLISON. In addition to that, these appropriations are never covered into the Treasury.

Mr. MAXEY. In this particular case it could not be, because the appropriation was only made by the present Congress.

Mr. SARGENT. In that case there is no need of those lines. On the statement now made there is no occasion for these lines, and the committee are perfectly right in striking them out. The only object in keeping them in the bill is that they increase the amount which can be expended for this work. If Senators would be entirely candid about that, I think they would say that is the reason they want them kept in.

Mr. MAXEY. Not at all. I only want to make available the amount which was appropriated two years ago, which was not available because, as Senators will notice here, this particular part of the survey has not been determined by the engineer, because there is a cut-off, and the survey was directed to east of Morgan's Point. A cut-off has been made from there, and the engineer has not yet determined which will be the better route, and we cannot use that money at all until we get these lines in.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out the lines.

The amendment was rejected.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was in line 91 of section 1, to reduce the item "for improving entrance to Galveston Harbor, Texas," from \$125,000 to \$50,000.

The amendment was agreed to.

Mr. SPENCER. In lines 88 and 89 I move to strike out the appropriation—

For improving mouth of Mississippi River, Southwest Pass, \$10,000.

That was an oversight in the committee. The committee meant to recommend the striking of that out.

Mr. MAXEY. That is perfectly right. I will state to the Senate that the House bill contained an appropriation of \$125,000 for Galveston Harbor.

Mr. SPENCER. I am not speaking of that, but about the Southwest Pass.

Mr. MAXEY. I beg pardon.

Mr. SPENCER. I move to strike out lines 88 and 89.

The amendment was agreed to.

Mr. MAXEY. I give notice that in all those cases where appropriations made by the House for Texas are stricken out, I shall move in the Senate to restore them.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was to strike out lines 94 and 95 of section 1, as follows:

For improving Passo Cavallo Inlet into Matagorda Bay, Texas, \$25,000.

Mr. KELLOGG. I give notice that I reserve the amendment just made on motion of the Senator from Alabama.

Mr. SPENCER. We put \$15,000 in for another item that covers the point.

Mr. HOWE. I wish to give notice of an amendment to this bill to be referred to the Committee on Commerce.

The PRESIDING OFFICER. It will be received and printed and referred to the Committee on Commerce. The question is on agreeing to the amendment of the committee to strike out lines 94 and 95.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Commerce was to strike out lines 109, 110, and 111 of section 1, in the following words:

For improving White and Saint Francis Rivers, Arkansas; building one stern-wheel iron snag-boat, and operating the same ten months, \$75,000.

Mr. SPENCER. A majority of the committee have agreed to recede from that amendment.

Mr. SARGENT. I call for the yeas and nays on the amendment.

Mr. SPENCER. The committee have receded from that amendment and I will withdraw it if I can. The committee have come to the conclusion that it was a mistake.

Mr. SARGENT. That does not take it out. The question must be put. The committee must have had some good reasons for striking it out. It is an extraordinary appropriation.

The PRESIDING OFFICER. The question is on the amendment to strike out the lines which have been read.

The amendment was agreed to.

Mr. SPENCER. I shall reserve the amendment when the bill comes into the Senate.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, in line 114 of section 1, to increase the item "for improving mouth of Red River, Louisiana," from \$50,000 to \$150,000.

Mr. MORRILL. I desire to call the attention of the Senator from Alabama. I see that there are quite a number of places where appropriations are made for the Red River in Arkansas. I desire to know how much there is for that one river.

Mr. SPENCER. About \$225,000 all told for the Red River. This work at the mouth of the Red River is very important. There is probably no item in the bill that is of so much immediate consequence as this one item. Unless this money is immediately appropriated the Red River will leave its present mouth and not empty into the Mississippi, but run into some bayou and cut through somewhere in the central part of Louisiana and get into the Gulf of Mexico, and all that water will be lost to the Mississippi River. There is perhaps no appropriation in this bill that is as important as this one. The Senator from Louisiana [Mr. EUSTIS] can give a full explanation of it.

Mr. MORRILL. The Senator from Alabama is unable to tell how much there is appropriated to this river. I imagine he must have skipped the different sums and intended to increase the appropriation on page 6, lines 114 and 115, to comprehend the whole. That appropriation was \$50,000 and the committee have made it \$150,000, and yet it will be seen that on the page preceding there is an appropriation of \$24,000 and I believe another of \$50,000, and subsequent to this another for Red River.

Mr. SPENCER. I said about \$225,000. That is my recollection. The Red River is very long.

Mr. MORRILL. I think there has been a mistake in including the whole in one appropriation.

Mr. EUSTIS. I can give the information to the Senator from Vermont of the total amount of appropriation for the improvement of the Red River. There is appropriated \$24,000 for the Red River raft; removing snags in the Red River, \$25,000; and for the improvement of the mouth of Red River, \$150,000; the total amount being only \$199,000. It is less by one-half than the estimates made by the report of the engineer.

The PRESIDING OFFICER. The question is on the amendment. The amendment was agreed to.

Mr. SARGENT. I give notice, as it is fashionable, that I shall reserve that amendment in the Senate. The notice is entirely unnecessary, but it seems to have been given in every case. Therefore I give it, lest I may lose something. Now I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from California moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 28, noes 25.

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

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 25; as follows:

YEAS—33.

Allison,	Conkling,	Jones of Nevada,	Ransom,
Anthony,	Conover,	Kernan,	Sargent,
Bayard,	Davis of Illinois,	Lamar,	Saulsbury,
Beck,	Dawes,	Matthews,	Voorhees,
Blaine,	Harris,	McCreery,	Wallace,
Cameron of Pa.,	Hill,	McMillan,	Windom.
Cameron of Wis.,	Ingalls,	Merrimon,	
Cockrell,	Johnston,	Mitchell,	
Coke,	Jones of Florida,	Morrill,	

NAYS—25.

Armstrong,	Ferry,	Maxey,	Spencer,
Bailey,	Gordon,	Morgan,	Teller,
Booth,	Hereford,	Oglesby,	Whyte,
Burnside,	Hoar,	Paddock,	Withers.
Butler,	Howe,	Plumb,	
Christianity,	Kellogg,	Rollins,	
Eustis,	Kirkwood,	Saunders,	

ABSENT—18.

Barnum,	Dorsey,	Hamlin,	Sharon,
Bruce,	Eaton,	McDonald,	Thurman,
Chaffee,	Edmunds,	McPherson,	Wadleigh.
Davis of W. Va.,	Garland,	Patterson,	
Dennis,	Grover,	Randolph,	

So the motion was agreed to; and (at six o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 10, 1878.

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

The Journal of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, a bill (H. R. No. 4519) fixing a time for holding the election for Representatives for the Forty-sixth Congress of the United States in and for the State of California.

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

An act (S. No. 1323) providing for the payment of the awards made by the fishery commission at Halifax, under the treaty of Washington.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill (H. R. No. 3250) providing a permanent form of government for the District of Columbia.

CORRECTIONS.

Mr. VANCE. In the RECORD and the Journal of the proceedings of Saturday last I am recorded as not voting on the second amendment of the gentleman from New York [Mr. WILLIS] to the deficiency appropriation bill. I voted "no."

Mr. STEPHENS, of Georgia. I wish to announce and have it appear in the RECORD that last Friday and Saturday I was paired with the gentleman from Michigan, Mr. BREWER.

Mr. BREWER. Had I been present on Saturday, I should have voted against the bill establishing a permanent form of government for the District of Columbia.

Mr. SPARKS. I see that in the RECORD of Saturday's proceedings I am recorded as having voted "no" on the motion for a recess; and it was also announced by the gentleman from Iowa [Mr. SAMPSON] that I was paired with the gentleman from Iowa, [Mr. CUMMINGS.] The RECORD is correct in both cases. The pair with Mr. CUMMINGS was, by its original terms, to commence at four o'clock, but, subsequently, was changed at the suggestion of Colonel CUMMINGS, who left the Hall, and I inadvertently voted, when I should not have done so. It amounts to little, as my friend Colonel CUMMINGS does not feel aggrieved by it. But I feel it a duty to give this explanation in regard to the matter.

MORNING HOUR.

The SPEAKER. The morning hour begins at eighteen minutes past eleven o'clock a. m. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order.

RAILWAY MAIL SERVICE MUTUAL BENEFIT ASSOCIATION.

Mr. FRYE introduced a bill (H. R. No. 5139) incorporating the United States Railway Mail Service Mutual Benefit Association; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. EDEN called for the reading of the bill; which was read at length.

PHILIP W. READE.

Mr. BUTLER introduced a bill (H. R. No. 5140) for the relief of Philip W. Reade, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF INDUSTRIAL CLASSES.

Mr. BUTLER also introduced a bill (H. R. No. 5141) for the relief of the industrial classes, for the prompt settlement of the public lands, and for the better protection of the frontier from Indian depredations; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. BUTLER. I ask unanimous consent that this bill be printed in the RECORD.

The SPEAKER. The Chair cannot interrupt the morning hour for any purpose, not even to ask unanimous consent. After the conclusion of the morning hour, the Chair will recognize the gentleman to make the request.

Subsequently unanimous consent was granted for the printing of the bill in the RECORD. It is as follows:

A bill (H. R. No. 5141) for the relief of the industrial classes, for the prompt settlement of the public lands, and for the better protection of the frontier from Indian depredations.

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled. That the General commanding the Army of the United States, the Commissioner of the General Land Office, and the Commissioner of Agriculture be, and they are hereby, constituted a board of commissioners for the selection of public lands of the United States, in the Territories thereof, for military settlements pursuant to this act: *Provided*, That the said general officer may from time to time detail an officer, who shall be acceptable to the other commissioners, to act in his stead at the meetings of the board, and that the Commissioner of the General Land Office and the Commissioner of Agriculture may each likewise detail a competent official of his bureau to act in his stead at said meetings.

SEC. 2. The board shall convene, immediately after the passage of this act, at the General Land Office, in the Department of the Interior, or in a properly-furnished room to be assigned to their use by the Secretary of the Interior. The General shall be president of the board; if absent, the senior commissioner present shall so act; otherwise the military officer shall so act. All affirmative action of the board shall be unanimous. The General commanding the Army shall detail an officer to act as secretary of the board, who shall keep a faithful record of all its acts and doings and perform such other duties as may be imposed upon him by the board. The Secretary of the Interior shall assign such clerical force and draughtsmen from the employes of his Department and provide such stationery and office supplies as may be required from time to time by the board for the performance of the duties hereinafter set forth; and no member of the board or officer detailed or assigned for duty therewith shall be entitled to any additional compensation other than his regular salary and allowances, if any, provided by law, except his necessary traveling expenses incurred under this act, which shall be certified by the board and be subject to revision by the accounting officers of the Treasury in the settlement of accounts for their payment.

SELECTION OF LANDS FOR COLONISTS.

SEC. 3. The board shall forthwith make selections of unoccupied public lands of the United States in the Territories best suited for agriculture, for military settlement, as provided in this act. In making such selections, lands that may be irrigated by ordinary industry of the families to be settled thereon to produce a sufficient crop for their support the second harvest after their settlement, shall be selected, due regard being had to timber and water supplies. The first selections shall be made in the vicinity of the military posts and stations occupied by the Army, omitting those whereat there is not a sufficient area of suitable land, or at which, in the opinion of the General commanding the Army, it is not desirable to maintain a military force, and commencing at posts and stations nearest to railroads or navigation; thereafter the selections shall be made at the next nearest posts and stations suitable, and so on until selections shall have been made at all suitable posts and stations; but no selection shall be made for a settlement at any post or station unless there is in its vicinity an area of public unoccupied suitable land sufficient to furnish in the ratio of one and one-quarter section of land to each enlisted soldier of the Army serving at such post or station; nor shall any selection have an area of less than forty-eight sections of such land; nor shall any selection be made at a place where there is not a sufficient supply of water for the number of families proposed to be settled there, or where they cannot provide a sufficient supply by irrigation as proposed in section 12 of this act; nor where there is not a sufficient area of timber or coal lands for an economical supply of fuel for settlers, at a distance not exceeding twenty miles from the settlement.

SEC. 4. When the board have completed the selections of settlements at all the suitable military posts and stations, as required in the preceding section of this act, they shall continue to make other selections of unoccupied suitable public lands at proper strategic points contiguous to the selected settlements, or at such other points as may be desirable, until not less than forty-five thousand sections of land have been selected in the Territories, of like character to those described in the foregoing section of this act.

SEC. 5. The officers and employes engaged under the direction of the Department of the Interior in making the geographical and geological surveys of the Rocky Mountain region, or so many of them as may be required, are hereby assigned to duty with the board to assist them in making selections for settlements, by making scientific examinations of the soil and natural resources of localities proposed for settlements, by exploring for suitable localities for settlements, and for any other scientific service they may be required to perform in the selection and designation of settlements.

SEC. 6. Heads of Executive Departments and bureaus of the Government, and all other officers of the United States, when requested, shall furnish the board any information that can be supplied from the records and archives of their respective Departments, bureaus, and offices relative to the public lands in the Territories, and such other information as may assist the board in the prompt and intelligent discharge of the duties herein imposed upon them.

SEC. 7. In order that the board shall inform themselves as soon as possible of suitable locations for settlement, they shall prepare a series of appropriate and exhaustive inquiries respecting the public lands in the Territories in the vicinity of military posts and stations, and at other localities of which a knowledge may be desired, upon the following topics, to wit:

- First. Area of cultivable land and character of the soil.
- Second. Area of arid land capable of cultivation and character of soil.
- Third. Supply of water on cultivable land.
- Fourth. Supply of water upon or in vicinity of arid land and number of acres which the water supply could irrigate.
- Fifth. Area of pasture-lands, quality of grazing, varieties of grasses, and supply of water thereon.
- Sixth. Area of timber-land, variety of trees, quantity of timber suitable for lumber, farming purposes, and fuel, and distance of such timber tracts from cultivable land.
- Seventh. Area of coal, iron, or other mineral lands, depths from surface of the known mineral deposits, and distance from the cultivable land.
- Eighth. Length and mean temperature of the seasons, their extremes of heat and cold, and the duration of such extremes.
- Ninth. Average depth of rain-fall of the seasons, average humidity of atmosphere and soil, frequency and duration of drought, and the effect of such drought on the grasses and natural vegetation.
- Tenth. The earliest and latest injurious frosts of the seasons for the past five years; area of land under farm and garden cultivation; seasons of sowing or planting crops; cereal and root crops, cultivated average yield per acre, distinguishing between land irrigated and that which does not require irrigation.
- Eleventh. Varieties and qualities of fruit and garden products; insects destructive to them and damage done in proportion to crop for past five years, and methods used to prevent such damage.
- Twelfth. Insects destructive to farm products, natural grasses, and vegetation; extent and frequency of their ravages during the past five years, and the means taken to prevent such ravages.
- Thirteenth. Methods of irrigation practiced, or if not practiced, and if necessary to make land productive, the feasibility of irrigation, and irrigable area in proportion to water supply.
- Fourteenth. Number of ranches or stock farms in the vicinity, and their distance from the proposed settlement; number of head of horses, mules, oxen, and other cattle, and of sheep and swine, on such ranches or farms, and average local selling prices of horses, mules, oxen, cows, yearling steers and heifers, sheep, and swine.
- Fifteenth. Route and condition of roads to nearest railroad or steamboat navigation, distances thereto, best seasons for traveling, and whether practicable for wagon trains or not.

Sixteenth. And such other inquiries as may best elicit the necessary information for the carrying into speedy effect the purposes of this act.

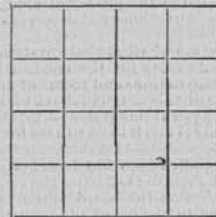
SEC. 8. When the board have prepared the series of inquiries suggested in the foregoing section they shall cause a sufficient number of them to be printed at the Government Printing Office, with proper spaces between the inquiries for full answers thereto, or upon any other plan that may be more desirable; and a copy of the same shall be addressed and mailed to each of the following officers, namely: The commanding officer, the next officer in rank, and the medical officer, or officers, at each post or station in the Territories occupied by the military forces of the United States; and such officers shall, as far as they are able and according to their own views, knowledge, and information, and upon their own responsibility for accuracy, make full answers to the same; and each such officer shall append to said answers a certificate that he has answered all the inquiries propounded to the best of his ability, knowledge, and belief. And copies shall also be transmitted to the surveyor-general, the register, and receiver of the land office in whose district the place or places inquired of are situate, requiring like answers and like certificates to those required from the Army officers. Copies may also be sent to territorial and other officers of the United States; and all officers and employes to whom such inquiries are sent are hereby required diligently and promptly to make answers to the same as hereinbefore required of the Army officers.

All letters and communications addressed by or to the board of commissioners for military settlements shall be carried in mail free of postage.

SEC. 9. When the answers required by the previous section indicate that the lands at the post or station, or other place inquired of, are suitable and sufficient for the purposes of this act, then, if in the opinion of the president of the board it is desirable to maintain a military force at such locality or its vicinity, the board shall instruct one or more of the officers or employes of the scientific survey corps assigned under the fifth section of this act, to proceed to the locality inquired of for the purpose of making a sufficient examination of the extent, quality, and general fitness of the public lands there for the establishment of a settlement upon them under this act, and such officer or employe, if authorized by the board, may employ for a period not exceeding thirty days, and at a compensation not exceeding \$5 per diem for the time employed and necessary traveling expenses, a farmer, to assist him in making an examination of the lands, and such farmer shall make a special report in writing to the board, of the quality of the soil, condition of the lands, and their general adaptability for farming purposes, and shall also answer the inquiries prescribed in section 8 of this act as a part of said report.

SEC. 10. When the board are satisfied that the public unoccupied lands at or in the vicinity of a military post or station at which it is desirable to maintain a military post, or at other desirable localities in the Territories, are suitable and of sufficient area in the ratio hereinbefore prescribed, the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall instruct the proper surveyor-general of the Territory in which the lands are situate to survey the necessary quantity of such lands for a military settlement, which shall be as follows, to wit:

First. Of lands cultivable either with or without irrigation, or both, as the case may be, in the ratio of one section and one quarter section to each enlisted man at such post or station: *Provided*, That if there is not a sufficient area for that ratio, and if it is desirable to locate a settlement there, a lesser number of sections may be surveyed: *Provided, however*, That there shall not be less than forty-eight sections of cultivable land in any military settlement. The cultivable sections surveyed shall be marked with appropriate boundary marks to enable settlers thereon to know the boundaries; and each section will be subdivided into sixteen equal parts of forty acres each, thus:



(Section, 640 acres.)

with sufficient boundary-marks to enable settlers to know the boundaries of the subdivisions. And the whole settlement shall be laid out in as compact a manner as the nature of the soil and a good selection of land will admit. Whereupon the surveyor-general shall proclaim the land reserved for the purposes of this act, and also the other lands hereinafter required to be surveyed or set apart; and no person shall be allowed to locate or pre-empt such land, except as herein provided.

Second. Of timber land, in addition to the cultivable land, one section for every six sections of cultivable land in the settlement, and distributed, as far as the locality of timber will permit in such settlement for the best convenience of the settlers, so that there may be assigned therefrom hereafter six and two-thirds acres to each forty-acre subdivision of land in the settlement. If there is not sufficient timber at or convenient to the settlement for such an appointment, then such timber land as there is in the vicinity shall be apportioned equally, and an additional area of cultivable land, or land suitable for timber-growing, shall be surveyed and assigned to each settlement to make up the deficiency. If there is no timber at or in the vicinity of the settlement, then an addition of one section of cultivable land, or land suitable for timber-growing, shall be made in the said ratio, whereof each family of settlers will be entitled to six and two-thirds acres for timber-growing. Where there is no timber land, or an insufficient area of such land, at a settlement, there shall be reserved for the use of such settlement from the nearest tracts of timber land, a sufficient area to supply the settlers, not in excess of the foregoing ratio, to be surveyed and assigned for their use as soon as practicable after the settlers have been located.

SEC. 11. Any unauthorized waste committed on such timber land, after such assignment or survey, is hereby declared and made a misdemeanor, punishable by a fine of not less than \$5, or imprisonment for a period of not less than ten days, or both, upon the conviction of the offender before any court of competent jurisdiction: *Provided*, That the board may establish appropriate rules and regulations for the cutting and felling of such timber as may be necessary for the use of settlers and other persons residing in the vicinity of such timber land, in such quantities as may be, from time to time, necessary for house-building and repairs, fencing, ordinary farm use, fuel, bridge-building, and for other permanent public improvements at the settlements.

The board may also provide for the replanting of a proper variety of trees in lieu of those felled, as a condition of the privilege of felling timber, and also for the planting of forest trees at settlements that are or may become destitute of a sufficient supply of timber.

SEC. 12. Where irrigation is necessary in any settlement surveyed under this act the board may from time to time prescribe such rules and regulations as may be necessary for an equitable distribution of the waters in such settlements; and they may employ from time to time officers of the Engineer Corps of the Army to plan a system of irrigation for such settlements when the majority of heads of families located at the settlement shall make application to the board therefor.

Until such a plan of irrigation is adopted and carried into effect in any settlement the majority of heads of families on the sections requiring irrigation shall adopt a system of irrigation under such directions and regulations as the board may prescribe, and the willful obstruction or willful damage of any canal, ditch or water-course of such adopted or planned system of irrigation in any of the settlements made under this act, or any willful waste of water in such canal, ditch or water-course by any person, is hereby declared a misdemeanor, punishable by a fine or penalty in proportion to the damage or waste committed, or by imprisonment for a period of not less than one month nor more than two years, or both, upon conviction of the offender before any court of competent jurisdiction. The proper United States courts shall have jurisdiction for the trial and punishment of offenders against this and the previous sections, and all regulations made by the board of commissioners under this act shall have the force of law until revoked by them or changed or disapproved by Congress.

When the survey of a settlement as herein directed has been completed, the proper survey-map of the settlement shall be made as soon as possible, and in sufficient numbers for the purpose hereinafter set for, which shall exhibit the locality of the settlement in the territory; the best route of travel thereto from the most convenient railroad, steamboat, or other point of communication; the sections and subdivisions of cultivable and timber lands; streams and water-courses; and a concise description of the climate, soil, and natural resources of such selected settlement.

BOARD FOR THE SELECTION OF COLONISTS.

SEC. 13. The President shall assign for duty under this act within ten days after the organization of the board constituted by the first section of this act, an officer on the retired list of the Army for each of the following-named States, to wit: Maine, Massachusetts, Vermont, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, West Virginia, Pennsylvania, Ohio, Indiana, Illinois, and Missouri, and also one such officer for the District of Columbia: *Provided*, That each officer so assigned shall have had a *bona fide* residence of six months in the State or district for which he is assigned immediately before the passage of this act.

The officers so assigned shall constitute a board to be called the board of colonization, and they shall be entitled to the full pay and allowances of their rank on which they have been retired while serving on the board, and to their necessary traveling expenses incurred under this act, when approved by the chairman of the board, subject to the revision of the proper accounting officers of the Treasury Department. The President shall assign retired officers to fill vacancies on the board in the manner herein directed for original assignments.

The retired officers assigned under the foregoing section shall assemble at the War Department, in the city of Washington, District of Columbia, within thirty days after the organization of the board for the selection of lands.

A majority of the whole number assigned for said States and District shall be a quorum; and they shall elect their executive and other committees by ballot. They may also elect from their own number a chairman to act in the absence of the Secretary of War, and also a secretary to act in the absence of the assigned secretary of the board.

The Secretary of War shall assign in the War Department building, or shall rent if necessary, a sufficient number of office rooms for the use of the board and the clerical force provided for herein. The Secretary of War shall assign for duty an officer not under the rank of captain as permanent secretary of the board, who shall keep a faithful record of all its acts and doings, and perform such other duties as may be imposed upon him by the board. The Secretary of War shall detail a sufficient number of enlisted men of the general service, who are competent clerks, to assist the secretary of the board in the proper discharge of his duties, and said enlisted men shall be under the direction of the secretary of the board while so detailed.

SEC. 14. The board of colonization shall at their first meeting, and from time to time thereafter, make appropriate rules for the conduct of their proceedings and business. They shall prepare instructions and forms of applications for settlement upon lands under the provisions of this act, which will set forth the character, condition, trade, and occupation, physical, mental, and moral condition of applicants and their families, and their general merits and fitness for sharing in the privileges provided by this act.

A sufficient number of such applications and instructions shall be printed from time to time at the Government Printing Office on the requisition of the secretary of the board, for such distribution as the board may direct. And all letters and communications addressed by or to the board of colonization shall be carried in the mail free of postage.

NUMBER AND CHARACTER OF FAMILIES TO BE COLONIZED.

SEC. 15. It shall be the duty of the board to select from the States and District named, 333,333 families, if so many shall apply, for settlement in the Territories upon the lands to be selected as hereinbefore provided, in the proportion of eight families to each section of cultivable land. In making their selections, the board shall be governed by the provisions of this act in that matter; but none of such provisions shall be so arbitrarily adhered to as to defeat the intention of Congress, which is as follows, to wit:

To promote in the best practicable manner the general interests and industries of the whole people; to provide for the permanent welfare of the industrious laboring classes of our citizens in all parts of the Union by affording means and opportunity to a sufficient number of families of the unemployed or insufficiently paid moral and industrious laborers and producers, who are an involuntary surplus in the industrial marts of the States and District named in this act without prospect of employment or betterment of condition therein, to remove therefrom for agricultural settlement upon the unoccupied public lands in the Territories where they may become a prosperous class of producers and consumers, instead of remaining, as they now are, competitors for employment that cannot be furnished in the said States and District.

SEC. 16. The board of colonization shall assign the quota of families to be selected from the States and District named in this act in the ratio of their population as shown by the last United States census; and they may add to or subtract from the ascertained quota of any of the said States or District, according to their best information of the condition of the laboring classes and other producers in such State or District as compared with the other named States; and they may change such quota from time to time in order to give the best effect to the provisions of this act.

SEC. 17. The families to be selected from said States and District shall be natives or naturalized citizens of the United States, and the heads of such families must have been residents of the State or District of whose quota they form a part for a period of at least one year before the passage of this act: *Provided*, That a family, or any of its members, who have resided in and moved from any of the named States or District to any one or more of said States or District during said twelve months, and whose residence therein amounts to a period of twelve consecutive months immediately before the passage of this act, may be assigned to the quota of either of said States or District.

SEC. 18. Any person related to a family by consanguinity or affinity, who contributes to their support and is recognized as their protector and provider, and so admits himself or herself to be, shall be considered as the head of such family for the purposes of this act; and such person shall, when settled upon land under the provisions of this act, be required to provide for such family as a father or mother would be required to provide for their children.

SEC. 19. Heads of families to be selected for settlement under this act must be

of proper age to be able to cultivate, with the assistance of his or her family, a sufficient area of a forty-acre farm to produce necessary food for them from the crop to be raised the next year after their settlement. *Provided*, That where a female is the head of a family they shall not be selected unless there is one male member thereof over fifteen years of age and of good physique.

SEC. 20. Families selected must be of good moral character and of industrious reputation in the communities where they reside, and such character and reputation must be substantiated in writing by a citizen of well-known and good standing, and by their pastor, if the family are members of or attendants at church; which writing shall be sworn to or affirmed by such citizen or pastor before an officer competent to administer oaths, and be acknowledged before an officer with a seal competent to take acknowledgments of deeds; and like certificates of character shall be required from last employers, if any.

SEC. 21. No family who own property exceeding \$500 in assessed value, or whose combined earnings exceeded \$3 per diem for six months prior to their application for settlement, and who are continuing to earn such rate of wages, shall be selected, except in some specially deserving cases, and then only upon the unanimous vote of the board.

SEC. 22. The following families shall be preferred, subject to the qualifications of section 17, 18, 19, 20, and 21 of this act, to wit:

First. Families whose heads are honorably discharged officers, soldiers, sailors, or marines, who served in the Army or Navy of the United States over three months at any time during the late rebellion.

Second. Families of officers, soldiers, sailors, and marines of the United States Army or Navy, who died of wounds received, or from exposure or disease contracted in such military service during said rebellion.

Third. Families of deceased honorably discharged officers, soldiers, sailors, and marines of the United States Army or Navy, who served in such Army or Navy over three months at any time during the late rebellion.

Fourth. Families of officers and soldiers of the United States Army who died of wounds received in any campaign against the Indians since the late rebellion, or who served in such campaigns and thereafter received honorable discharges from the service.

All applications claiming preference under this section shall set forth a clear and concise military history of the officer, soldier, sailor, or marine whose services are relied on, which will be verified by the board from the rolls of the Army and Navy of the United States, and certificates of discharge from service, or properly attested copies, shall when practicable be filed with the applications.

SEC. 23. The secretary of the board of colonization shall register and classify all applications for settlements under this act, in the order in which they are received, and they shall be arranged, examined, digested, and prepared for the action of the board, under such rules as may be prescribed.

The Secretary of War and Secretary of the Navy when requested shall furnish the board from the Army and Navy rolls in their respective Departments any information that such rolls may contain.

Heads of other Executive Departments and bureaus shall also furnish from time to time to the board of colonization any proper information which they may officially call for.

SEC. 24. The board for the selection of public lands shall from time to time, and as soon as they have selected any lands for settlement and survey-maps of such settlement are prepared, furnish a map of such settlement to the board of colonization, setting forth the information thereon required by the twelfth section of this act. On receipt of such map, the board of colonization shall assign to that settlement the proper number of families, in the ratio hereinbefore described, of eight families to each cultivable land. Thereupon the secretary of the board shall immediately transmit notices to the heads of families assigned, giving them a short description of the settlement. The secretary shall inclose with the notice a properly prepared letter of acceptance, which shall be filled out by the said head of family, and be returned by him to the board without delay. A neglect to return within sixty days such letter of acceptance shall be regarded as a refusal of the privilege of a settlement until a satisfactory explanation of the neglect is accepted by the board.

TRANSPORTATION FOR COLONISTS.

SEC. 25. The Quartermaster's Department of the Army, under the direction of the Quartermaster-General, shall provide by contracts with responsible and competent bidders for the transportation of families assigned to settlements under this act at a rate not exceeding one cent per mile; and there shall be at least one experienced officer of the Quartermaster's Department assigned for duty in each of the States named in this act who shall be in charge of the transportation for such State, and shall be assigned for such duty at a sufficient time before his services shall be required to enable him to arrange his office for the proper discharge of his duty.

The Quartermaster-General shall provide for the transportation of families selected from the District of Columbia.

OUTFIT AND SUPPLIES FOR COLONISTS.

SEC. 26. The board of commissioners for the selection of land shall, with the advice and assistance of the Quartermaster-General and Commissary-General of the Army, arrange from time to time schedules of outfits and supplies for the settlements and for the delivery of such outfits and supplies at the most convenient points of railroad communication or navigation to the respective settlements, or at other more desirable places.

Each family will be entitled to have expended for their benefit the first year of settlement, a sum not exceeding \$1,250; and full and accurate account shall be kept of all articles of outfit and supplies purchased, and of the cost of transportation of each family; and vouchers shall be taken from the head of the family for all issues made to them.

There shall be assigned to each settlement an officer of the Army not above the rank of captain, to act for one year as post quartermaster at such settlement, who shall receipt to the proper quartermaster or commissary for all the outfit and supplies for the settlement to which he is assigned, and issue the same to the families from time to time as may be for their best interest, taking vouchers as hereinbefore directed and rendering proper account therefor. Accounts shall also be opened by the quartermaster at each settlement with each family of settlers for whom outfit and supplies have been provided, in which they shall be credited with \$1,250 and debited with the cost of their transportation and of all outfits and supplies furnished to them.

The following is suggested as a schedule for the basis of a better one, for the outfit and provision for a family of colonists, namely:

Two horses, not exceeding seven years old, mares preferred	\$200
Two cows, three years old	50
One covered wagon, strong, for two horses	80
Agricultural implements	75
Two sets wagon harness and two sets plow harness	50
One cooking-stove and culinary utensils	20
One thousand feet assorted lumber, boards, and scantling	20
Axes, saws, hatchets, augers, and other tools, and nails	10
Clothing and shoes	50
Food rations	250
Seed for planting	20
Medicines and medical attendance	10
Grain for live stock	80
One yoke oxen and ox-cart to four families	\$80
Five sheep and five hogs	30

Transportation for family, (average).....	\$75
Miscellaneous and contingencies, including \$10 for quartermaster's store, dwelling, and armory buildings.....	60
Ready-made frame house of not less than three rooms, where timber is scarce or where families desire it.....	150
Total.....	1,250

The board of colonization are authorized to make any changes in said schedule of outfit as to them may seem desirable, according to the exigencies of each family and of the location to which they are assigned, having regard to the climate and adaptability of the land for cultivation to which they are assigned: *Provided*, That every family shall receive a full and sufficient outfit, at a rate not exceeding \$1,250, including cost of transportation, as the board may deem proper; and that all of said property and outfit shall be and remain the property of the United States for the use of the settlers as herein intended. Any head of family or other person who shall without written authority of the Quartermaster-General sell or dispose of any article of outfit or of any supplies issued to settlers other than as herein authorized and any person who shall receive or purchase the same contrary to law or who shall steal the same, shall be punished upon conviction therefor before any United States court having jurisdiction of like crimes when the offense is committed, by a fine of not less than \$100 nor more than \$5,000, and imprisonment at hard labor for a period of not less than sixty days or more than three years, at the discretion of the court.

SEC. 27. The maximum average prices of live stock and staple articles of outfit shall be fixed by the board from present current prices, allowing when necessary, not exceeding 5 per cent. thereon on account of any advances of values which the brisk demand for outfits, stock, and supplies, for such a large number of families may create.

SEC. 28. A sufficient outfit of the necessary number of wagons, live stock, farming implements, and provisions, shall be in readiness for delivery to parties of colonists at the terminal points of their railroad or steamboat transportation, or at other more suitable place, in order that they may start therefrom with their wagon trains sufficiently equipped and supplied for their journey to the place of settlement. And arrangements shall be made, if practicable and economical, for settlers to transport their own supplies from time to time, from such terminal points to their respective settlements, and for the establishment of a system of relays by the settlers for the transportation of supplies from one settlement to another, in order that settlers at points of great distance from railroads or navigation may not have to exhaust too much time and labor in obtaining their supplies.

ARRANGEMENTS FOR LOCATING FAMILIES.

SEC. 29. When the proper number of families has been assigned to a settlement, and when they have filed their acceptance of location thereon, the board of colonization shall transmit a map of the settlement and a list of the families, showing names, ages, and sexes of each member of family, together with a schedule of the necessary supplies and outfit for the settlement to which the families are assigned, to the Quartermaster-General and Commissary-General, respectively, who will immediately proceed to have such supplies and outfit, or the necessary variety and quantity thereof, forwarded to the nearest railroad or navigation point to such settlement, or to such more suitable point as they may deem to be the best advantage of the settlers. And when all necessary arrangements have been made those officers shall promptly advise the board of colonization that full preparations have been made to receive and provide for the families assigned to such settlement.

Upon the receipt of this advice the secretary of the board shall forthwith transmit notice to the head of each family assigned to hold himself and family in readiness to start for the settlement upon receipt of instructions from the quartermaster in charge of transportation for their State or district.

Each head of family, upon receipt of said notice from the secretary of the board, shall make prompt acknowledgment thereof, in duplicate, upon a printed form which shall be transmitted to him with said notice, and which shall set forth his post-office address, nearest railroad station, name, age, and sex of each member of his family, weight and bulk of family baggage, and other desirable information, of which he shall mail one copy to the board of colonization and one copy to the quartermaster in charge of transportation for his State or district. The secretary of the board shall, at the time he sends out said notices to the heads of families, transmit a schedule of the persons assigned and advised as aforesaid, names, ages, sex, and post-offices, and such other information as may be useful to the said quartermaster, in order that he may make prompt arrangements for providing transportation for such families to a convenient place of rendezvous, and that they may be forwarded therefrom with their personal effects in as large bodies as may be practicable, under the charge of a proper officer or agent of the Quartermaster's Department: *Provided*, That the board of colonization and the Quartermaster-General shall fix limits as to the quantity of personal effects to be transported for any family.

The post quartermaster assigned for duty under the twenty-sixth section of this act at any settlement to which colonists are assigned, shall be at the terminal point of travel of such colonists in sufficient time to have all necessary arrangements made for their reception and equipment for the journey from such point to their place of settlement. Upon their arrival at such terminal point he shall make the necessary distribution of supplies to be carried in the wagons, and which the colonists may be able to transport, allowing sufficient room therein for the women and children.

The party will then proceed under the command of said quartermaster *en route* for their settlement, and with a proper guide, if necessary, who shall be detailed for the purpose by the board for the selection of lands from one of the scientific corps, or other person who had previously visited the settlement for the examination of the soil.

SEC. 30. The Chief of Ordnance, upon sufficient notice from the board for the selection of lands, shall from time to time deliver to the proper quartermaster a sufficient supply of serviceable muskets, equipments, and ammunition for each head of family assigned to settlements; and when it is desirable these arms and ordnance stores shall be delivered to post quartermasters before starting *en route* from terminal points of transportation, who shall receipt and account for the same, as other arms and ordnance stores of the United States are receipted and accounted for. The said quartermaster shall then arm and equip one able-bodied male of each family and form them into a company or battalion as the case may be, or so many of them as it may be necessary to arm or organize.

Upon arrival at the settlement, or as soon thereafter as practicable, a permanent militia organization of one male from each family of settlers shall be effected under the direction and chief command of said quartermaster. The militia shall be formed into companies, and each company shall elect its own officers; and all the companies shall be under the command of the said quartermaster for necessary drill and discipline and for the defense of the settlement.

SEC. 31. As soon as the families assigned to a settlement shall arrive thereat the surveyor-general of the Territory shall be instructed by the Commissioner of the Land Office to proceed in person or send a competent surveyor to locate the families upon the alternate subdivisions of sections of forty acres each of cultivable land, according to the plan hereinbefore set forth for the survey of the settlement. Each head of family shall then choose his subdivision of land by lot or by any other method of selection that may be adopted at a meeting of the heads of families for that purpose. When the selections have been completed the land officer shall make full and sufficient records of the same. The heads of families shall then likewise choose in the sections in which their cultivable land is situated a

subdivision of the reserved land adjoining thereto for grazing purposes, and the land officer will make the proper records of the same. The timber lands, if convenient to the settlement and surveyed, shall be selected in the same manner and recorded.

One-half section of land shall be reserved in the center of each settlement, or other more desirable place, for the establishment of post headquarters, muster and drill-ground, medical officers' quarters, and for such other public and official purposes as the adult settlers may by ballot elect, subject, however, to the contingent grant provided in the following section.

The records made by the land officer of the selections and reservations herein provided shall be forwarded to the General Land Office under such instructions as the commissioner of the land office may prescribe.

MEDICAL ATTENDANCE FOR COLONISTS.

SEC. 32. The Surgeon-General of the Army shall assign for duty not less than one of the medical officers of the Army at each settlement under this act, or shall employ not more than two respectable surgeons, who shall be married men, if obtainable, for a period of one year for such settlement; and the post quartermaster shall provide for each such medical officer, or contract surgeon, a suitable house not exceeding in cost \$250. The salary of contract surgeons employed under this act shall be at the rate of \$1,200 per annum, and for one year only, together with necessary rations for himself and family, if any.

The contract surgeons shall have the privilege of locating upon one-half quarter section, each, of the headquarter reserve provided in section 31 of this act, if they shall conclude to reside and practice their profession in the settlement for five years after the expiration of their contract, at the end of which five years each such surgeon shall be entitled to a patent for said half quarter section.

Requisitions for medicines and necessary hospital supplies not to exceed \$1 per annum, and for one year only, for each family in a settlement, shall be filled, under the direction of the Surgeon-General, for the use of each settlement.

There shall be a fund for each settlement, in the proportion of \$10 to each family in such settlement, deposited in the Treasury of the United States for the payment of the salaries and of the cost of the houses and medicines and such other expenses as the Surgeon-General may approve; and payments from the said fund shall be made on the requisition of the Surgeon-General.

CONDITIONS OF SETTLEMENT ON THE LANDS SELECTED.

SEC. 33. The cultivable and timber lands surveyed and assigned to any family under this act are hereby declared to be and remain public lands of the United States, subject only to the use of the settlers thereupon, under the provisions of this act, until patented or sold. But such settlers shall have an inchoate title to such lands upon making the payments hereinafter prescribed, which title shall become perfect when a patent is issued therefor, and such title, until perfect, shall descend equally to the members of the family and to their heirs if the payments herein imposed are fulfilled. And the personal property and crops of families located under this act in a settlement shall be exempt from execution during the first five years of the establishment of the settlement.

SEC. 34. In consideration of the privilege of making a settlement on a forty-acre subdivision of land under the provisions of this act each family so settled shall by acceptance and settlement, thereby become indebted to the United States in the sum of \$1,500, which debt shall be a lien upon all property of the said family and of each member thereof until the same shall be paid by the said family, or any of them, their heirs, executors, or administrators, or assigns in the following manner, to wit:

In twenty consecutive annual payments at the rate of \$75 per annum, the first payment to be made on or before the last day of the fifth year of settlement: *Provided*, That any family may pay off said indebtedness in larger or more frequent installments. The Secretary of the Treasury shall provide for the prompt collection of the said annual payments, in such manner as Congress may hereafter direct.

All movable property furnished by the United States to families under the provisions of this act shall be inalienable and exempt from tax or seizure for debt, except that any such property may be sold by the special approval of the Quartermaster-General of the Army, which shall only be given when the sale of the property will not tend to impair the security of the United States on account of the money expended, and when the sale of the property is for the manifest interest of the settler's family.

SEC. 35. If any family of settlers are in arrears of payment of the annual payments hereinafter prescribed, they may be expelled from the settlement and their rights to all property therein forfeited under such conditions and regulations as Congress may hereafter from time to time enact. If any of the members of a family or any family shall desire to remove from the settlement wherein they are located before the full payment of all the debts due from such family to the United States, their interest may be assigned to any member of the family remaining upon the land and who is of sufficient age to cultivate it. If no such member of the family shall desire to remain on the land, then the family may assign their interest to a stranger who will locate on the land with his family and cultivate it, and who will give good and sufficient security to the United States, to be approved by the Quartermaster-General, for the repayment of the said sum of \$1,500 or of such parts and installments thereof as may be due, and thereafter to pay at the same time that the head of family would be required to pay such installments as are to become due; and such stranger may likewise assign his interest in the land under the same conditions, but no bond shall be canceled by such arrangements until the whole debt is paid.

The board for the selection of lands shall make all proper and necessary rules for such assignments and for recording the same.

SEC. 36. When all the payments due on a forty-acre subdivision of land under this act have been made, a certificate of non-indebtedness shall be issued by the Secretary of the Treasury to the proper head of family or persons entitled to the same, and a patent for the land shall then be issued to the said family or persons entitled to the same, whereupon the title of the United States to said land shall cease and be extinct, and the same shall become the property in fee-simple of the patentee or patentees of the land.

SEC. 37. The alternate forty-acre subdivision of sections not selected for agriculture in the assignments and locating of families in settlements are hereby reserved as an additional security for the repayment of any losses that may accrue to the United States by reason of any failure of families or their heirs or assigns to cancel the debt due from them to the United States. The reserved subdivision shall be sold, together with land forfeited by settlers, at public sale at the end of twenty-five years from date of settlement in such manner as Congress may direct: *Provided*, That until such sale the settlers upon a subdivision of farming land shall be entitled to use the grazing subdivision selected therewith at the time of the making of the settlement for a cattle-range or for agriculture in a husbandman-like manner, so as not to waste the timber thereon or to exhaust the lands; and they shall have a right to pre-empt such forty-acre subdivision of grazing land at any time before its sale by depositing \$200 in the United States Treasury.

SEC. 38. That the Secretary of the Treasury from time to time may issue Treasury notes to pay for the transportation and outfit and supplies to settlers and their families, as required by the provisions of this act until the sum of \$420,000,000, or so much thereof as may be necessary, has been expended for said purposes.

SEC. 39. And all the payments made for lands by the settlers in accordance with the provisions of this act shall be and constitute a fund for the redemption of said Treasury bonds, and shall be invested in such interest-bearing notes of the United States as the Secretary of the Treasury may deem most advisable.

SEC. 40. The general board of commissioners, as hereinbefore provided, together with the heads of the Departments of the Government, are authorized to make all such regulations for the purpose of carrying out and executing the provisions of this act, each within his own province, as may be requisite and necessary, and said board shall make full reports of all their doings to Congress.

SEC. 41. All acts and parts of acts inconsistent with the provisions of this bill are hereby repealed.

Mr. EDEN called for the reading of the bill; and it was read in part, when he withdrew the call, and the further reading was dispensed with.

ADDIE ELMER.

Mr. DEAN introduced a bill (H. R. No. 5142) to change the name of the yacht Addie Elmer to Waverly; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

Mr. BANKS introduced a bill (H. R. No. 5143) for the relief of certain persons locating homesteads upon the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RECIPROCITY WITH BRITISH PROVINCES.

Mr. MORSE introduced a joint resolution (H. R. No. 188) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ANTHONY S. HOPE.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 5144) for the relief of Anthony S. Hope, of the city, county, and State of New York; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SALE OF PROPERTY, WALLABOUT BAY.

Mr. WILLIS, of New York, also introduced a joint resolution (H. R. No. 189) providing for sale of property in Wallabout Bay to the city of Brooklyn, and directing the same; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAMUEL B. BANCROFT.

Mr. LOCKWOOD introduced a bill (H. R. No. 5145) granting a pension to Samuel B. Bancroft, a lieutenant of the Thirty-eighth United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRAPE SUGAR, ETC.

Mr. LOCKWOOD also introduced a bill (H. R. No. 5146) imposing a duty of 40 per cent. ad valorem on grape sugar, grape sirups, and glucose or maltine; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE S. WOOLEY.

Mr. PATTERSON, of New York, (by request,) introduced a bill (H. R. No. 5147) for the relief of George S. Wooley, captain of Company M, Ninth New York Cavalry; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REDUCTION OF DUTIES ON IMPORTS.

Mr. COX, of New York, introduced a bill (H. R. No. 5148) to reduce the duties on imports; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DEEPENING SOUTHWEST PASS, MISSISSIPPI RIVER.

Mr. COX, of New York, (by request,) also introduced a bill (H. R. No. 5149) to provide for the deepening and widening of the Southwest Pass of the Mississippi River for the purpose of forming an improved commercial outlet; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF CUSTOMS-REVENUE LAWS.

Mr. WOOD (by request) introduced a bill (H. R. No. 5150) for the correction of errors and amendment of customs-revenue laws; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FRANCIS W. HARNEY.

Mr. PEDDIE introduced a bill (H. R. No. 5151) authorizing the Secretary of the Interior to restore the name of Francis W. Harney to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH F. STEWART.

Mr. PEDDIE also introduced a bill (H. R. No. 5152) granting a pension to Mrs. Sarah F. Stewart, of Newark, New Jersey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTRA A. EGBERT.

Mr. PEDDIE also introduced a bill (H. R. No. 5153) for the relief of Electra A. Egbert, mother of Charles Egbert, late of Battery B, First New Jersey Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA I. BLUMER.

Mr. BRIDGES introduced a bill (H. R. No. 5154) granting arrearages of pension to Eliza I. Blumer, widow of Henry A. Blumer, late a private in Company A, Forty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BANKRUPTCY PROCEEDINGS.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. No. 5155) to establish a system of bankruptcy proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. GRIFFIN.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. No. 5156) for the relief of George W. Griffin, late second lieutenant Company H, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HENRY.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. No. 5157) to replace the name of John Henry on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARISSA M'CUTCHEON.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. No. 5158) granting a pension to Clarissa McCutcheon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL C. ARTHURS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. No. 5159) granting a pension to Samuel C. Arthurs, late a captain Company F, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M'LAUGHLIN.

Mr. HARMER introduced a bill (H. R. No. 5160) granting a pension to Francis McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN JESTER.

Mr. WARD introduced a bill (H. R. No. 5161) granting a pension to Ann Jester, mother of Vincent Jester, late private in Company F, Fifteenth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. SPENCER.

Mr. HENRY introduced a bill (H. R. 5162) for the relief of William C. Spencer, late captain in the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY E. HOLTZMAN.

Mr. WALSH introduced a bill (H. R. No. 5163) for the relief of Mary E. Holtzman, widow of John M. Holtzman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT HARDIE AND OTHERS.

Mr. SWANN introduced a bill (H. R. No. 5164) to place on the pension-rolls of the United States the names of Robert Hardie, Sarah W. Besse, and Mary A. Burnham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOWARD E. D. STONE.

Mr. SWANN also introduced a bill (H. R. No. 5165) to pay Howard E. D. Stone, of Baltimore, Maryland, for services as teamster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BUILDING AT FORTRESS MONROE.

Mr. GOODE introduced a bill (H. R. No. 5166) authorizing the Secretary of War to permit the erection of a building at Fortress Monroe, Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 682 OF REVISED STATUTES.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 5167) to amend section 682 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

F. P. HAYWOOD.

Mr. DAVIS, of North Carolina, also introduced a bill (H. R. No. 5168) for the relief of F. P. Haywood, of North Carolina; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INVENTION IN FIRE-ARMS.

Mr. VANCE (by request) introduced a bill (H. R. No. 5169) to pay for the use of the vibrating and secured breech-block invention in

fire-arms and primed cartridges; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF INVENTORS, ETC.

Mr. STEPHENS, of Georgia, (by request,) introduced a bill (H. R. No. 5170) to protect original inventors and promote the progress of the useful arts; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REPORTS OF SURVEY OF TERRITORIES.

Mr. STEPHENS, of Georgia, also, by unanimous consent, submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 3,000 copies each of volumes 4 and 12 of the final reports of the United States Geological and Geographical Survey of the Territories, in quarto form, with the accompanying illustrations, 1,500 of which shall be for the House, 500 for the Senate, and 1,000 for distribution by the survey.

PAY OF COMMITTEE CLERKS.

Mr. COOK introduced a joint resolution (H. R. No. 190) in relation to the pay of committee clerks; which was read a first and second time, referred to the Committee of Accounts, and ordered to be printed.

CAPTAIN GEORGE W. BRADFORD.

Mr. LIGON introduced a bill (H. R. No. 5171) granting a pension to Captain George W. Bradford, of Delaware; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS GREEN DAVIDSON.

Mr. ROBERTSON introduced a bill (H. R. No. 5172) for the relief of Thomas Green Davidson, of the State of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

G. S. BALDWIN.

Mr. ROBERTSON also introduced a bill (H. R. No. 5173) for the relief of G. S. Baldwin, of the State of Ohio; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

L. BROCKWAY.

Mr. RICE, of Ohio, introduced a bill (H. R. No. 5174) granting a pension to L. Brockway, late private Company B, First Wisconsin Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES CAMPER.

Mr. RICE, of Ohio, also introduced a bill (H. R. No. 5175) granting arrears of pension to Charles Camper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED ORDNANCE.

Mr. JONES, of Ohio, introduced a bill (H. R. No. 5176) to donate certain condemned ordnance to the Union Township Monumental Association, at Milford Center, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING IN NEW YORK.

Mr. BEEBE. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. BEEBE. Then I move to suspend the rules and pass the bill which I send to the Clerk's desk, for the construction of a public building for use by the United States Government in the city of New York.

The bill was read. It authorizes and directs the Secretary of the Treasury to cause to be erected a barge-office at the revenue dock, in the city of New York, with suitable sheds for the accommodation of passengers arriving by European steamers, and in which to examine the baggage of such passengers, and for this purpose and for the extension of the sea-wall on the present barge-office site the sum of \$210,000 is appropriated, provided that no portion of this appropriation shall be expended in the construction of the said building until the city of New York shall have conveyed to the United States the small triangular piece of land, being that portion of the grounds commonly known as the Battery, in the city of New York, lying westwardly of and adjoining the land now belonging to the United States, and between such lands and the slip or basin in said Battery known as the New Whitehall Boat Slip, as authorized by the senate and assembly of New York by act of April 29, 1873, chapter 320, laws of New York; and provided that no expenditure shall be made or authorized for the completion of this work, including the cost of the additional land, beyond the said sum of \$210,000.

Mr. BEEBE. This bill is strongly recommended by the revenue officers at New York and by the Secretary of the Treasury, and I ask to have a letter from the Secretary of the Treasury in regard to it read.

The SPEAKER. Debate is not in order. [Loud cries of "Regular order!"]

Mr. BEEBE. I ask unanimous consent.

The SPEAKER. But objection has been made by several gentlemen.

Mr. HANNA. I would like to be informed whether this bill has received the recommendation of any committee of this House?

Mr. BEEBE. It has received the recommendation of the Committee on Public Buildings and Grounds.

Mr. CONGER. I would ask if the gentleman from New York was first on the list of those entitled to move a suspension of the rules?

The SPEAKER. He was, or he would not have been recognized.

Mr. BEEBE. This bill has been recommended by the committee to which it was referred and by the revenue officers. It is for the benefit of the whole country.

The SPEAKER. Debate is not in order.

The question was put on Mr. BEEBE's motion to suspend the rules and pass the bill; and on a division there were—ayes 101, noes 35; no quorum voting.

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

The yeas and nays were ordered.

Mr. CHALMERS. If I can do so I will withdraw the call for the yeas and nays.

Mr. EVANS, of Indiana. I shall renew it.

The question was taken; and there were—yeas 161, nays 66, not voting 64; as follows:

YEAS—161.

Acklen,	Davidson,	Joyce,	Ryan,
Aldrich,	Davis, Horace	Keifer,	Sampson,
Bacon,	Dean,	Kelley,	Schleicher,
Bagley,	Deering,	Kenna,	Sexton,
Baker, John H.	Denison,	Ketcham,	Shelley,
Baker, William H.	Dunnell,	Kimmel,	Singleton,
Banks,	Dwight,	Landers,	Sinnickson,
Bayne,	Eames,	Lapham,	Smalls,
Beebe,	Ellis,	Lathrop,	Smith, A. Herr
Benedict,	Ellsworth,	Ligon,	Stephens,
Bicknell,	Errett,	Lindsey,	Stewart,
Bisbee,	Evins, John H.	Lockwood,	Strait,
Blair,	Ewing,	Luttrell,	Swann,
Bouck,	Finley,	Maish,	Thompson,
Boyd,	Forney,	Martin,	Thornburgh,
Bragg,	Foster,	Mayham,	Throckmorton,
Brentano,	Franklin,	McCook,	Townsend, Amos
Bridges,	Frye,	McKenzie,	Townsend, M. I.
Briggs,	Gardner,	McKinley,	Townsend, R. W.
Brogden,	Garth,	Metcalfe,	Van Vorhes,
Bundy,	Gause,	Monroe,	Veeder,
Burchard,	Goode,	Morgan,	Waddell,
Burdick,	Gunter,	Morse,	Wait,
Cain,	Harmer,	Muller,	Walsh,
Calkins,	Harris, Benj. W.	Norcross,	Ward,
Campbell,	Harrison,	O'Neill,	Warner,
Caswell,	Hart,	Overton,	Watson,
Chittenden,	Hartridge,	Page,	Welch,
Claffin,	Haskell,	Patterson, G. W.	White, Harry
Clark, Alvah A.	Hayes,	Patterson, T. M.	Wigginton,
Clarke of Kentucky,	Hendee,	Peddle,	Williams, A. S.
Cole,	Henderson,	Phillips,	Williams, Andrew
Conger,	Henry,	Pollard,	Williams, C. G.
Cook,	Hewitt, Abram S.	Pound,	Williams, Richard
Covert,	Hubbell,	Price,	Willis, Benj. A.
Cox, Jacob D.	Humphrey,	Pugh,	Willits,
Cox, Samuel S.	Ittner,	Reed,	Wood,
Cravens,	Jones, Frank	Rice, Americus V.	Young,
Cummings,	Jones, James T.	Riddle,	
Cutler,	Jones, John S.	Robertson,	
Danford,	Jorgensen,	Robinson, G. D.	

NAYS—66.

Aiken,	Davis, Joseph J.	Hatcher,	Robinson, M. S.
Atkins,	Dibrell,	Hewitt, G. W.	Ross,
Bell,	Dickey,	Hooker,	Shallenberger,
Blount,	Durham,	House,	Smith, William E.
Boone,	Eden,	Hunter,	Southard,
Brewer,	Evans, James L.	Keightley,	Sparks,
Browne,	Felton,	Marsh,	Starin,
Buckner,	Fuller,	Mills,	Steele,
Caldwell, John W.	Giddings,	Money,	Stone, John W.
Caldwell, W. P.	Glover,	Muldrow,	Turney,
Candler,	Hale,	Oliver,	Vance,
Cannon,	Hamilton,	Pelphs,	White, Michael D.
Chalmers,	Hanna,	Powers,	Whitthorne,
Clark of Missouri,	Hardenbergh,	Pridemore,	Willis, Albert S.
Clark, Rush	Harris, Henry R.	Randolph,	Yeates.
Cobb,	Harris, John T.	Reagan,	
Culberson,	Hartzell,	Robbins,	

NOT VOTING—64.

Ballou,	Elam,	Loring,	Sapp,
Banning,	Evans, I. Newton	Lynde,	Saylor,
Blackburn,	Fort,	Mackey,	Scales,
Bland,	Freeman,	Manning,	Siemons,
Bliss,	Garfield,	McGowan,	Springer,
Bright,	Gibson,	McMahon,	Stenger,
Butler,	Hazelton,	Mitchell,	Stone, Joseph C.
Cabell,	Henkle,	Morrison,	Tipton,
Camp,	Herbert,	Neal,	Tucker,
Carlisle,	Hiscock,	Potter,	Turner,
Clymer,	Hungerford,	Quinn,	Walker,
Collins,	Hunton,	Rainey,	Williams, James
Crapo,	James,	Rea,	Williams, Jere N.
Crittenden,	Killinger,	Reilly,	Wilson,
Douglas,	Knapp,	Rice, William W.	Wren,
Eickhoff,	Knott,	Roberts,	Wright.

So (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 5178) for the construction of a public building for use by the United States Government in the city of New York was passed.

During the roll-call, the following announcements were made:

Mr. LIGON. My colleague, Mr. WILLIAMS, is absent, on account of sickness, by leave of the House.

Mr. CRITTENDEN. I am paired with Mr. RICE, of Massachusetts, and I desire to announce also that my colleague, Mr. BLAND, has gone home sick.

Mr. STEELE. I desire to state that my colleague, Mr. SCALES, is detained from the House by illness.

Mr. MCKENZIE. My colleague, Mr. TURNER, is paired with Mr. SEXTON, of Indiana.

Mr. RYAN. I am paired with Mr. WILSON, of West Virginia. As I am assured that he would vote "ay" if present, I vote "ay."

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP.

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. HAZELTON, is detained at his room by sickness.

Mr. ALDRICH. My colleague, Mr. FORT, is paired with Mr. MANNING, of Mississippi, and both are absent by the leave of the House.

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

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes. The bill has been returned from the Senate with sundry amendments, and I desire to move that the amendments of the Senate be non-concurred in and a committee of conference asked for.

Mr. WADDELL. That requires unanimous consent, I believe.

The SPEAKER. It does.

Mr. WADDELL. Then I object.

Mr. HEWITT, of New York. Then I move to suspend the rules for the purpose I have indicated.

The motion was agreed to, two-thirds voting in the affirmative.

The rules were accordingly suspended, and the amendments of the Senate were non-concurred in and a committee of conference requested.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. I understand that the Speaker has a list of gentlemen who desire to submit motions to suspend the rules. I do not understand that the gentleman from New York [Mr. HEWITT] is the first on the list.

The SPEAKER. The gentleman from New York is in charge of a general appropriation bill, and the Chair has always held that he would recognize gentlemen in charge of appropriation bills in preference to any on the list, and the House has repeatedly sustained the Chair in that course by a nearly unanimous vote.

MEXICAN AWARD.

Mr. CHALMERS. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CHALMERS. I desire to enter a motion to reconsider the vote whereby the House insisted upon its amendment to the bill of the Senate No. 1016, to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868, and asked a committee of conference thereon.

The SPEAKER. The motion to reconsider will be entered on the Journal.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DURHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2307) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, and 11.

That the House recede from its disagreement to the amendments numbered 1, 3, 7, 9, 10, 12, and 13, and agree to the same.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 14, and agree to said House amendment amended as follows: Insert after the word "That" in the first line of the section proposed to be restored by said House amendment the following: "from and after July 1, 1882;" and the House agree to the same.

M. J. DURHAM,
HIESTER CLYMER,
A. HERR SMITH,
Managers on the part of the House.
WM. WINDOM,
J. G. BLAINE,
R. E. WITHERS,
Managers on the part of the Senate.

The report was agreed to.

Mr. DURHAM moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. CANNON, of Illinois. I desire to ask unanimous consent of the House that an order be made to print House bill No. 4286, to establish post-routes in the several States therein named, with the amendments of the Senate thereto. The bill now lies upon the Speaker's table, having been returned from the Senate with amendments.

Mr. WADDELL. Does that require unanimous consent?

The SPEAKER. It does.

Mr. WADDELL. Then I object.

Mr. CANNON, of Illinois. Then let me give notice, if the gentleman objects to my request, that on to-morrow, or as soon thereafter as I can be recognized for the purpose, I will move to surpend the rules and introduce a bill containing all the post-routes in the bill now upon the Speaker's table.

Mr. WADDELL. And I will give notice, if it is in order to give notice now, that at the first opportunity when I can do so, after the morning hour, I will move to go to the Speaker's table for the purpose of taking up the post-route bill and non-concurring in the amendments of the Senate.

The SPEAKER. Does the gentleman object to the printing of the bill with the Senate amendments?

Mr. WADDELL. I do.

LEAVE TO PRINT.

Mr. MCKENZIE asked and obtained unanimous consent to have printed in the RECORD, as a portion of the debates of the House, some remarks which he had prepared on the bill (H. R. No. 5069) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. [See Appendix.]

Mr. HOUSE asked, and obtained, leave to have printed in the RECORD some remarks which he had prepared. [See Appendix.]

Mr. HARRIS, of Virginia, also asked and obtained leave to have printed in the RECORD some remarks which he had prepared upon the subject of the currency. [See Appendix.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. I move to suspend the rules for the purpose of going into Committee of the Whole to consider the sundry civil appropriation bill under the five-minute rule.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. HALE. I ask unanimous consent that the first and formal reading of the bill be dispensed with, and that the bill be read by paragraphs for amendment.

There was no objection.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 5130) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes. By order of the House the first and formal reading of the bill has been dispensed with, and the Clerk will now proceed to read the bill under the five-minute rule.

The following paragraphs were read:

DISTRICT OF COLUMBIA.

For the general expenses of the District of Columbia, to be disbursed by the commissioners of said District for the purposes set forth in their estimates of January 21, 1878, as amended June 4, 1878, \$1,250,000, to be credited to the United States on any law whereby the General Government shall assume any portion of the general expenses of the government of said District, out of which said sum the commissioners shall pay, on account of the Reform School of the District of Columbia, one-half of the expenses for the inmates and for other expenses, a sum not exceeding \$18,000; on account of the Columbia Hospital for Women and Lying-in Asylum a sum not exceeding \$12,000; to aid in the support of the Children's Hospital of Washington, a sum not exceeding \$5,000. And they may, in their discretion, donate a sum not exceeding \$5,000 in either case to the Saint Ann's Infant Asylum, to the Industrial Home School, and to the National Association for the Relief of the Colored Women and Children of the District of Columbia.

The Secretary of the Treasury is hereby authorized to advance, from the money hereby appropriated, to the commissioners of the District of Columbia, from time to time, such sums as in his judgment may be necessary to carry on the Government of said District, including accruing interest upon the bonds of the District. And the commissioners of the District of Columbia are hereby authorized to issue properly prepared bonds of said District to the amount of \$281,750 for the redemption of the ten-year bonds issued by the corporation of Washington, under an act of Congress approved February 27, 1868, amounting to \$279,250; also to redeem the Georgetown steam force-pump bonds, amounting to \$2,500, issued under the act of the general assembly of June 26, 1873. Said bonds shall be payable twenty years after date in sums of \$1,000 each, and bearing such rate of interest, not exceeding 6 per cent., as shall be approved by the Secretary of the Treasury, and to be sold to the highest bidder upon public tender, after being advertised for at least one month, the bids to be opened in the presence of the Secretary of the Treasury and approved by him.

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police at such reduced rates as may appear to them to be just, not exceeding \$800 per annum for privates, any law to the contrary notwithstanding, and to require the Washington Gas-Light Company to light the city lamps at such price as shall to the said commissioners appear to be just and reasonable. And all expenses heretofore incurred by the General Government for the board of health, for the Metropolitan police, and for gas inspection shall hereafter be a charge upon the government of the District.

And the following persons are hereby requested to act as a bureau of charities to examine and report to Congress upon the management of all the charities in the District of Columbia, supported either in whole or in part by money appropriated by Congress or by the government of the District, namely: Rear-Admiral John R. Worden, Rev. Jacob A. Walter, Jordan W. Maury, James H. Saville, Rev. A. H. Ames, Henry Semken, Henry Wise Garnett, Mrs. R. T. Merriek, Mrs. J. B. Ricketts, Mrs. Joseph Redfern, and Mrs. F. A. Richardson; and the said bureau is hereby requested to make such suggestions to Congress as will tend to increase the usefulness and secure economy in the administration of the said charities.

For the support of the National Soldiers' and Sailors' Orphans' Home, Washington City, District of Columbia, including salaries and incidental expenses, to be expended under the direction of the Secretary of the Interior, there is hereby appropriated the unexpended balance which may remain of the appropriation of \$10,000 for the fiscal year ending June 30, 1878: *Provided*, That the institution shall be closed up and discontinued during the ensuing fiscal year, and the title to the

property, real and personal, shall be conveyed to the United States before any further payments are made to the trustees of the said institution.

That a sum not exceeding \$75,000 be appropriated to pay the workmen employed in the public improvements on the streets and excavations of Washington under the late board of public works of the District of Columbia, or the contractors of the same, whose claims for work and labor are due and unpaid from contractors whose accounts against the government of the District of Columbia had been paid prior to the passage of the act of June 23, 1874, entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1875, and for other purposes." *Provided*, That such claims shall be severally audited and paid by the proper accounting and disbursing officers of the Treasury, and that the amount found to be due to each workman shall only be paid to him in person if living, or to his legal representatives if dead: *And provided further*, That if said sum of \$75,000 shall not be sufficient to pay all such claims in full, then there shall be made the required *pro rata* deduction on each claim, and the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workman: *Provided further*, That no claims shall be received or audited by the accounting officers of the Treasury subsequent to the 1st day of September, 1878, and that the whole amount paid under this section shall be considered and adjusted hereafter as a part of the proportional sum to be paid by the United States toward the expenses of the District of Columbia.

Mr. HOOKER. I desire to offer an amendment to a portion of the section on the fifth page.

Mr. ATKINS. I make the point of order that we have passed that section, and cannot return to it under the rules.

Mr. HOOKER. I did not notice that we had passed the fifth page; I was waiting till the whole of this subject-matter had been read before offering the amendment.

Mr. ATKINS. We are reading the bill by paragraphs; that is the order of the House.

Mr. HOOKER. I was not aware that we had passed that portion of the bill; and I presume that it will be in order to offer the amendment before passing to the consideration of another section.

Mr. FOSTER. It is all on one subject anyhow.

Mr. HOOKER. Undoubtedly.

Mr. ATKINS. But we have reached another paragraph.

Mr. HOOKER. That does not make any difference. I waited until the whole of the paragraph relating to the District of Columbia had been read.

The CHAIRMAN. This question depends upon whether the order of the House was to consider the bill by sections or by paragraphs. The Chair understood the order of the House—

Mr. HOOKER. I hope the gentleman from Tennessee [Mr. ATKINS] will not object to the amendment being offered. If there is any virtue in it the Committee of the Whole can adopt it; if not, it can be voted down. It seems to me the point of order is certainly not well taken.

Mr. HALE. The bill of course was to be read by paragraphs. In fact, there are nothing but paragraphs in the bill till you come to section 2, which is very far toward the end of the bill. All the remainder of the bill is the first section, and is made up of paragraphs. For instance, these paragraphs we have gone through embrace different subjects relating to the District of Columbia; but each paragraph is by itself. The last one read is a paragraph appropriating \$75,000 for the workmen of the District. It stands absolutely by itself; it has nothing to do with the rest; and we had passed from the preceding paragraphs entirely. If any gentleman makes the point of order that we cannot go back, it seems to me very clear that it cannot be done.

The CHAIRMAN. That is the point of order made by the chairman of the Committee on Appropriations.

Mr. HOOKER. I presumed that this amendment could be offered at any time after this portion of the bill had been read through. I desire now to offer this amendment to a paragraph on the fifth page of the bill.

Mr. HALE. The rule has always been construed very closely.

Mr. HOOKER. I will offer the amendment, then, to come in at the end of the paragraph just read, though it refers more particularly to a portion of the fifth page which I had proposed to strike out.

Mr. ATKINS. I will hear the amendment, reserving the point of order.

Mr. HOOKER. The Committee of the Whole dispensed with the first reading of the bill and took it up for amendment under the five-minute rule. I presumed that it would be in order to offer an amendment at any time before we passed from the first section of the bill.

Mr. PATTERSON, of New York. I wish to inquire whether it is in order to go back to amend a paragraph after it has been passed.

The CHAIRMAN. The Chair decided, or was ready to decide, that it was not in order; but the gentleman from Mississippi [Mr. HOOKER] now offers his amendment to come in at the end of the paragraph just read. He does not propose to go back.

The Clerk read as follows:

And the commissioners are hereby ordered and directed to pay to officers and members of the Metropolitan police force the salaries now provided for by existing law; and a sufficient additional amount is hereby appropriated out of the appropriation to pay the expenses of the government of the District of Columbia for such purpose: *And provided further*, That any act authorizing said commissioners to reduce the salaries of the District of Columbia employés shall not be construed to apply to the officers and privates of the Metropolitan police force of the District of Columbia.

Mr. ATKINS. I make the point of order that this amendment is not germane to the paragraph just read. We have passed the portion of the bill to which the amendment would have been germane. Besides it is out of order as new legislation.

Mr. HOOKER. I desire to say that it was my intention to move

in connection with this amendment to strike out this portion of the bill:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police at such reduced rates as may appear to them to be just, not exceeding \$800 per annum for privates, any law to the contrary notwithstanding.

Now, when you read the whole of this bill, it will be seen that the three concluding provisions of this part of the bill refer to the whole subject-matter of the bill, as well to the portion on the fifth page as to the other portions. The concluding provision is in this language:

Provided, That such claims shall be severally audited and paid by the proper accounting and disbursing officers of the Treasury, and that the amount found to be due to each workman shall only be paid to him in person if living, or to his legal representatives if dead: *And provided further*, That if said sum of \$75,000 shall not be sufficient to pay all such claims in full, then there shall be made the required *pro rata* reduction on each claim, and the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workman: *Provided further*, That no claim shall be received or audited by the accounting officers of the Treasury subsequent to the 1st day of September, 1878, and that the whole amount paid under this section shall be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the District of Columbia.

Now, the employment of the Metropolitan police force is an employment made partly out of the funds which the Government has to pay and partly out of the funds which the citizens of the District of Columbia owning property within its limits are to raise by taxation; and therefore this amendment is germane to the subject-matter because it contains a proviso with reference to the mode and manner of this payment; and it is not liable to the objection of being new legislation.

I do not think that objection ought to be made, to exclude the offering of this amendment when it was the purpose of myself, having it in charge, to offer it as soon as that portion of the bill was read. I think, therefore, there is no force in the objection, and that the Committee of the Whole, in justice to itself and in fair dealing to those whom I represent in this matter, ought to consider this amendment, and, if there is any merit in it, adopt it.

Mr. ATKINS. The gentleman from Mississippi certainly did not consider the text of the language that he has read. It has reference entirely to the \$75,000 which it is proposed to appropriate for the workmen of this District. It has no reference whatever to any other part of the bill, no more than if it were in a different section or a different bill.

The gentleman has given a strained construction to the language which he has read. I undertake to say that upon close examination he will not reiterate the opinion that he expressed a moment ago. I cannot believe that that opinion represents the conclusion which his trained and logical mind must reach upon a careful examination.

Mr. CONGER. I presume that no gentleman, not even the chairman of the Committee on Appropriations, desires to spring a surprise upon the House or to have any ruling from the Chair that would prevent proper amendments, simply because there has been a misunderstanding as to the time when they should be offered. That certainly cannot be the fair way to treat this bill.

Now, sir, when the gentleman from Maine [Mr. HALE] rose and amid some confusion made the motion that the first reading of the bill be dispensed with there was no objection, because every member had a right to suppose that the second reading would follow the usual rules.

It was not decided in that motion whether it should be read by paragraphs or by sections.

Mr. BLOUNT. Yes, it was.

Mr. CONGER. I say I did not so understand it, and I stood near him. There are things already read here to which I desire, if no other member does so, to offer amendments, and I waited, and as no one offered amendments when I knew there were amendments prepared, and in reference to which I spoke to members—I say I waited expecting it was not yet the time those amendments could be offered by the gentlemen who had them in charge. I rose at one time myself, but the section was said not to have been read through, and I was told that I must wait until that was done. If it is being read by paragraphs let the House understand it and do not take any advantage. This House should not, by any ruling of the Chair or by any assumption of any member, be deprived of the opportunity to offer amendments for the consideration of the committee. Now, when any gentleman—as the gentleman from Mississippi has stated that he had an amendment which he intended to offer to the paragraph relating to the Metropolitan police, to which I also had an amendment to offer, and that he waited because the section was not finished, and that he did not believe he could have the opportunity to offer it until the section was read through, I think under the circumstances he should have the opportunity to present the amendment. If it is to be understood that the bill is being read by paragraphs for amendments, very well; but I do not think gentlemen will take advantage of the misunderstanding on the part of members.

The CHAIRMAN. Will the gentleman from Michigan allow the Chair to say a word?

Mr. CONGER. Certainly.

The CHAIRMAN. If the gentleman supposed that the bill was being considered by sections it would not have been in order to move any amendment until sixty pages had been read, and therefore the amendment would not be in order even at this time.

Mr. CONGER. I presume every member obtained a copy of this sundry civil bill at the same time I did, which was five or ten minutes before we went into Committee of the Whole. I was surprised in looking over the bill that the first section extended to some sixty pages.

Mr. RANDALL, (the Speaker.) Mr. Chairman, the short way would be to refer to the notes of the reporters and when those have been read there can be nothing in dispute between members as to what was done when the House went into committee.

Mr. CONGER. If it be as gentlemen state it, then certainly the House misunderstood it.

Mr. RANDALL, (the Speaker.) That is the fault of the members and not the fault of the motion.

Mr. ATKINS. I wish to say in reply to the gentleman from Michigan, that I regret that he should make any insinuations of unfairness on the part of the committee or myself in the conduct of this bill.

Mr. CONGER. Instead of that, I stated the gentleman would not desire to take any advantage of the House in reference to amendments to this bill.

Mr. ATKINS. And I would not. But, Mr. Chairman, as the organ of the House on this bill, having it in charge, we are to proceed by rule, for unless we do proceed according to the well-established rules of this House we will never be able to go through with the bill. If at the outset of this bill, on account of negligence of gentlemen or the non-understanding or misunderstanding of gentlemen, we are to violate well-known rules of the House and go back, then, sir, we are at sea so far as this bill is concerned and will never get through with it until it meets with the unanimous consent of the House to allow us to go through with it. While I will treat the gentleman from Mississippi [Mr. HOOKER] with as much respect as any gentleman on this floor, yet if I should yield to him simply because of his misunderstanding, or to the gentleman from Michigan on account of his misunderstanding, and we are to reverse the rules which govern the Committee of the Whole on the consideration of the appropriation bills, then I must do so for every other gentleman on this floor during the progress of this bill. Therefore, in all seriousness, with the utmost respect for the gentleman from Mississippi and with the utmost deference to the gentleman from Michigan, I do not see how any advantage can be taken when the bill is on the table of members. I say, with the utmost deference to the gentleman from Michigan and the gentleman from Mississippi, I must insist on my point of order.

Mr. ELLIS. I rise to a parliamentary inquiry. Was not the motion of the gentleman from Maine to read this bill by section?

The CHAIRMAN. The Chair can state for himself that he stated distinctly the order of the House to be that the first reading of the bill should be dispensed with in committee, and that then the bill should be considered at once by paragraphs under the five-minute rule.

Mr. ATKINS. Read the order of the House.

The CHAIRMAN. The Chair will have the order of the House read.

The Clerk read as follows:

Mr. ATKINS. I move to suspend the rules for the purpose of going into the Committee of the Whole to consider the sundry civil appropriation bill under the five-minute rule.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. HOOKER. I do not understand that; read it over again.

The order was again read.

Mr. HOOKER. Now read the motion of the gentleman from Maine, [Mr. HALE.]

Mr. HALE. After that I made the motion that the first reading of the bill should be dispensed with and that it should be considered by paragraphs. And even if that had not been done the general rule covers this. The Chair will see that there is only one section until you get clear along to page 60, where section 2 begins. If the bill was considered by sections any gentleman, after we reach page 60, could go back and offer an amendment to any one of the fifty-nine previous pages. Such a construction would make the rule an absurdity and would put an end to the power of terminating the debate on amendments. The rule and the usage is to consider all such bills by separate paragraphs. When we reach the next page, for example, we begin the consideration of public buildings. Gentlemen are on the outlook for buildings in which they are interested, and when the appropriation for a particular building is passed and another is reached and the reading has begun the time has gone by when an amendment can be offered applying to the appropriation for a previous building.

Mr. CONGER. I ask for the reading of the reporter's notes as to the motion of the gentleman from Maine, [Mr. HALE.]

Mr. HOOKER. I do not think the gentleman made any such motion.

Mr. CONGER. One objection would have prevented it; and it cannot be presumed that unanimous consent would have been given to going on in this way.

The CHAIRMAN. The Chair directs the Clerk to read the report of the motion made by the gentleman from Maine which was assented to by the House.

The Clerk read as follows:

Mr. HALE. I ask unanimous consent that the first and formal reading of the bill be dispensed with, and that the bill be read by paragraphs for amendments. There was no objection.

The CHAIRMAN. The Chair will call the attention of gentlemen to what is laid down in the Digest, on page 160:

In considering general appropriation bills the clauses are invariably treated as sections.

Now, if the gentleman from Tennessee [Mr. ATKINS] insists upon the point of order, the Chair has no alternative but to sustain it. It is for him to say whether he will withdraw the point of order or not.

Mr. HOOKER. I hope the chairman of the Committee on Appropriations will not insist on his objections. It is very evident that this amendment cannot be offered at any other portion of the bill without being subject to the same point of order. A gentleman on the other side of the Chamber came to me while the Clerk was reading that section of the bill to call my attention to the fact. I said as soon as the Clerk finished reading the section I would offer my amendment. I do not recollect the gentleman's name, but he will no doubt remember that he approached me while the Clerk was reading the very paragraph of the bill which I wanted to amend, and that I said as soon as the reading of that portion of the bill was concluded I would offer my amendment. I do not think it is fair for the conductors and managers of the bill, when it has been referred to the Committee of the Whole for the purpose of being perfected, to prevent by means of captious objections proper amendments being offered.

Mr. ATKINS. I make the point of order that that question is decided.

The CHAIRMAN. The amendment has been ruled out of order.

Mr. HARDENBERGH. I desire to call the attention of the committee to the provision in line 145. I move to strike out the words "in person."

It is known that great frauds have been perpetrated on these workmen in the District of Columbia by the contractors, and now they are required by this provision of the bill to come on from different States to receive the money "in person." The amount due them averages \$30 to \$60; in many cases not enough to pay their expenses in traveling here. Why not put them on the same footing as everybody else and allow them to receive this money by power of attorney or otherwise.

Mr. HOOKER. Before we pass from the question which was engaging the attention of the committee a few moments ago I desire to submit a motion, that the committee rise and report the bill; and I do it with the view of moving to reconsider the motion of the gentleman from Maine, [Mr. HALE.] It is evident that many gentlemen here were not aware that such a motion had been put.

The CHAIRMAN. The gentleman from Mississippi will be in order when he obtains the floor. The gentleman from New Jersey [Mr. HARDENBERGH] is now on the floor.

Mr. HARDENBERGH. I yield to the gentleman from Mississippi, that he may make the motion he has indicated.

Mr. FOSTER. Before the gentleman makes that motion I suggest that the gentleman from Mississippi have unanimous consent to offer his amendment.

Mr. ATKINS. I have no desire to make any captious opposition to the amendment of the gentleman from Mississippi, and I am willing to withdraw the objection provided this is not to be made a precedent in the future consideration of the bill.

Mr. BEEBE. I rise to make a parliamentary inquiry.

Mr. HOOKER. I understand the gentleman from Tennessee has withdrawn his objection if this is not to be considered a precedent.

Mr. SPARKS. I object.

Mr. HOOKER. Then I renew my motion.

Mr. BEEBE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEEBE. As it appears from what has been read that the order made on the suggestion of the gentleman from Maine was by unanimous consent, I ask if it is competent by a majority vote to reconsider a proposition entered into by unanimous consent of the House.

Mr. HALE. It would be equivalent to a suspension of the rules.

The CHAIRMAN. That would be a question for the House to decide if the committee should determine to rise.

The question was put on Mr. HOOKER's motion that the committee rise; and on a division there were—ayes 69, noes 71, no quorum voting.

Tellers were ordered; and Mr. ATKINS and Mr. HOOKER were appointed.

The committee again divided; and the tellers reported—ayes 81, noes 84.

So the committee refused to rise.

The question recurred on Mr. HARDENBERGH's amendment, to strike out in line 145 the words "in person" and to insert in lieu thereof the following:

In such manner as the Secretary of the Treasury may prescribe.

Mr. HARDENBERGH. Mr. Chairman, as a member of the Forty-fourth Congress, I was on the Committee for the District of Columbia, and most of that committee's time was spent in a long and arduous investigation as to the claims of these workmen, and it was proved over and over again that there had been terrible misdealing with them in cases where no bonds had been given by the contractors for work, where the money was received and taken by the contractors

and the men not paid. This always has been considered, therefore, a just claim due these workmen on the part of the Government. They were not paid for the labor they performed, and now the provision of this item of the bill is that each of these men shall be paid in person.

Now, many of these men have been obliged, by extreme poverty, to go elsewhere, being unable to find work here. Most of their bills range in amount from \$35 to \$60; perhaps not a large amount to members of this House, but a very large amount to a man who is wandering through the land seeking for food. The requirement of the bill that they shall attend in person at the Treasury Department would practically deprive them of the benefit of this provision. Many of them are living throughout New Jersey. It costs \$20 to come here from New Jersey and go back again.

On Saturday we passed a bill paying millions and millions of dollars to rich contractors, who have had their money from the Government, and yet here you are refusing this little pittance due to men who earned their wages by hard toil and practically refuse to give them the amount due them, by saying that they must come to Washington to receive it. Strike that provision out and let them be paid by power of attorney, or in such manner as the Secretary of the Treasury may prescribe, and you will accomplish the whole purpose and pay them the money so justly due them.

Mr. HENDEE. I hope the amendment of the gentleman from New Jersey [Mr. HARDENBERGH] will not prevail, and I hope so for this reason: that I believe that the Committee on Appropriations inserted these words "shall be paid in person"—that is, to the parties who have the claims—for the purpose of having the persons to whom the money should go receive it. Now there is no city in the world according to its size, I believe, that has in it so many and so many kinds of claim agents as we have here in the city of Washington. Some of them are respectable and responsible men, others of them ought not to be trusted under any circumstances. Some of these claims happen to be in the hands of this latter class, and just as sure as such claims are settled and allowed just so sure is it that the claim agent is to take the money and pocket the whole of it; and I say if we are to make a donation of this \$75,000—for it is nothing but a donation—let us provide that it shall go to the parties to whom it belongs, and not to claim agents.

Mr. HARDENBERGH. I have no earthly sympathy for claim agents. The last thing I ask is that any middlemen shall receive this money, but I do ask that you shall provide some way by which it may be paid to the claimants without their personal attendance here.

Mr. HENDEE. The gentleman said that he proposed that these claims be paid under such regulations as the Secretary of the Treasury might prescribe, but in his remarks he said that it should be paid by power of attorney; and that power of attorney, let me say, would always be directed or made to the claim agent and that would be the last of it.

Now let me say that in 1874 or 1876 we made a donation of \$75,000 for this same purpose, and it was used up; the parties got a portion of the money, and I fear a very small portion, and the claim agents got the balance. Now, if the country is to pay \$75,000 more to this class of claimants let them have the money and not the claim agents.

Mr. HARDENBERGH. Let me ask the gentleman how a man having a claim for \$60 due him and living in the State of New Jersey can obtain it?

Mr. HENDEE. He can send it to you.

Mr. HARDENBERGH. No, he cannot, because then it would be a power of attorney.

It is not often I ask the indulgence of the House, and I think I have a right to claim it now. I want no middleman to receive a penny of the money; I want no claim agent to collect a cent of it; I want the men to whom it is due to receive it, and yet I see an insurmountable objection, scattered through the States as these men are, in requiring them to come here to receive their pay. Now, if the gentleman can suggest any remedy I hope he will do so.

Mr. HENDEE. I will suggest a remedy. Let the amendment read that in case of non-residence the money be transmitted by draft from the Treasury Department.

Mr. HARDENBERGH. I will accept that with pleasure.

Mr. FINLEY. It should be to the order of the claimant.

Mr. CLYMER. Allow me to suggest to the gentleman from New Jersey as a compromise that the words "in person" be stricken out, and the words "by draft to his order" inserted.

Mr. HENDEE. I ask the gentleman to modify it in this way, so as to read "in person or in case of non-residence." Let the words in person remain in the bill so that those claimants who are here can go and get their money.

Mr. HARDENBERGH. I have modified the amendment and ask the Clerk to read it.

The Clerk read the amendment, as modified, as follows:

In line 145, after the word "living" insert "and in case of non-residence by draft to his order on the Treasurer of the United States."

Mr. EWING. I have prepared an amendment covering the same ground, which I had intended to offer.

Mr. HARDENBERGH. I will offer the amendment which the gentleman from Ohio has prepared in lieu of mine.

The Clerk read the amendment, as follows:

Insert after the word "dead," line 146, page 7:

Or to the order of such person or persons hereafter made and executed.

Mr. BUTLER. That is the law now.

Mr. HENDEE. Put in the words "of the District of Columbia" after the words "non-resident," and the first amendment will then be in good shape.

Mr. HARDENBERGH. After the draft is made to their order and is standing in the Treasury, how are these persons to get it?

Mr. HENDEE. Get it at their banks.

Mr. HARDENBERGH. Then I hope the amendment as modified will be adopted.

The amendment, as modified, was agreed to.

Mr. CLAFLIN. I move to amend by inserting after the paragraph now pending that which I send to the Clerk's desk.

The Clerk read as follows:

That in order that persons sentenced to hard labor by the courts of the district of Columbia may be confined in said District, the Secretary of the Treasury be, and he hereby is, authorized and directed to cause the jail in said District to be inclosed with a suitable wall, and to have constructed workshops, &c., as hereinafter provided; that the sum of \$8,500, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended in accordance with the estimates of the Supervising Architect; *Provided*, That in all cases when practicable the prisoners confined in the jail and workhouse shall be employed upon the work herein provided for.

That upon the completion of the work herein provided for all persons who shall be convicted by any court in the District of Columbia of any offense the punishment of which by law shall be confinement in the penitentiary shall be confined during the term for which they shall be sentenced by said court in said prison. And the requirements of section 6 of an act approved January 16, 1863, entitled "An act to provide for the imprisonment of persons convicted of crime by the criminal court of the District of Columbia," shall be held to have been complied with in so far as the erection of a suitable penitentiary, and the Attorney-General is directed to see that the remaining provisions of said section are carried out.

That the Secretary of the Treasury be, and he hereby is, authorized and directed to ascertain if the provisions of section 2 of an act of Congress approved July 25, 1866, entitled "An act in relation to the construction of a new jail for the District of Columbia," have been complied with, and, if not, to enforce the same.

Mr. ATKINS. I raise a point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ATKINS. My point of order is that it is new legislation and proposes an additional appropriation.

The CHAIRMAN. The amendment just read by the Clerk is out of order for two reasons. In the first place, it is out of order under Rule 45, which provides that no bill or resolution shall be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House. In the next place, it is new legislation and involves additional appropriation.

Mr. HENDEE. I desire to offer an amendment.

Mr. HOOKER. I move to amend the pending paragraph by adding thereto the proviso which I send to the Clerk's desk. Before it is read I desire to say that I do not think the House fully understood the amendment which I offered before.

The amendment which I now offer is for the purpose of changing that portion of the bill which gives to the commissioners of the District of Columbia the power at their discretion to reduce the salaries of the employés of the District so far as it applies to the Metropolitan police force of this District.

The Clerk read the amendment, as follows:

Provided further, That any act authorizing said commissioners to reduce the salaries of the District employés shall not be construed to apply to the officers and privates of the Metropolitan police force of the District.

Mr. ATKINS. I raise the point of order upon that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. My point of order is that it relates to a portion of the bill which has been acted upon by the Committee of the Whole; and it is also not germane to the subject-matter of the paragraph under consideration.

Mr. HOOKER. It will be observed, I will say in answer to the gentleman having this bill in charge, [Mr. ATKINS,] that, after making various provisions on page 7 of the bill, it goes on to provide certain matters restraining and explaining the provisions already made. Now I propose to put an additional proviso on this section limiting the power of the District of Columbia commissioners in the particular mentioned. By this proviso I propose to take away from these commissioners the power to reduce at their discretion the salaries of the Metropolitan police.

Now, in what way, I would ask, is this amendment not germane to the subject-matter of the bill? The very object of the bill is to give power to the commissioners; I propose to limit their powers by making an exception. The provisos already attached are for the purpose of limiting the power already granted by the act, or enlarging it. I propose to restrict their power in reference to one class of officers, a class which is now so illy paid for its double day's work. Instead of being only eight hours a day on duty, these police officers are on duty sixteen hours a day, and are liable to be called on at any moment.

I think the amendment in the form which I have presented it is not subject to the objection raised by the gentleman that it is not germane to the subject-matter of the paragraph. It is as much germane, as completely in order, and as pertinent to the subject-matter under consideration as any one of the provisos by which the committee propose to limit the effect of the section which we are now considering.

Mr. HARRIS, of Virginia. I wish to say one word on the point of order.

Mr. ATKINS rose.

Mr. HARRIS, of Virginia. I will first hear what my friend from Tennessee [Mr. ATKINS] has to say on the subject.

Mr. ATKINS. I do not desire to argue the question. I do not think it needs any argument. The mere statement of the proposition is sufficient. In the first place, the amendment is not germane to the subject-matter of the paragraphs now under consideration. In the second place, it is inconsistent with the action of the Committee of the Whole already taken, because we have already passed upon the proposition to which this amendment relates. In the third place, it is out of order for the reason that it increases expenditures and is new legislation.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Mississippi or the gentleman from Tennessee whether there is at the present time any law in force authorizing the commissioners of the District to reduce the salaries of employés of the District of Columbia? The language of this amendment implies that there is such a law.

Mr. ATKINS. There is no such law, so far as I know.

Mr. HOOKER. There is a provision of that kind in this bill itself.

The CHAIRMAN. But that is not the law.

Mr. HOOKER. I understand that; but this bill contains the following provision:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police at such reduced rates as may appear to them to be just, not exceeding \$800 per annum for privates, any law to the contrary notwithstanding.

Now, if there is any objection to this amendment, the same objection might be urged to the provision which the Committee on Appropriations have inserted in this bill. I propose simply to limit the power which the bill proposes to give to the commissioners of the District of Columbia—to restrict the exercise of that power as regards one class of officers, the Metropolitan police force.

Certainly the amendment is germane to the subject-matter, because it proposes to limit the operation of a general provision of the bill giving the commissioners the power to make reductions. This proviso proposes to restrict that power so that it shall not extend to a particular class of officers. If the objection is good against the amendment it is good against the whole section.

Mr. HARRIS, of Virginia. The same principles and rules that would apply to amendments on other bills cannot apply so strictly to amendments offered in connection with this bill. This is a bill "making appropriations for sundry civil expenses of the Government and for other purposes." In its very nature it is designed to bring together all the odds and ends left out in all the other regular appropriation bills. But aside from that consideration the existing law allows to the policemen of this District a greater sum than this bill proposes to allow. This bill simply authorizes a reduction of the pay of the Metropolitan police. The provision on that subject is in these words:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police at such reduced rates as may appear to them to be just, not exceeding \$800 per annum for privates, any law to the contrary notwithstanding.

This very bill admits the existence of a law fixing a higher rate of pay or allowing a higher rate to be paid; and the bill proposes to make a reduction in that respect. It is entirely in order to offer an amendment increasing the amount proposed to be allowed by the bill to that authorized by the existing law.

Mr. ATKINS. When the gentleman from Virginia [Mr. HARRIS] says that the same rules do not apply to this bill as to others, does he mean to say that no point of order can be raised upon any proposition in this bill or any amendment thereto?

Mr. HARRIS, of Virginia. No, sir; but I say that the rules do not apply with the same strictness to this bill as to ordinary bills.

Mr. ATKINS. It is subject to precisely the same rules as every other bill.

Mr. HARRIS, of Virginia. The bill does not embrace any one distinctive subject.

Mr. ATKINS. The very same rules apply to this bill that apply to all other appropriation bills or any other bills that may come before the House.

Mr. CALKINS. I do not want to detain the committee, but it occurs to me that a glance at this bill must show that the point of order against this proposed proviso is not well taken. This bill is divided under certain heads, the one under consideration being denominated "the District of Columbia." The Committee on Appropriations themselves have chosen this term to describe the provisions embraced in these different paragraphs. It is true that there are different paragraphs, one relating incidentally to the Metropolitan police force; but if I understand anything about the construction or framing of statutes, a limitation by way of proviso may be added in any part of a proposed law because the proviso in the latter part of a statute always limits the preceding provisions. This amendment is in the nature of a limitation upon one of the powers given in a preceding paragraph; and certainly it is not subject to the point of order.

Let me add one other consideration to make this point plainer, if that be possible. If the proviso offered by the gentleman from Mississippi is not in order, then I suggest that an independent paragraph limiting the power of the commissioners now in question is in order. One or the other must be in order. It is not necessary that the paragraph limiting the power should immediately follow the language conferring that power. The office of all provisos is to limit preceding provisions. This proviso does that, and nothing more.

Mr. HOOKER. I desire to change the phraseology of the amendment in one particular. In hastily drawing the amendment I have inserted the language "any law to the contrary notwithstanding," as if the amendment referred to existing laws. I designed to say "anything in this bill to the contrary notwithstanding."

The CHAIRMAN. That was the reason the Chair made his inquiry a moment ago. If there were any law now in force authorizing the commissioners to reduce the compensation of employés the Chair would be bound to hold the amendments out of order.

Mr. HOOKER. I meant to refer simply to the law as proposed in this bill; not to any existing statute.

The CHAIRMAN. The Chair was about to say that inasmuch as there is no law in force authorizing the commissioners to reduce the compensation of employés of the District of Columbia, and as this is a mere proviso limiting the effect of a preceding provision of the bill now pending, the Chair thinks it is in order.

The amendment of Mr. HOOKER as modified was read, as follows:

Provided, That any provision of this bill authorizing said commissioners to reduce the salaries of the District of Columbia employés shall not be construed to apply to the officers and privates of the Metropolitan police force of the District of Columbia.

Mr. ATKINS. Does the Chair decide it to be in order?

The CHAIRMAN. The Chair decides that being a limitation of the bill pending and not a change of existing law it is in order.

Mr. ATKINS. What is the question before the committee?

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. HOOKER] as amended.

The committee divided; and there were—ayes 95, noes 23.

So the amendment was agreed to.

Mr. ATKINS. I give notice that I shall ask for a vote on this amendment in the House.

Mr. HENDEE. I wish to offer an amendment by adding the word "such" after the word "no," at the end of line 151; so it will read:

Provided further, That no such claim shall be received or audited by the accounting officers of the Treasury, &c.

If I can have the attention of the chairman of the committee for a moment I will explain my purpose in offering the amendment. I must confess I am in the dark as to the meaning of the latter part of this section. You say, in lines 154 and 155, that "the whole amount paid under this section shall be considered and adjusted," &c. The section begins on the first page and includes cost of "public printing and binding," and you say that shall be adjusted, as well as the part in relation to the "District of Columbia expenses." I do not think the committee could have meant that.

Mr. ATKINS. The word "section" should be "paragraph," and I move to amend it in that regard.

The CHAIRMAN. If there be no objection, the amendment of "section" for "paragraph" will be made.

There was no objection.

Mr. HENDEE. I inquire further, what is the design of the committee? You appropriate \$75,000 for a specific purpose. It does not come into that line of expenses known as general expenditures or the current expenses of the District of Columbia. It is a donation. Now is it the design of the committee that the United States shall pay one-half of that \$75,000 and the District of Columbia one-half, or the District of Columbia the whole of it? I take it, as the section now reads, you propose to have the District, that is the citizens, bear the entire burden of this \$75,000. If so, I think it is wrong.

Mr. HEWITT, of New York. The object is to provide a fund for payment and to consider it as part of the expenditures of the District of Columbia, one-half of which would ultimately fall on the District of Columbia and the other half on the General Government.

Mr. HENDEE. I suppose that was the intention, but does the language here used carry with it that construction?

Mr. HEWITT, of New York. If the gentleman will suggest any other amendment to make that clearer, I will accept it. The word "section" should be "paragraph," undoubtedly.

Mr. HENDEE. I hope that will be stricken out and paragraph put in.

Mr. HEWITT, of New York. That has already been assented to.

The CHAIRMAN. That amendment, by unanimous consent, has already been made by the committee.

Mr. HENDEE. I move to insert the word "such" after the word "no" in line 152, so it will read:

Provided further, That no such claim shall be received or audited by the accounting officers of the Treasury, &c.

Mr. HEWITT, of New York. That is all right.

Mr. HENDEE. Let me suggest whether this would not convey the meaning of the committee better: to so modify the proviso that it will read:

Provided further, That no such claims shall be received or audited by the accounting officers of the Treasury subsequent to the 1st day of September, 1878, &c., and one-half of the whole amount paid under this paragraph shall be paid by the United States, and one-half shall be paid out of the revenues of the District of Columbia.

Mr. HEWITT, of New York. I am inclined to think that would not improve the matter, because it goes into a general fund, the contribution of the Government and the contribution of the District of Columbia, and out of that general fund will be paid this \$75,000.

Mr. HENDEE. But the gentleman from New York will bear in mind that in line 48, on page 3 of the bill, it says "for the general expenses of the District of Columbia, to be disbursed by the commis-

sioners of said District for the purposes set forth in their estimates of January 21, 1878, as amended June 4, 1878, \$1,250,000," &c., and then the bill goes on to say certain portions of that sum may be paid out for specific purposes; and when you come to line 130 on page 6, you make an independent paragraph entirely relative to this \$75,000, and it seems to me you should provide distinctly that one-half should be paid by the Government and the other half by the District of Columbia.

Mr. HEWITT, of New York. There is no objection to put it in that form.

Mr. HENDEE. The only object I have is to divide the expenses.

Mr. HEWITT, of New York. How will the paragraph read if amended as the gentleman suggests?

Mr. HENDEE. I ask the proviso be read as I propose to amend it.

The Clerk read as follows:

Provided further, That no such claims shall be received or audited by the accounting officers of the Treasury subsequent to the 1st day of September, 1878, and one-half of the whole amount paid under this paragraph shall be paid by the United States, and one-half shall be paid out of the revenues of the District of Columbia.

Mr. HEWITT, of New York. That would hardly cover the case, one-half by the United States and the other half out of the revenues of the District of Columbia, to which the United States contributes one-half, the result of which would be that the United States would pay three-quarters and the District of Columbia only one-quarter.

Mr. HENDEE. Will you suggest some phrase?

Mr. HEWITT, of New York. I suggest the language of the section which I think is clear and explicit, but I was willing to concede to the gentleman from Vermont any amendment which would meet the case. But his amendment imposes three-quarters of the amount on the United States and only one-quarter on the District.

Mr. HENDEE. Then let it read this way:

And that one-half the whole amount paid under this paragraph shall be paid by the United States, and one-half shall be paid out of the revenues of the District of Columbia other than that portion which is derived from the United States.

Mr. HEWITT, of New York. That will do.

The amendment was adopted.

The Clerk resumed the reading of the bill, and read as follows, under the head of "public buildings:—"

Court-house and post-office at Atlanta, Georgia: for continuation of building, \$20,000.

Mr. CANDLER. I offer the following amendment:

In line 162, strike out the word "continuation," and insert "completion;" and strike out "\$20,000" and insert "\$60,000."

The building for which this appropriation is made, authorized, I believe, in the year 1870, was limited to cost \$250,000. Up to this time year by year there have been appropriated \$190,000. Now there is estimated for the completion of the building the sum of \$60,000, and that will complete it. I know of no rule of common sense or of economy on the part of the Government which forbids the amendment which I propose.

Mr. ITTNER. I desire to ask the gentleman a question. Has the Supervising Architect recommended that \$60,000 be appropriated for the completion of the building?

Mr. CANDLER. That is his recommendation. It is recommended that \$60,000 be appropriated to complete a building that has been in the process of erection for several years in a city where the Government is paying out annually for the rent of buildings for a court-house, for a post-office, and rooms for the internal-revenue office probably not less than \$5,000 a year. There is an expenditure of \$5,000 for the rent of United States buildings in that city, when an appropriation of \$60,000 would complete the building, estimated to cost only \$250,000 and upon which \$190,000 have been expended.

Again, let me say that this building is now being erected in the center of a city that has given to the Government a lot costing more than \$60,000, with the expectation that the building would be completed within a reasonable time. But the completion of that building is delayed year after year to the detriment of the Government and the harm of the people who made this donation.

Mr. ATKINS. This is the first proposition to make an appropriation for a public building in this bill. If the amendment of the gentleman from Georgia shall prevail, then, as a matter of course, the same rule ought to be applied to all the other public buildings estimated in this bill. There are over thirty—thirty-five, if I am not mistaken—public buildings provided for in this bill, the estimate for which was over \$5,000,000 or about \$5,000,000. We appropriated last year \$2,172,000 for public buildings; in this bill we propose \$2,089,000, very nearly as much as we gave last year. Now, gentlemen will see at once if we are to give \$60,000 to complete the building at Atlanta, there is just the same reason why you should give \$1,500,000 to complete the building at Chicago, and the same reason why you should give \$1,500,000 to complete the building at Cincinnati and the same amount of \$1,500,000 for the building at Saint Louis, and so on over the whole country.

If we are to give all we are asked for, if that is the principle on which we are to appropriate for these public buildings, let us understand it at the beginning. Let the committee take the responsibility. If they desire to swell this bill to such proportions as will complete all the public buildings of this country at once, and not only complete all those that are begun but to go on and appropriate for and complete those that are provided for and that will be asked for, then

I undertake to say that appropriations on this bill will be increased to perhaps \$30,000,000. The House can make up its mind whether it is prepared to do that or not. I have no speech to make against Atlanta. I have no speech to make against the gentleman from Georgia who offers the amendment. I will merely add that last year we appropriated for this building \$15,000, and this year we propose to appropriate \$20,000.

Mr. ELLSWORTH. I desire to ask the chairman of the Committee on Appropriations a question. Why under heaven is not this the time to appropriate money to complete our public buildings, when men are out of employment and suffering from want of it? When can there be any better time to do this work than now?

Mr. ATKINS. The gentleman's question is a very pertinent one; and I would refer him to the report of the Secretary of the Treasury for an answer. The Secretary of the Treasury in his report at the beginning of this Congress notified the country and notified Congress and he subsequently notified the members of the Appropriations Committee that it was necessary to fall eleven millions of dollars below his estimates in order to come within the estimated revenue of the next fiscal year. And I want to say, in addition to that, it is evident now from the manner in which the revenues have fallen off that instead of a deficit of \$11,000,000 it is likely to be \$20,000,000, if not more, for the next fiscal year. And when this omnibus bill, as it is called, is before the House for consideration, it is for every gentleman to take to himself the question whether he is willing to launch the country upon a system of extravagant expenditures upon public buildings and upon general improvements.

Mr. FOSTER obtained the floor.

Mr. ELLSWORTH. I would like to ask the gentleman from Tennessee a question. It will not take more than a moment.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. FOSTER. I cannot yield. The gentleman can have time afterward.

I am in favor of this amendment and I am in favor of amendments to follow on all these appropriations up to the amount estimated for by the Secretary of the Treasury. I am in favor of this amendment because it is in the interest of the Government to do this thing. We are paying in all the cities of this country many times the interest of what it would cost to complete these buildings for rent. In the first place, then, in the interest of economy, I advocate these appropriations. I advocate them further because these buildings can be built cheaper now than at any other time in the history of our Government, and perhaps than at any other time in the future. I advocate them further, Mr. Chairman, on still higher ground, and that is to give the suffering laboring-man in this country employment. What did you do two years ago with your miserable economy on the public buildings of the country? You threw out of employment not less than twenty-five thousand people and perhaps fifty thousand. If those fifty thousand people had been employed it might have taken away the surplus labor of the country. It will do it to-day. Let us make appropriations to the full extent asked for by the Department and it will put into employment more than fifty thousand laborers and take away the surplus labor. Here is a chance and an opportunity to show your sympathy for the poor laboring-man and I ask you to avail yourselves of it.

Mr. SOUTHARD. I would like to ask my colleague a question.

Mr. FOSTER. Certainly.

Mr. SOUTHARD. I would ask him if he thinks we would not get out of the difficulty by having the Secretary of the Treasury change his policy and put the three hundred thousand people whom he has thrown out of employment to work?

Mr. FOSTER. There are but fifty thousand men unemployed.

Mr. ATKINS. The gentleman is aware that we have already appropriated \$300,000 in the way of advances for public buildings outside of the city of Washington.

Mr. FOSTER. I take that into account.

Mr. ATKINS. I was going to state in addition that we have appropriated \$325,000 for the State, War, and Navy Departments in this city.

Mr. FOSTER. I know that advances have been made and I take them into account, but I think we should complete these buildings now, and I advocate the amendment on the grounds I have stated.

MESSAGE FROM THE SENATE.

Here the committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a concurrent resolution providing for the printing of the report of the Superintendent of the Coast Survey for the year ending June 30, 1877; in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed, with amendments, a bill (H. R. No. 4931) providing for the election of Representatives to the Forty-sixth Congress in the State of West Virginia; in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed bills and joint resolution of the House of the following titles:

A bill (H. R. No. 5124) designating the time for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado;

A bill (H. R. No. 3892) changing the time for holding the terms of the district court for the southern district of Virginia at Danville; and

A joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

SUNDRY CIVIL BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. BUTLER. I desire the attention of the House upon this question. I am glad that it has arisen right here in a case where the gentleman from Georgia [Mr. CANDLER] certifies that we are paying \$5,000 a year for rent of a building when we have a building half completed at Atlanta. He might have said that an incomplete building costs, according to its size, and one of this size would cost \$5,000 a year to be taken care of after the work was stopped. But I take the gauge up exactly as the gentleman from Tennessee [Mr. ATKINS] has thrown it down, to wit, that we are to go through all these appropriations, and if you do not go for one I will not go for another, because a little matter will not help but a great matter will; and Georgia has perhaps fewer unemployed men than any other State. I take leave to send to the Clerk's desk and have read as a part of my argument that to which I invite the attention of the House before they vote upon this question.

The Clerk read as follows:

[Special dispatch to the New York Times.]

PHILADELPHIA, June 8, 1878.

At about six o'clock and thirty minutes this evening a terrible tragedy was brought to light here. It was discovered that Mrs. Mary Glistlich, wife of a German shoemaker, had committed suicide, but, previous to taking her own life, she had killed her two children, one a boy, Charles Robert Ernest Glistlich, aged eleven, and Elizabeth Anna, aged nine. The neighbors had noticed that the house No. 1337 South Tenth street had been closed all day, and that no one had been about as usual. Mr. Frank Dougherty, residing next door, took upon himself the responsibility of going into the house, the rear door being unlocked. He passed to the second-story room, and there found the mother in bed dead, while at her feet were the two children in a cot, also lifeless. All three had been killed by chloroform. Over the face of the boy was a thick pad, and over the nostrils and lips of the woman and the girl were folded handkerchiefs. The odor of chloroform in the room betrayed the agent of destruction, and on a shelf was found an empty bottle that had contained the deadly stuff. Nothing about the bodies or in the room indicated that the dead had been committed by any hand but that of the mother, and the conclusion was that she had first suffocated her children and then laid down beside them with the fatal cloth over her mouth and nostrils.

The motive for the deed is believed to have been that the woman feared starvation. Her husband left her on Thursday, giving no hint as to where he intended to go; but he wrote a letter to the pastor of the church of St. John the Evangelist, Rev. J. E. Johnson, in which the runaway father said he could not stay at home any longer, as he could not support his wife and children. He had contemplated killing the children himself because he could not feed them. He mentions a sermon which his father had preached and which saved their lives. He then says that if he cannot procure work he will kill himself. This letter was taken by the rector to Mrs. Glistlich and read to her, but since that time no trace of the husband has been found. It is presumed that she thought he had made away with himself, and fearing to battle with the world alone she determined upon the terrible crime which she committed.

In addition to the above letter a note was found, written on a piece of yellow paper, from the mother, saying, "Good-by, all; I can't fight the world any longer. The world did use me bad. I hope we owe nobody one cent. Will you give, after burial expenses are paid, what is left to my daughter?" Mrs. Glistlich could not read or write, and the theory is that she caused Charles, her eleven-year-old son, to write the letter, he not knowing what it meant.

Glistlich and his family came to this city about six months ago from Bergen Point, New Jersey, where they had resided for some time. While here they had been carrying on the shoe business, but one night a workman stole all their materials and tools. Not having capital enough to bear up under this, he was compelled to leave a house partially paid for, and begin life anew. Glistlich came to this country about twelve years ago and married his present wife. He was her second husband, the first being named Holdness. The latter resided in New York City. The woman is represented as of a quiet religious disposition, and this act was only caused by the great troubles they have had and the prospect of their becoming beggars. Glistlich served sixteen years in the Prussian army. A body bearing the description of the missing man is at the Morgue awaiting the arrival of his step-children to identify it. The body was found in the Schuylkill River yesterday.

[Here the hammer fell.]

Mr. PRICE obtained the floor and yielded his time to Mr. BUTLER.

Mr. BUTLER. I beg the indulgence of the House for a moment. There is a case of a perfectly honest, sober, and intelligent workman who killed himself. He first thought of killing his family, but he heard a sermon, and the statement which he wrote to his pastor was that he could not do it, and then he went out and killed himself, and his wife killed her children and herself, and, tender in her last hour, she did it in the most painless way. Now, the question here is shall we not appropriate money in these cities to build buildings that we need and which we all admit must be built, and will we not make these appropriations to the largest extent? Will we not give all the relief we can give? I do not ask you to give above the appropriations asked for by the Secretary of the Treasury at the same hour that he gave his report made by the Supervising Architect. One thing is certain: not a dollar of the money we appropriate that these laborers get will be more than they ask for or than they earn. But at the same time if any gentleman will go upon the hustings at the coming election and if the question is put, "Did you vote for the appropriations for public buildings?" say "Yes, I did; I did it in order to relieve the starving people of this country, and in the interest of economy, for the purpose of having the buildings finished at the least expense," and unless I know very little of the hearts of the people, the justice of the people, the sense of right of the people, you will

never lose a vote, if any gentleman votes here upon that supposition. You can defend yourselves on the hustings, while this would almost cover votes for subsidies, if any of you have voted for one.

You will find that this will strike a responsive chord in the breast of every true man everywhere. Why? Because it is just in the sight of God and man. We ought to stand in the image of God as near as we can, and do what is right regardless of consequences.

Mr. EDEN. I do not understand precisely the connection between a bill making appropriations of public money for the erection of public buildings and a proposition for the relief of shoemakers. I do not understand that shoemakers engage very extensively in the construction of public buildings. I take it that what has brought this distress upon the country is the practice of extravagant appropriations.

Mr. ITTNER. Will the gentleman allow me—

Mr. EDEN. Not now; I have but five minutes.

Mr. ITTNER. I desire to explain to the gentleman how this will help shoemakers.

Mr. EDEN. I do not want the gentleman to explain it.

Mr. ITTNER. If you give a mechanic the money to buy a pair of shoes that will help the man who makes them.

Mr. EDEN. I cannot yield. I say that which has brought distress upon the people of this country more than anything else is the practice of extravagant appropriations and excessive taxes which are imposed upon the people.

It is proposed now to expend a large amount of money, an amount beyond the revenues of the Government, for the purpose of erecting public buildings in this country. If that is the true mode of bringing about relief to the distressed people of this country, then I will have to study in some school of political economy that I have never heretofore had the fortune to study in.

Now, this is a question of revenue. The Secretary of the Treasury, in his annual report which I hold in my hand, has informed us that unless this Congress reduces the appropriations \$11,000,000 below the estimates, we will not have a sufficient amount of money with which to meet those appropriations. Only a few days ago I saw a statement from the First Assistant Secretary of the Treasury, to the effect that in the five months of this year ending with the month of May there has been a falling off in the revenues of the country of nearly \$10,000,000 as compared with the amount received during the corresponding period of last year.

Now, if this House is to make appropriations for the amounts necessary to complete all the public buildings that are in course of construction in this country in order to give relief to labor; if that is the way to give relief (to which proposition I do not yield my assent) then we must find some new articles upon which to levy taxes in order to obtain the revenue with which to pay for the public buildings.

Mr. PHILLIPS. Will the gentleman yield to me for a question?

Mr. EDEN. Not at all. There are thirty-five public buildings in course of construction under the direction of the Supervising Architect of the Treasury; I hold a list of them in my hand. I apprehend it will take \$50,000,000, perhaps more, to complete those buildings. Now, are we to follow the plan laid down by the gentleman from Massachusetts, [Mr. BUTLER?] Take first the case of the public building at Atlanta, Georgia, and appropriate enough to complete that building, and then follow that up by making appropriations sufficient to complete all the other public buildings in course of construction in this country; we will first have to levy taxes to raise the necessary revenue for the purpose. And if that is the way to relieve labor in this country I do not understand how it is to be brought about. I always understood that the way to relieve labor was to relieve the laborer and the people who employ labor from taxation and from the burdens of debt which now press upon them so heavily, in order that they may be able to give employment to those desiring it.

I do not understand that this Government is a mere eleemosynary institution to appropriate money out of the Treasury for the relief of labor. It is our duty to make equal and just laws and to give relief to the people who pay the taxes in order that they may be able to give employment to labor.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ITTNER. I have but a few words to say on this proposition.

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. PRICE. I withdraw my *pro forma* amendment.

Mr. ITTNER. I renew the amendment. I have but a few words to say and I feel in about as favorable condition to say them now as I will be at any other time.

"Whom the gods wish to destroy they first make mad." [Laughter.] It seems to me that that is the condition of the committee which reported this bill to this House. If there ever was a time in the history of this country when we ought to afford some relief to the suffering poor and the laboring classes, now is the time. If you can appropriate millions on millions for subsidies why cannot you appropriate some small pittance to carry forward the public buildings that are now in the course of construction?

I had the pleasure a few short months ago of voting for an appropriation to erect a public building at Kansas City, Missouri. I had the pleasure again this morning of voting for an appropriation of \$200,000 for a public building in the city of New York. And I de-

clared upon this floor less than two months ago that I was prepared to vote for the utmost amount necessary, not a dollar unnecessarily, for I am not in favor of wasting a dollar of the funds of the people, of the tax-payers of this country. But I stand here now at liberty, and I feel it my duty in consideration of the condition of the suffering laboring classes of this country to vote the most liberal appropriations for public buildings at present under way, and also for all such buildings as may become necessary during the next three or four years. And if your revenues will not justify that, then issue bonds for the purpose.

If the gentleman from Illinois [Mr. EDEN] cannot see how this is going to help the shoemaker I will tell him. If you give employment to the laborer, to the mechanic, and to the artisan, he will get enough money to buy a pair of shoes; and the shoemaker will get a pair of shoes to make. Do you understand now how this is to help the shoemaker? [Laughter.] And on the other hand, those engaged in other industries not being able to secure employment, are without money and can buy no shoes, hence the mechanic, artisan, and laborer go barefooted, the shoemaker is without work, and they all become paupers and are thrown upon the cold charity of the world.

This is a question not alone of economy but of humanity as well. Here a few days ago we had eight thousand laboring-men in column, not asking for bread as beggars, but asking for work whereby they might earn their bread. About two weeks ago in the city of Saint Louis, where I reside, there was another column of eight thousand laboring-men asking for some employment by which they could earn bread for themselves and their families. That is the question; it is not a question of economy.

Your Supervising Architect has asked for a certain amount; he has asked for sufficient to go on with these public works. Give him what he has asked for; and when you put the unemployed labor of the country to work there will be a different state of affairs presented in a very short time. These people are not outlaws; they are not vagabonds. They are industrious, hard-working American citizens. All they ask is something to do; and if this House adjourns without doing something for the working classes in this way, not in the way of demagogery and tom-foolery, but in a practical, sensible, justifiable manner, God Almighty only knows what will be the result. [Applause.] I withdraw the amendment.

Mr. HARRISON. I renew the amendment. Mr. Chairman, I have been in Congress only three sessions. I came here with something of what my constituents thought business sense. I have attempted to bring into legislation on this floor some of that sense. If I have failed I fear it has been on account of the associations that I am thrown with. [Laughter.]

Now, sir, let us discuss this question as business men. In the city of Chicago there is a building of great size and beauty going up. It may not have been necessary; but it is being built. The Government has spent \$4,000,000 on that building. I have here a letter from the Supervising Architect of the Treasury, stating that this building can be finished in two years if the proper appropriations be made to finish it. Five hundred thousand dollars a year for two years will finish this building, and another five hundred thousand or thereabouts will be required for the approaches and for fitting it up ready for use. In other words, \$1,500,000 will finish the building and make it ready for use. The architect, Mr. Hill, says in this letter that if Congress will give him this money or will keep him running full he can have the building ready for occupancy by the end of the year 1879.

Now, if the House should appropriate \$750,000 now and \$750,000 next year, our post-office and custom-house building would be in use by January 1, 1880. But if we appropriate only \$500,000 per annum, he tells us it will be at the end of 1880, before the Government can have the use of the building.

Suppose, Mr. Chairman, we cipher up the difference it will make to the Government by finishing this in 1879 or 1880. For example, let us this year appropriate \$750,000, and a like amount next year. The interest on \$750,000 to January, 1880, at 4 per cent., will be \$45,000; then the interest on \$750,000 to be appropriated next year to January, 1880, will be \$15,000; in all \$60,000. In other words, by making a sufficient appropriation to complete it within the two years, the Government will be out in interest \$60,000, and will have for use in 1880 a building which will have cost it, say, \$5,500,000. But the building some say has cost a million too much at this date. Let us even concede that it has cost \$1,500,000 too much; we will still have a building worth \$4,000,000. The Government then will have the use in 1880 of a four-million-dollar building; at 4 per cent. rental it will be worth to the Government \$160,000; take from that the \$60,000 interest in the amount to finish, and we have a clear gain of \$100,000. But we pay somewhere in the neighborhood of \$50,000 a year rent. The architect says the Chicago architects and other employés cost about \$8,700 per annum. Add these amounts together and we would have a clear saving for the year 1880 of \$158,700.

But, sir, this bill only gives \$300,000, which, with the \$100,000 already given, makes \$400,000. Now, if we continue to give that amount each year, it will take four years to complete it, and there will be a clear loss for 1881 of \$158,700. Thus there will be lost for those two years \$317,400.

But there is another thing to be taken into calculation: that is, the insurance upon all the business done in and the property contained in these rented buildings. For the people are the insurers. There can be no estimate made of the loss in the event of a destruc-

tive fire in our post-office. One hundred and forty million pieces of mail matter pass through it in a year, or four hundred thousand a day. In case of fire one-half of this daily average would, at least calculation, be lost. Now, who can tell what would be the loss to the people—the business people—by a destruction of these two hundred thousand pieces of mail matter?

When the building shall be completed we will then have the benefit of the \$4,000,000 already expended, and it will save over \$50,000 a year now expended for rent. That is not all; for the architect informs me that he pays to architects, watchmen, clerks, &c., \$8,700 per annum merely for overlooking this building, while it is being completed. Yet the Committee on Appropriations come in here proposing an appropriation of \$300,000 a year.

Mr. SPARKS rose.

Mr. HARRISON. My colleague [Mr. SPARKS] may make all the speeches he wants in his own time.

Mr. SPARKS. Why does the gentleman say \$300,000 when the amount is four hundred thousand? The gentleman knows that in a deficiency bill passed some weeks ago we appropriated \$100,000, making, with the appropriation here proposed, \$400,000 for the custom-house at Chicago, and that is nearly up to the amount of the estimate. Why does the gentleman misrepresent the facts?

Mr. HARRISON. I hope this interruption will not be taken out of my time. I think I should have additional time, especially when I am charged with misrepresentation.

Here is the bill. I hold it in my hand, and read "for the custom-house and post-office in Chicago, \$300,000." Has the committee concluded to amend their own act by giving another \$100,000? What right had I to suppose they would do so sensible a thing when they have shown themselves deficient in business capacity. [Laughter.]

But I see what the gentleman alludes to. He refers to the \$100,000 given in March, I think. That was called an advance, but it was because the appropriation of last year had run out, and the contracts could not be made even to carry on the work this summer. I fought to have an additional \$100,000 last year, but failed, and the result was this deficiency.

[Here the hammer fell.]

Mr. CALDWELL, of Tennessee, obtained the floor, and said: I will yield my five minutes to the gentleman from Illinois, [Mr. HARRISON.]

Mr. WRIGHT. I understood that I was to be recognized next. Am I to lose my right to the floor?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WRIGHT] is next on the list, and will be recognized as soon as the gentleman from Illinois concludes.

Mr. WRIGHT. If I do not lose my right to the floor, I do not object to this arrangement.

Mr. HARRISON. Now, Mr. Chairman, in the city of Chicago the Government pays \$50,000 a year for rent; \$8,700 a year for salaries of those who are supervising the construction of this building; over \$2,500 a year for the protection and heating of the building. This makes about \$60,000 a year paid out by the Government in addition to the loss of interest on the \$4,000,000 that have already been expended upon the building. At present the business of our custom-house and post-office is conducted in tinder-boxes which if this House continues in the line of legislation it has pursued, we are constantly liable to go up in smoke. We rent our custom-house and court-house, our post-office and bonded warehouses. The latter are comparatively fire-proof, but the others were built for office buildings, and are as inflammable as any such buildings are. If they were to take fire, it would be impossible to save anything except what would be in the vaults.

Chicago collects and pays into the Treasury over \$9,000,000 of internal revenue. About \$2,000,000 of customs duties. In the post-office \$13,000,000 passed through the money-order division. About sixty million pieces of mail matter passes through the hands of the carriers. And in the mailing division about eighty million pieces pass. All of this vast business is done in buildings utterly unfit for the business.

I am a business man, and I want this House to look at this question as a business question. If we cannot spare from the Treasury \$500,000 a year to complete this building, capitalists stand ready to advance the necessary money at 4 per cent. interest, which will be \$20,000 a year; and as the Government is now spending \$60,000 in rent and the salaries of architects, &c., it would thus save \$40,000 annually. Is not this plain common sense?

Gentlemen tell us that the Secretary of the Treasury has informed us the Government will fall short in its revenue. But the Secretary also asked for \$500,000 for one building. If you quote him for one purpose, do it also for the other. But, sir, I say to the Secretary of the Treasury and tell him to stop spending \$35,000,000 a year for the sinking fund to pay a debt which ought to be left somewhat to our posterity to pay, but which he is using for resumption. Are we going on here in our mistaken policy, and to quote John Sherman, the Secretary of the Treasury—the man who has filled more poorhouses and more lunatic asylums than any man in this generation? Are we going to help him to keep the poor man down and saddle upon the oppressed people the payment of a debt that ought to be left to generations to come? Why not suspend the whole sinking-fund business and employ the honest and idle workmen by putting them on these public buildings and finishing them now? If we could employ these idle men for the coming year confidence would revive, pros-

perity would commence, and we would not have boards of trade petitioning us to give a great standing Army to shoot down frenzied men, hungry Americans.

The Supervising Architect of the Treasury Department says that with \$1,000,000 the building can be finished by the fall of 1879. Now, is it not economy to make such appropriations as will finish this building promptly? Are we to go before the people with the pretension of economy when we are in fact wasting the people's money? One million dollars will finish the building, \$1,500,000 will get it ready for use. A business man would spend the money and get the use of the present idle pile, and the world would call him sagacious. Why does not the Committee on Appropriations strive to merit the same encomium?

Mr. Chairman, I regret that many of these buildings have been undertaken; but they have been. If you or I wanted to build a barn we would build it when labor was cheap, and not when labor was high. If we needed it to-day we would build it to-day, if there were men around us anxious to labor at cheap rates. We would not put it off until next year, when labor may be high.

Gentlemen may say the Government has not the money. We have all the money we want. John Sherman is using it to force the Government into resumption and to plunge the people deeper into bankruptcy than they are to-day.

[Here the hammer fell.]

Mr. WRIGHT. Mr. Chairman, it affords me profound satisfaction to find that the number of demagogues in this House [laughter] is increasing very rapidly. [Applause and laughter.]

MEMBERS from the republican side. Come over here on this side. [Laughter.]

Mr. WRIGHT. No, I will stay here, [laughter,] for I have some wholesome counsel to give. When I came here at the commencement of the called session I brought a petition with me from my constituents praying for material aid, some kind of relief upon the part of the Government, and that petition was signed by twenty-five thousand men, residents in my district, mostly laboring-men and many of them out of employment. I presented it. I could not of course say to the House anything by way of explanation. This would have been out of order; more important business! There was more important business to be done. A personal explanation was to be made. A report of some appropriating committee dividing money was to be made for the benefit class. I could not rise in my place and say here is a petition with the names of twenty-five thousand of my constituents on it and give the reason why it was presented and demand a hearing in behalf of laboring-men. I heard the name of demagogue sounded, but this did not alarm me, and there was no epithet too vile, no calumny too severe, to be sent out to the country through that portion of the press, whose reporters through the grace and favor of this House occupy seats in the gallery, which is subsidized, that was not applied to me. I was denominated a fool, a demagogue, a madman, a communist, an idiot, a man unworthy to represent my district; that I had better go home. I sat here alone for four months, but, thank God, to-day I find that I have added to my company a very considerable number of recruits. [Applause and laughter.] The ranks of demagogues are fast filling up! Members who treated the measures I advanced as a wild chimera are more particular in the choice of their language now. I am not that repulsive creature that the press, owned by the capital of the country, represented me to be. I am being measured now more by the character of the great cause I advocated than by the opinion the subsidized press would make up for me. They begin to find out, Mr. Chairman, there is to be an election in November [laughter] for members to the Forty-sixth Congress; and I would have these gentlemen look around and see if they cannot make some kind of contract with these tramps and outcasts to retain their seats; for as God is in heaven there will be such a revolution as has not been common in the political affairs in this country in the past. The wants of the people have been treated with small consideration by this Congress. Congress has contented itself to vote money and contract the currency. It is a body of men assembled for the purpose of voting and dividing. Public wants which reach the people have been overlooked. [Laughter.] Why, sir, we have voted since Congress assembled—it has appropriated \$156,000,000. Where has it gone? Who has got it? Corporations, classes, officers of the Government, but not one dollar of that \$156,000,000 has been appropriated to the relief of the wants of a suffering people and to restore the business of the country, languishing, depressed, destroyed.

The petitions, sir, upon your table, which I presented at the called session in favor of material aid, and which numbered twenty-five thousand, have now reached one hundred and fifty thousand. But, sir, there they lie. Who has taken the interest to examine them? Who knows the fact in this House? How many are there who care about it? What do they ask for? They are couched in respectful language; they humbly pray for aid in some way, either by colonization or by a small loan upon their homesteads, in order that they may commence to procure a living for themselves and their families in settling upon the public domain. They say they are poor, out of employment, and ask for assistance.

The CHAIRMAN. The gentleman's time has expired.

Mr. SINGLETON rose and was recognized.

Mr. WRIGHT. Will you let me say a word or two more?

Mr. SINGLETON. I will yield to the gentleman from Pennsylvania, but it must not be taken out of my time.

The CHAIRMAN. It comes out of the gentleman's time.

Mr. O'NEILL. I will take the floor and give the gentleman my time.

The CHAIRMAN. The gentleman is not entitled to the floor. The gentleman from Mississippi is entitled to the floor if he claims it.

Mr. SINGLETON. If I can be recognized when the gentleman takes his seat, I do not object.

Mr. WRIGHT. You have spoken hours here where I have spoken seconds. [Laughter and applause.]

Mr. SINGLETON. I think the gentleman is altogether mistaken.

The CHAIRMAN. Debate on the pending amendment was exhausted at the end of the five minutes of the gentleman from Pennsylvania, and the gentleman from Mississippi [Mr. SINGLETON] is recognized.

Mr. SINGLETON. I am willing to yield to the gentleman from Pennsylvania on condition I do not lose my own rights.

The CHAIRMAN. The Chair must recognize gentlemen in the order in which they are down on the list, and if the gentleman from Mississippi yields he must yield entirely.

Mr. SINGLETON. I cannot do that.

Mr. WRIGHT. It then seems, sir, that the voice for labor cannot be heard here. There is a right here for every man to speak on every subject except in behalf of an impoverished people; but as to them he cannot be heard.

Mr. SINGLETON. I am sorry to see my distinguished friend so excited.

Mr. WRIGHT. No man has occupied more time than you have since this Congress began, and yet you cannot give me five minutes to make an explanation.

Mr. SINGLETON. I am perfectly willing to leave it to the House to say whether I have or not been troublesome in debate.

Now, Mr. Chairman, as a member of the Committee on Appropriations I deem it my duty to say a word in our own defense. It has become the fashion in this House whenever a bill from the Committee on Appropriations comes to be considered for every man who wants to sharpen his wit and say something spicy for his constituents to make a sort of grindstone of the Appropriation Committee for that purpose. Unstinted abuse is our portion, whether we are right or wrong.

Now, sir, I deprecate this state of things. We have been placed in this position not by our own action; we have been assigned to it by the Speaker; and we have been faithful and honest in the discharge of our duties, as I verily believe. I do not wish to discuss the merits or demerits of our action or say anything further on that subject. It is to be hoped that gentlemen will at least give us credit for honest motives.

There seem to be some gentlemen on this floor, notably my friend from Ohio, [Mr. FOSTER,] my colleague on the committee, who at this late day are anxious to court the favor of the working classes of the country; and my friend shows great solicitude to place himself in the front rank of these latter-day friends and advocates of the interests of those classes. Now, sir, if that gentleman in years gone by had thought a little more of what he was bringing upon the country when he exempted the \$1,600,000,000 Government bonds from taxation, being one-eighth of all our taxable property; when he declared these bonds payable in coin, giving to the bondholders \$500,000,000; when he passed a law authorizing the charter of national banks, whereby the bondholders deposited their bonds in the treasury of the States, drawing 6 per cent. per annum interest in gold, payable semi-annually, at the same time having paid back to them 90 per cent. of the face of said bonds by the Treasurer of the United States to be used in the establishment of national banks, by the use and loaning of which \$30,000,000 are annually extracted from the pockets of the people; had he thought of this when the law was passed demonetizing silver and when the law was enacted requiring the retirement of greenbacks—if then he had thought about all these things we would not now have this trouble on our shoulders. It is now rather late in the day for the gentleman to come forward and claim to be a friend *par excellence* of the poorer classes of the people of the country.

I represent a laboring class. I come from a rural district. When it has been sought to have such a modification of tariff as that there shall be more money among the agricultural class, which would enable them to employ laborers asking for work, that measure has been voted down by the help of that gentleman.

And now when we come asking that you shall give us aid for a Texas Pacific Railroad, and that only lending us the credit of the Government that employment may be given to thousands of suffering men upon that railroad, those who advocate that policy are abused and cried down as plunderers of the public Treasury, and the bill is pushed aside as unworthy consideration.

Mr. FOSTER. Why did not the gentleman stay here and stop the bad legislation to which he has referred? I think he left.

Mr. SINGLETON. Because a sovereign State, the State of Mississippi, required my presence at home, and I am in the habit of obeying the call of my State. Whether in the time of war or peace, I am ready always to answer her call.

Mr. FOSTER. Do you regard the call of your State now as paramount to that of the General Government?

Mr. SINGLETON. I owe my first and highest allegiance to the State of Mississippi. That is my doctrine.

[Here the hammer fell.]

Mr. CLYMER obtained the floor, and yielded his time to Mr. WRIGHT.

Mr. WRIGHT. When I was choked off from participating in this debate by the most miserable and contemptible set of rules that were ever devised by any legislative body on the face of the earth, and which John C. Calhoun told me forty years ago were made to prevent legislation, I was alluding to the fact that there were upon our table the names of over one hundred and fifty thousand men asking for assistance. I had presented memorials myself having over sixty thousand names attached, from people resident in Cleveland, Cincinnati, Saint Louis, from Pennsylvania, Wisconsin, Tennessee, Oregon, Maine, and many other parts of the country, asking that Congress should adopt some measure for the relief of the country.

But there is not time to consider the prayer of these men, involving the most important subject that was ever presented for the consideration of the American Congress. The great question of the country is, how can we relieve the wants of the people? and yet not one dollar has been appropriated and not one hour of time given for the discussion and consideration of this subject. A gentleman asked me if I am in favor of increasing appropriations. I am. I would double the amount named in the amendment pending. I would quadruple it. I would give away money for the purpose of benefiting these men who are without employment and in a state of starvation.

Mr. RIDDLE. I desire to ask the gentleman a question. Did he not vote for adjourning on the 17th June?

Mr. WRIGHT. No, sir; I did not.

Mr. RIDDLE. Or on the 10th of June?

Mr. WRIGHT. No, sir; I voted persistently against it, on the ground that I would not leave until some relief was given to the country; but you are going to adjourn without granting relief for the suffering men and women of the land. You vote money from the Treasury, but the appropriations you make are for the privileged classes.

Mr. RIDDLE. I want to ask the gentleman another question. He has stated that one hundred and fifty-six millions we had already voted away had been voted to corporations, classes, monopolies. Now I ask the gentleman—

Mr. WRIGHT. I cannot yield to allow the gentleman to occupy my time, as we are cut down to very narrow limits in this five-minute debate. I must occupy the limited allotment of time granted me. Hours can be devoted to personal explanations that concern nobody, and days about the order of business; but on the question of bread we must be limited to five minutes. A whole day to accommodate a quirk in the head of some friend of capital; but poverty and want and starvation come under the five-minute rule. Ah, sir, such rules!

The gentleman from Illinois [Mr. EDEN] says if you contract this debt, how are you to pay it? If you had currency enough, as you ought to have, then you would have money. The Treasury is not the place to hoard money. And not only is money hoarded there, but while you had two thousand millions of currency during the war you have cut it down to seven hundred millions. It cannot be increased to furnish the wants of trade and renew the business. That is inflation. Inflation is more to be dreaded than ruin. They burn money in the Treasury; it is thought better to do this than reissue it.

Now, Mr. Chairman, this Congress is ten years behind the people in regard to measures of public expediency, and especially as to the volume of currency, and John Sherman is one hundred years behind. [Laughter.] Why, when great emergencies like these have arisen in other countries, public policy ordered the construction of public works, and entire blocks of cities have been torn down and rebuilt for the purpose of affording idle men employment! It is our duty to vote liberally with regard to all public buildings that are being erected and put on the largest possible force and give our people employment. Do not sit here under the idea that everything is going well. I tell you that things are not going well and you will see an upheaval that will make statesmen tremble in their places. Let them avert the storm by the discharge of their duty.

Mr. DUNNELL. Did the gentleman vote for the river and harbor bill.

Mr. WRIGHT. I did not for the reason, that there were parts of it that I could not sanction. Had it been a just and fair bill it would have received my vote. I did not object on account of the money granted; but for the way in which it was divided. I am willing to vote liberal appropriations when they can be used in giving our people employment.

[Here the hammer fell.]

Mr. SPARKS. My colleague from Chicago, [Mr. HARRISON,] in addressing the committee a few moments ago, misrepresented somewhat, as I thought, the appropriations for the custom-house in Chicago, and I kindly directed his attention to the fact, when he afterward quite acrimoniously gave the House to understand that he was a business man, and that the members of this committee were not business men. Now, in answer I would say that I am truly glad that my colleague has told us his profession, for I really thought from what has recently occurred here, that he was in the "musical line." I thought he was a somewhat prominent player in the "middle of the Marine band." [Laughter.] But as the gentleman has told us emphatically, with a shake of the index finger which is hard to imitate, that he is a business man, allow me to say to him that he ought to give us better evidences of business qualifications than he has exhibited here in misrepresenting facts.

Now, I say that in this bill there is appropriated for the custom-house in Chicago the sum of \$300,000, and in a bill known as a preliminary deficiency appropriation, passed not long ago and approved April 30, 1878, there was appropriated the sum of \$100,000 for the same building.

Mr. HARRISON. Did I say that there was not?

Mr. SPARKS. That makes in the two bills an aggregate sum of \$400,000. The estimate for this building amounted to \$500,000, and for the Saint Louis custom-house, \$500,000; for the Cincinnati custom-house, \$500,000. In each of these cases we have given \$400,000, being nearly up to the aggregate estimate, and yet my musical colleague is dissatisfied and unhappy. Now, why do we do this? Why do we appropriate less than the estimates? I answer by saying that the Secretary of the Treasury has notified us and the country publicly that we are now having a decrease in revenue to the extent that the estimated expenses for the coming year will exceed by \$11,000,000 the estimated receipts. Now, under this state of the case what are we to do? If you have an insufficient sum of money to meet extravagant expenses of the Government you certainly cannot appropriate for such expenses. It might be well that all these buildings should be built quickly, but if we have not the money to build them with we cannot do it. We should "cut our garment to suit our cloth" is a familiar and sensible adage.

Mr. HARRISON. Will the gentleman allow me a word?

Mr. SPARKS. No, sir; I cannot yield.

Mr. HARRISON. I allowed you to interrupt me.

Mr. SPARKS. No, you did not.

Mr. HARRISON. At any rate, you got in what you wanted to say.

Mr. SPARKS. We have given for these large buildings \$400,000 each, the estimates being \$500,000; and we have given in the case now under consideration, namely, for the building at Atlanta, precisely in the same proportion. Now, in answer to my friend from Pennsylvania [Mr. WRIGHT] let me ask, has the Government of the United States got to make provision for the employment of all the idle labor of the country? Is that your remedy for the laborers and to prevent labor strikes? Must we, as the Representatives of the people, furnish labor to those who need it? I had thought that the enactment of wise laws and the repeal of vicious or unwise laws was a duty devolving upon us and in that action labor was to be benefited, not by hiring laborers.

The Secretary of the Treasury and his partisans have inflicted upon the country a financial system that has put the noses of the industrial and laboring classes to the grindstone. I will aid the gentleman from Pennsylvania [Mr. WRIGHT] and all others with hearty zeal to remedy the evil by the enactment of wise and generous laws—those in which, if there must be discrimination, that discrimination should be in the interests of the laboring and industrial classes, and not for monopolists.

Mr. WRIGHT. Will my friend vote for my bill?

Mr. SPARKS. The bill to give a mule and \$500 to every man who goes to settle on the public lands?

Mr. WRIGHT. No; to make him a loan. To loan him money.

Mr. SPARKS. I do not think we should make the Government of the United States a mammoth loan-office.

Mr. WRIGHT. Will you vote for furnishing the means for carrying them out West to get farms?

Mr. SPARKS. I will vote to let them go out West and get homes free by pre-empting and settling upon them, and I would enact wise laws to foster their industries, and not laws to contract their energies and oppress them, such as the party heretofore in power have enacted to their depression and ruin.

[Here the hammer fell.]

Mr. DURHAM. I want to enter my solemn protest against the doctrine advocated by some gentlemen on this floor, that it is the duty of the Government to take care of all the paupers in the United States or to take care of all the persons out of employment.

Mr. LUTTRELL. Does the gentleman from Kentucky regard the laboring-man as a pauper?

Mr. WRIGHT. Who are the paupers of this country?

Mr. DURHAM. If the gentleman will take his seat I will explain. I do not mean by that those gentlemen who are struggling for a living are paupers, because everybody that struggles manfully and faithfully can make a living. The trouble about it is this, that persons congregate about the cities when they ought to be in the country at work; they congregate in certain portions of the country with a view of getting a living out of the Government when they ought to be far out on the western prairies tilling the soil and making a living for their families and educating their children. Now I want to adopt the idea advanced by the gentleman from Illinois [Mr. EDEN] that it is the duty of the Government to pass wholesome laws to protect everybody. The idea that there is a conflict between labor and capital ought not to be, because wise legislation would protect both capital and labor, but I repeat that it is not because the Government of the United States does not make an appropriation for an overcrowded population in Boston, Philadelphia, and Saint Louis that the country is not prosperous. One-tenth part of those out of employment could not get work if you were to treble the appropriation. What right have you to tax my district, which is an agricultural district, for the support of the gentlemen in the overcrowded cities? Not one particle.

The theory of this Government until of late years has been to pass

wholesome laws, to protect everybody as far as the Government could protect them; and if there was local suffering in cities, then the cities would make provision for it. No other theory can ever be properly acted upon in this country.

I admit that here in the District of Columbia, practically under the control of the Government of the United States, it might perhaps be wise to act upon a different principle and to carry on these works. But I do insist that it is not the part of wisdom to go to the extent claimed by some gentlemen upon this floor, for if you do so you will render your Treasury bankrupt. At the end of the present fiscal year gentlemen will see that the prediction made by the Secretary of the Treasury will be true. Well did my colleague upon the committee [Mr. SPARKS] remark that you must cut your garment according to your cloth, whatever may be the result, outside of taking proper care of the finances of the Government. Let the industrious unemployed laborers in the cities go west, open up farms, cultivate the soil, and not depend on the Government for a support.

Mr. EWING. Mr. Chairman, I come from a district that is not at all affected by the appropriations made in this bill for public buildings. But I shall vote for an increase of the appropriations to the extent of the estimates of amounts needed for buildings now in course of construction during the next fiscal year. I believe that to be the dictate of wise economy, true statesmanship, and more than all the broadest humanity, which neither States nor men may wisely disregard.

If you take into consideration the loss to the Government of the interest upon the amount invested in these buildings by reason of their dragging along five, or ten, or fifteen years in construction; and also take into account the rent annually paid for private buildings for public uses; and the ultimate loss to the Government by postponing the completion of these buildings until better times come, with higher prices for wages and material, it is apparent that it is a gross extravagance and not a wise economy to cut down these appropriations and thus postpone the time for the completion and use of these buildings.

If this were a time of ordinary prosperity, and the labor of the country found fair employment, we ought to go on and complete these buildings promptly as a mere matter of business economy. But it is in fact a period of unparalleled distress among the laboring people; a time when thousands in every community are out of employment, in utter and abject want, and vainly seeking the means of supplying themselves and their families with the commonest necessities of life.

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

Mr. EWING. I have but five minutes and cannot yield to my friend now. It is a time when the dictates of humanity re-enforce considerations of wise economy in demanding that the Government shall push on the construction of necessary public works and give timely employment to a small portion at least of the millions of men whose cries for work and bread come up from every quarter of our land.

It does not follow that you must increase taxes at all. We have appropriations for a sinking fund which the Secretary of the Treasury holds to be subordinate to all other appropriations, and that sinking fund will supply the means for carrying on these works. Let me tell my friends who are opposed to the scheme of resumption that the Secretary of the Treasury looks for aid very largely to the sinking fund for means to enforce that most iniquitous and disastrous scheme. I would take that fund from him by appropriations under which it must be expended upon necessary public works. I would take this fund from the Secretary, the means to use it in an impracticable and disastrous attempt at resumption, and bestow it on some of the victims of his policy in exchange for honest labor on works now lagging for want of adequate appropriations.

Mr. CALKINS. How much of that sinking fund could be made available?

Mr. EWING. Over \$35,000,000. If that fund were not applicable or sufficient I would take the ten millions of Treasury notes now lying in the Treasury and held against the fractional currency which has been lost or destroyed. And if that should not prove to be enough, then I would give back to the people the \$70,000,000 of currency wrested from them by the stealthy operations of the resumption law, for which law, thank fortune, the other side of the House is wholly responsible. There is no want of funds to pay for completing the unfinished public buildings. And there is no need of adding a dollar to the already excessive burden of taxation or of expending a dollar except on public works, the immediate completion of which is demanded by the strictest rules of public economy.

Mr. CRITTENDEN. Will the gentleman say how much we are in advance of the requirements of the law for the purpose of the sinking fund?

Mr. EWING. We have already paid off the public debt to the extent of several hundred millions in excess of the requirements of the sinking-fund laws, and our appropriations for this year cover \$35,000,000 for the sinking fund. That \$35,000,000 had better be sunk in the ocean than devoted to the purposes of resumption, as it will be if not appropriated to other purposes, or wiped out by a reduction of taxes.

Mr. BLOUNT. This public building in Atlanta is within my own State, and my natural inclination and my prejudices would lead me to support the amendment which is now pending and moved by my colleague, [Mr. CANDLER.] But I should feel that I was acting upon

very narrow views if such considerations as those could induce me to support the measure.

For the current fiscal year we appropriated \$2,172,000 for public buildings. By this bill and by other bills which we have passed this session we appropriate \$3,694,000 for the same purpose for the coming fiscal year. We have already appropriated, including the amount in this bill, \$1,522,000 more than we appropriated last year for the current fiscal year.

The appropriation for the public building at Atlanta, Georgia, is advocated by gentlemen on both sides of the House on the principle that we are to vote the full amount which has been estimated for by the Secretary of the Treasury for the public buildings of the country during the next fiscal year. That is the use which is to be made of the pending proposition.

It is sometimes very easy to avoid the real question at issue by turning our abuse on somebody else; by finding fault somewhere else; by exciting passions in regard to something else, instead of considering the real question before us. At this time it is convenient to make the Secretary of the Treasury the object of attack in several ways.

Gentlemen say, why not stop the sinking fund? And they hold the Secretary of the Treasury to blame because that is not done. The legislation of the country has provided for that sinking fund, and it is beyond any ability on our part or any hope we may have to reach it at this session. The action of the Secretary of the Treasury in relation thereto is in obedience to the law.

Assault is also made in regard to the currency, and we are sought to be diverted from the issue before us by raising the question of the currency and distracting our attention in that way.

The Secretary of the Treasury has only his share of the responsibility in this connection; and gentlemen well know that we cannot turn back the legislation in reference to the currency or in reference to the sinking fund. They have no hope of that; it is idle to expect it; no relief can come from that quarter. Our revenues are falling off. The only practical way in which we can meet this question is by reducing the expenditures; and I commend the Secretary of the Treasury for pointing out to the House that this is one of the places in which we can retrench.

[Here the hammer fell.]

Mr. ATKINS. Mr. Chairman, [cries of "Vote!" "Vote!"] I do not desire to cut off debate on this proposition, because I assume that the House intends to make this a test question and that this general subject will be discussed principally upon the pending amendment of the gentleman from Georgia, [Mr. CANDLER.]

In addition to what has been said by the gentleman from Illinois [Mr. EDEN] and the gentleman from Georgia [Mr. BLOUNT] who has just taken his seat, I want to say one or two words. I will not repeat the argument that I made in my opening remarks on this subject; but I want to call the attention of the House to the fact that in this bill, including the advanced appropriation that we made at the beginning of this session, we are appropriating over a million dollars more for the next fiscal year than we did for the present fiscal year for the same purposes.

I do not desire to be drifted off as the gentleman from Ohio [Mr. EWING] has attempted to drift us off by an attack on Mr. Sherman. I am not the advocate of John Sherman; I am not the advocate of his policy. But we are practical men; we are here to legislate in a practical way. What is the use of the gentleman from Ohio talking about the sinking fund, and what is the use of his assault upon the Treasury Department as conducted by Mr. Sherman? That does not affect this bill; it does not affect the course this House will take upon it. The gentleman knows that this Congress has refused and will refuse to repeal the provisions of the sinking-fund act. I am prepared to-day to vote to authorize the Secretary of the Treasury to suspend the payment to the sinking fund, and have so voted; but this Congress will not adopt such legislation. Can the Secretary suspend those payments without authority?

Mr. EWING. Will the gentleman allow me one moment?

Mr. ATKINS. I do not believe I will, for the reason that the gentleman would not allow me to ask him a question.

Now, Mr. Chairman, the honorable gentleman from Ohio came into this Congress upon the cry of democratic economy.

Mr. EWING. No, sir.

Mr. ATKINS. Very well; then he is an exception. "Stick a pin there"—that the gentleman from Ohio is not the advocate of economy.

Mr. EWING. I did not come here on that issue.

Mr. ATKINS. Very well. Nor is the gentleman an advocate of economy either.

Mr. EWING. Yes, I am.

Mr. ATKINS. Well, then, he has a poor way of showing it. Why, sir, he comes forward asking this House to launch out upon a grand system of appropriations for the erection of palatial public buildings all over this country; and yet, sir, he will not rise in his place now—I challenge him to do it—and say that he will vote for additional taxes upon the industry and the labor of this country in order to pay the expense of erecting these buildings for the purpose of affording employment to idle people who prefer to live in large cities rather than settle upon the public lands and become producers.

Mr. HARRISON. Will the gentleman allow me to ask him one question for information?

Mr. ATKINS. No, sir. I feed the gentleman out of the same spoon with which he fed me. He declined utterly to allow me to ask him a question.

Mr. HARRISON. I did not.

Mr. ATKINS. He did. Now, sir, the gentleman from Illinois [Mr. HARRISON] impressed this House with the idea that only \$300,000 is appropriated for the Chicago custom-house for the next fiscal year. [Turning to Mr. HARRISON.] Did you not?

Mr. HARRISON. I did; and here [holding up a bill] is the foundation for my statement. There is the appropriation of \$300,000.

Mr. ATKINS. Well, sir, in that the gentleman showed his ignorance of the law; for we have already appropriated \$100,000 for the custom-house at Chicago in addition to the \$300,000 proposed to be appropriated in this bill. Therefore, when the gentleman from Illinois asserted that only \$300,000 are to be appropriated for that building for the next fiscal year he conveyed to the House a wrong impression.

Mr. HARRISON. I rise to a question of privilege. I am charged with misrepresentation. I ask to be allowed to correct the gentleman and to state the facts.

Mr. ATKINS. The gentleman stated his inferences; I have called attention to the facts.

Mr. HARRISON. Very good; here is the bill, which says, "for custom-house in Chicago, \$300,000."

Mr. SPARKS. And here is the law making an appropriation of \$100,000.

Mr. HARRISON. Yes, sir; but that was passed last winter in a deficiency bill, and was given to supply what ought to have been given last year.

Mr. BEEBE. I raise this point of order: that upon the discussion of a general appropriation bill under the five-minute rule it is not competent to raise a question of privilege.

The CHAIRMAN. The Chair so understands; but there seemed to be no objection to the gentleman from Illinois [Mr. HARRISON] proceeding.

Mr. BEEBE. I did object.

Mr. COX, of New York. Mr. Chairman, I do not intend to occupy my five minutes. I know what my friend from Pennsylvania said. A great many gentlemen are now favoring the laboring-men who at the beginning of this session and at the extra session did not know them and failed to support the efforts made to ameliorate their condition. That is all I have to say. I now as a matter of courtesy to my friend from Ohio [Mr. EWING] yield him the remainder of my five minutes.

Mr. EWING. I desire the attention of the House in order to present distinctly my view respecting the sinking fund. We appropriate for that fund every year 1 per cent. of the whole public debt and also interest on the bonds accumulated in the fund. The amount this year is over \$35,000,000.

Mr. BLOUNT. The gentleman is mistaken.

Mr. EWING. There is a permanent annual appropriation for the sinking fund.

Mr. SAYLER. Increasing each year.

Mr. EWING. Yes, sir; increasing each year by the accumulation of interest on the bonds in the sinking fund.

Now, Mr. Chairman, the Secretary of the Treasury when before the Banking and Currency Committee was questioned as to why he had failed to apply the required amount of the customs to the sinking fund, and he answered because the other appropriations by Congress did not admit it. Our committee then asked him whether he held the appropriation for the sinking fund to be subordinate to all other appropriations? He answered that he did, and his predecessors, Messrs. Bristow and Morrill, had also done so, in short that the sinking-fund appropriation was only to be paid and applied out of any moneys which might remain in the Treasury after all other appropriations had been paid.

Mr. WILLIAMS, of Oregon. I rise to a question of order. Is it not the rule, when we are under the five-minute debate, that the speaker upon the floor shall address himself to the subject immediately before the House?

The CHAIRMAN. That is the rule.

Mr. WILLIAMS, of Oregon. Here is an appropriation to complete a public building in the city of Atlanta, Georgia, and I insist the gentleman from Ohio shall confine his remarks to the pending question.

Mr. EWING. I do not want this to come out of my time.

The CHAIRMAN. It shall not be taken out of the gentleman's time. Does the gentleman from Oregon insist on his point of order?

Mr. WILLIAMS, of Oregon. I do.

Mr. EWING. I think that the general tenor of my remarks is germane to the pending amendment. I am discussing the question whether there is a fund out of which the appropriation proposed by this amendment can be paid, or whether we must resort to increased taxation to pay it, as is argued by the gentleman from Mississippi, [Mr. SINGLETON.] I say there is such a fund—the sinking fund—out of which this increased appropriation can be paid without resort to increased taxation.

Mr. WILLIAMS, of Oregon. I insist on my point of order that the gentleman must address himself to the subject immediately before the committee.

The CHAIRMAN. The Chair decides that it is competent for the

gentleman from Ohio to discuss that phase of the subject during the five minutes yielded to him by the gentleman from New York, [Mr. COX.]

Mr. EWING. The last thing to be paid, according to the construction of the Secretary of the Treasury, is the sinking fund. All other appropriations must be paid first, including, as he distinctly said to our committee, the appropriation of "any surplus moneys in the Treasury for the purpose of carrying into effect the resumption law." Therefore I say if we increase the appropriation for public buildings the increase necessarily comes out of the sinking fund, without making necessary any increase of taxation whatever.

My friend from Tennessee [Mr. ATKINS] asks me if I came here on the general cry of economy. I did not; I never raised the cry. When the people of this country were losing in the idleness of labor and machinery more than a thousand million dollars a year, I have not gone before the people of my district and talked about the saving of a few millions of dollars, but I have talked on the greater issues and let the cheese-paring economies in the administration of the Government pass by as subordinate and unworthy of consideration in the presence of the most stupendous losses and sufferings ever inflicted by legislation on a self-governing people.

[Here the hammer fell.]

Mr. SCHLEICHER. I rise to move an amendment.

The CHAIRMAN. Further amendment is not in order, as there is an amendment to an amendment now pending.

Mr. SCHLEICHER. Why is not further amendment in order?

The CHAIRMAN. If the amendment to the amendment now pending is withdrawn the amendment proposed by the gentleman from Texas will be in order.

Mr. CANNON, of Illinois. I renew the amendment.

The CHAIRMAN. It has not been withdrawn.

Mr. O'NEILL. I withdraw the amendment.

The CHAIRMAN. The gentleman did not offer it.

Mr. CANNON, of Illinois. I move to strike out the last two words.

The CHAIRMAN. That is not in order, as there is an amendment to the amendment already pending.

Mr. CANNON, of Illinois. Then I call for a vote.

The CHAIRMAN. The question is on the formal amendment to strike out the last word.

Mr. BEEBE. Why cannot that be withdrawn?

The CHAIRMAN. The formal amendment was offered by the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. I withdraw it.

Mr. CANNON, of Illinois. Mr. Chairman, this bill proposes to appropriate, in round numbers, \$2,000,000, to be expended on public buildings throughout the country. We have already, during this Congress, appropriated, say, \$500,000 for a like purpose. Now some gentlemen propose to increase the amount recommended by the committee from \$2,000,000 to \$4,500,000, and other members propose to appropriate a much larger amount than is estimated for aggregating an indefinite number of millions of dollars for the construction of public buildings, as well as other public works, for the purpose of giving employment, as they say, to idle men. Now, I expect to vote for reasonable appropriations to construct public buildings where they are absolutely necessary for the purposes of the Federal Government, but beyond that I will not go. I wish it were not necessary to vote one dollar for that purpose. It takes money to respond to appropriations. Money can only be raised by taxation, which falls upon the whole people and can only be obtained by labor.

Members demand that we make appropriations and tax the whole people so as to set men to work in their districts. I for one will not do it. What right have you to tax the people of my district, many of whom are poor and out of employment, to support the poor or set men to work in some other district? In my part of the country we support our poor. If a citizen is physically or mentally incapacitated so that he cannot work, he is supported by the locality where he resides; and if a man cannot get employment in one kind of business, he does not sit down and wait for something to turn up, but turns something up; nor does he expect the Federal Government to enter upon a system of improvements or build a public building that is not needed, purely for the purpose of giving him employment. Sir, the shadow of no disbursing office of the United States has fallen upon my district to make disbursements for public buildings, and if public buildings are to be constructed for the purpose merely of giving people employment, then be fair about it, divide the Federal revenues among all the congressional districts equally; let each locality have its share to the best advantage; in other words, let us have a fair division.

It sometimes appears to me that members think the Federal Government was created for the benefit of some particular district or districts only. Sometimes it is called upon to improve a river where the Almighty did not make one, then subsidize a steamship line where commerce will not support it, then it is to build a public building where it is not needed; and again it is called upon by another class of economists to spend money without stint or limit, so as to give employment to everybody that is out of employment. Sir, the Federal Government was not created for any such purpose; in its sphere it is supreme; its function is to afford protection to life, liberty, and property under the Constitution, and when that is done by wise legislation, then let every tub stand on its own bottom, let every citizen everywhere "root hog or die."

Mr. LUTTRELL obtained the floor.

Mr. BUTLER. I ask the gentleman from California to yield to me for a few moments, as I have to go to a committee.

Mr. LUTTRELL. I yield to the gentleman.

Mr. BUTLER. I want to say one word upon this matter as a matter of business. I take it on the very ground on which it has been put. In the first place, I want the House to understand the sinking fund has been used for a series of years, ten years at least, to make up all deficiencies. So there is no trouble about the money.

I want to say another thing. The people I represent pay as much of the taxes as anybody else, and I am certain that, poor as the business is in Massachusetts, the men of property there are willing to pay their share of taxes.

I want to say another thing to my friend from Kentucky, [Mr. DURHAM.] He says that our laboring-men ought to go and farm in the West. They have no money to go with, and the moment they start they are caught up in New Jersey and put in jail for trespass. [Laughter.] They cannot go.

I want to say another thing. I totally deny and repudiate the idea that I am advocating anything for paupers, made so by their own vices and dissipation or their own idleness. I never asked anything for paupers. Every dollar of this work has got to be worked for ten hours a day—it may be in the broiling sun—by the laborers; and if they are paupers it is because your legislation has made them paupers. If they are paupers it is because your financial condition is so damnable that it has brought them to that condition.

Mr. DURHAM. The gentleman's party did it, I suppose he admits?

Mr. BUTLER. I do not care who did it. I speak independently of party on this as I do on most questions. The legislation of this country, fostering the rich and crushing out the poor, has brought us to this condition; and I am sorry to see those men that call themselves Jacksonian democrats flying away from the great principles of their party. The doctrine they advocate to-day was not the doctrine the last time I knew anything about the democratic party.

One word more. I have a word to say to my friends on the Committee on Appropriations. I do not blame that committee. I might have done just as they did if I had been on that committee. They wait till we are, as is supposed, within the last six or seven days of the session and then bring in their bill. They could bring in no bill except it is within the revenue. That is their duty. But I call their attention to the fact that Mr. Sherman at the same time he reported a probable deficiency of the revenue reported an estimate of four and a half millions for public buildings, as appears on this book of estimates. Mr. Sherman reported both at the same time. He says these appropriations ought to be made. We do not ask the committee to go one step beyond Mr. Sherman's estimates.

I would go for building every possible public building if I had my way, because it is economical to do it. It is a false economy to refuse to do it. We are paying a million and odd dollars a year as rent. Now, I ask my friend, the chairman of the Committee on Public Buildings and Grounds, whether on many public buildings which are now half built we are not now paying much more than the interest on their cost. While in this very city the State Department building lingers along from year to year and your pension-rolls and soldiers' rolls are in danger of fire year after year, we are doling out these appropriations as if we were poor, as if we had not the money. I put it to any of you as a fair business proposition, if you had a half-finished house would you not finish it this year, even if you had to borrow the money, rather than let the storms of heaven beat upon it? [Here the hammer fell.]

Mr. LUTTRELL. I wish to state the reasons why I shall vote for every estimate made in the Book of Estimates. When the Secretary of the Treasury made the estimates he at the same time estimated the amount of revenue we would receive. Now, by completing the public buildings we shall save millions of dollars in the shape of rent and interest and give employment to thousands and tens of thousands.

I am sorry that the gentleman from Kentucky [Mr. DURHAM] used the word "pauper" in reference to the laboring-man. I say to him that I belong to that class, and if laboring-men are paupers then I am one of course, because I am a laboring man.

Mr. DURHAM. I did not make any such statement.

Mr. LUTTRELL. I understood the gentleman to speak of them as paupers.

Mr. DURHAM. Then you understood wrong. There are paupers and laboring-men too.

Mr. LUTTRELL. I find by a recent publication in the New York Herald that there are fifty thousand idle workingmen in New York City and forty thousand in Brooklyn, and there are tens of thousands in every city; men who are willing to work and labor if you will give them an opportunity; men who have learned trades and have spent years and years in fitting themselves as first-class mechanics, and yet the Committee on Appropriations seek to strike at their interests by refusing to appropriate the amount asked for in the Book of Estimates made by the proper officers.

Sir, they cannot expect the laboring-men to vote for their party when they strike at the rights of the laboring-man. I am a democrat, but not one of the democrats who would deny to the laboring-man the right to work and earn his living in the sweat of his face.

The appropriations contained in this bill strike at the workingman, and I give notice that I shall vote to increase every item for public buildings up to the amount estimated for. I find upon page 41 of the document I hold in my hand that the receipts by the Government in the shape of revenue amounted to \$39,147,500 in my State, and although we have paid \$39,000,000 the committee simply give us \$35,000. Yet we are now paying \$50,000 a year for taking care of the dry-dock at Mare Island and thousands of dollars for rent in San Francisco, where we have no public buildings. If this is economy, God deliver me from democratic economy! That is not my kind of democratic economy. [Applause on the floor and in the galleries.]

Mr. CANDLER. I do want, in this war of words and theories, the measure I proposed to be forgotten. Now, so far, I believe nobody, not even the chairman of the Committee on Appropriations, says that this measure of itself is wrong. The only complaint he makes is that it is associated with something else. If there is ground for that complaint the gentleman is the author of it, for he has placed it in conjunction with a number of other measures. This amendment can stand alone upon its own bottom. I do not object to its association with other kindred measures, because I expect the others to pass, and the association therefore will not hurt it.

According to the theory of this bill, wherever a reasonable amount of money would complete a public building, the committee reported in favor of that appropriation. Here is a building where \$250,000 have already been expended, and year after year it is lying waste, when \$60,000 will complete it. It stands exactly on the same footing as one building in New Jersey and another in North Carolina which the committee have put in here.

Again, I take it that there is some sort of rule here, an arbitrary rule, by which \$20,000 have been fixed by this bill. It is a certain proportion or percentage of something that may have been estimated. If that be true, then the rule ought to run through. Here is an appropriation for a building in the city of Nashville, Tennessee, the cost of which was limited to \$300,000. That has already had \$40,000 given in advance, and there is a further appropriation for it in this bill of \$35,000.

Mr. ATKINS. Let me explain right there that Nashville had but \$10,000 appropriated while Atlanta had nine thousand and some odd hundred dollars.

Mr. CANDLER. That building is one that is being continued, but that building cannot be finished for this sum. Here is a public building that from 1874 down to the present time has had appropriations of \$15,000, \$20,000, and \$30,000 a year, and to guard the unfinished building the Government is under an expense of \$10 a day to a superintendent and is paying rent at the rate of \$5,000 for buildings in the city. Sir, the amendment is based upon common sense, and while it may be benefited by other matters which are brought here in connection with it, I think we ought to have \$60,000.

Mr. YOUNG obtained the floor.

Mr. SCHLEICHER. I desire to offer a substitute for the pending amendment.

Mr. YOUNG. I will yield to hear the amendment read.

The Clerk read the amendment, as follows:

Strike out from line 161 down to line 241, and insert in lieu thereof the following:

Custom-house, Albany, New York, \$500,000;
Court-house and post-office, Atlanta, Georgia, \$100,000;
Subtreasury and post-office, Boston, Massachusetts, \$2,000,000;
Custom-house and subtreasury, Chicago, Illinois, \$1,500,000;
Custom-house and post-office, Cincinnati, Ohio, \$3,250,000;
Custom-house, court-house, and post-office, Evansville, Indiana, \$30,000;
Custom-house and post-office, Fall River, Massachusetts, \$200,000;
Custom-house and post-office, Grand Rapids, Michigan, \$50,000;
Custom-house and post-office, Hartford, Connecticut, \$350,000;
Post-office, Harrisburgh, Pennsylvania, \$250,000;
Court-house and post-office, Little Rock, Arkansas, \$150,000;
Custom-house and post-office, Memphis, Tennessee, \$400,000;
Custom-house, post-office, and court-house, Nashville, Tennessee, \$250,000;
Court-house and post-office, Philadelphia, Pennsylvania, \$3,000,000;
Appraisers' stores, San Francisco, California, \$100,000;
Custom-house, Saint Louis, Missouri, \$1,600,000;
Court-house and post-office, Utica, New York, \$150,000;

Which sums so appropriated shall be for the completion of each of said buildings, respectively, for furnishing them, and for the fences, grading, and approaches thereto, and shall be immediately available and expended under the direction of the Secretary of the Treasury.

State, War, and Navy Department building, Washington, District of Columbia, \$5,000,000.

Which sum shall be for the completion of the east, north, and west wings of said building, for furnishing the same, and for the fences, grading, and approaches thereto, and shall be immediately available and expended under the direction of the Secretary of War.

The sums so appropriated shall remain available until the completion of the work for which they are appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be transferred to the general public building fund, and remain permanently available.

Mr. ATKINS. I observe that that amendment is subject to a point of order and I desire to make it.

Mr. CONGER. I shall demand a separate vote upon each paragraph. The CHAIRMAN. The point of order is made.

Mr. SCHLEICHER. I will state in explanation that these are the original figures of the amount necessary to finish the buildings that have been commenced and that there is not a single new building in it. These are only the amounts necessary to complete buildings according to the estimates.

Mr. ATKINS. The appropriations are larger than those provided by law.

Mr. SCHLEICHER. They are all authorized by existing law.

The CHAIRMAN. The gentleman's amendment is not an amendment to the one proposed by the gentleman from Georgia, [Mr. CANDLER,] which is to strike out the word "continuation" and to insert in lieu thereof "completion," and to strike out "\$20,000" and insert in lieu thereof "\$60,000."

Mr. SCHLEICHER. The gentleman's amendment proposes to strike out one line and I propose to strike out a number of lines.

The CHAIRMAN. The gentleman proposes to strike out a large part of the bill, and it is not an amendment to the amendment of the gentleman from Georgia; besides it is liable to several other objections upon the point of order, and the Chair decides it out of order.

Mr. YOUNG. I desire simply to present some facts for the consideration of the Committee on Appropriations.

Mr. SCHLEICHER. Has my amendment been ruled out of order?

The CHAIRMAN. The Chair rules that the amendment of the gentleman from Texas is not now in order. The amendment of the gentleman from Georgia [Mr. CANDLER] relates to a single paragraph; the amendment of the gentleman from Texas [Mr. SCHLEICHER] applies to several paragraphs.

Mr. SCHLEICHER. Then I will move to strike out the paragraph to which the amendment of the gentleman from Georgia [Mr. CANDLER] applies and to insert in lieu thereof the paragraph in relation to the same building included in my amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. YOUNG] yielded merely to have the amendment of the gentleman from Texas [Mr. SCHLEICHER] read, but did not yield the floor.

Mr. ATKINS. The Chair has decided the amendment of the gentleman from Texas [Mr. SCHLEICHER] to be out of order?

The CHAIRMAN. The Chair has ruled it out of order.

Mr. YOUNG. Am I entitled to the floor?

The CHAIRMAN. The gentleman is entitled to the floor; and at the conclusion of his remarks debate upon the pending amendment will be exhausted.

Mr. YOUNG. I have no intention to offer any remarks upon the amendment offered by the gentleman from Texas, [Mr. SCHLEICHER.] What I have to say will be directed to a different branch of the subject. I have no complaint to make of the Committee on Appropriations. I have no doubt that, with the information before them, they have brought before the House just such a bill as in all probability I would myself have reported if I had had the management of it.

I belong to a committee charged by the House with the duty of investigating questions of this character. After investigating the subject of the public buildings of this country, I have arrived at the conclusion that there is no branch of the public service that is in more need of reform than that one. I am not aware that any one is particularly in fault. The present condition of things has arisen, I am satisfied, because the subject has not been fully understood.

According to some statistics submitted to our committee by the gentleman from Texas, [Mr. SCHLEICHER,] we are to-day paying the sum of \$1,300,000 for rent of public buildings in different portions of the United States. We have before the Committee on Public Buildings and Grounds bills providing for the erection of new buildings to the amount of a little less than \$11,000,000. We are to-day paying for rent of buildings a sum that would equal the interest at 10 per cent. upon the full amount of all that is asked to construct every public building in any part of the United States that the public service would seem to require.

In addition to that there are public buildings now in the course of construction which were authorized from ten to fifteen and twenty years ago; some of them were actually begun more than ten years since. Upon every one of these public buildings there is employed a permanent force in the way of a supervising architect and in some instances of an assistant architect also at an expense amounting to \$3,000, perhaps \$4,000, a year upon every public building now in course of construction.

I have arrived at the conclusion myself that it is unwise economy upon the part of the Government to extend the time of constructing these buildings over a long period of years, when by making an appropriation sufficient to complete them at once we might save all the rental we are now paying and at the same time save the amount annually paid to employes who are half the time idle.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. FOSTER. Has not the formal amendment been withdrawn?

The CHAIRMAN. It has not.

Mr. FOSTER. I desire to say a few words.

Mr. ATKINS. If the gentleman from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations desires to speak, I will not object.

Mr. FOSTER. Inasmuch as reference has been made to the statement of the Secretary of the Treasury in his annual report as to what Congress should do in the matter of appropriations in order to bring the expenditures within the receipts of the Government, I desire to say a word in explanation, and to show exactly where we are now on the question of finance.

Secretary Sherman's estimate of expenditures includes \$35,000,000

for the sinking fund. Now, he asks us to reduce the appropriations \$11,000,000 below the estimates, so that the receipts may cover all the expenditures of the Government, including the sinking fund.

Now, what have we done? As our appropriation bills stand, taking the sundry civil bill as reported to the House, the appropriations have been reduced below the estimates \$19,675,000. We can therefore appropriate nearly \$9,000,000 more and still be within the recommendations of the Secretary of the Treasury.

The CHAIRMAN. The question is upon the amendment of the gentleman from Georgia, [Mr. CANDLER,] which will be read.

The amendment was to strike out "continuation" and insert "completion," and to strike out "\$20,000" and insert "\$60,000," so that the paragraph would read:

For court-house and post-office, Atlanta, Georgia, for completion of building, \$60,000.

Mr. AIKEN. I desire to ask the gentleman from Georgia [Mr. CANDLER] one question. If the \$60,000 asked for by him shall be appropriated for the completion of this building is there any guarantee that the bill will be completed within the fiscal year for which the money is appropriated?

Mr. CANDLER. I do not know how that will be; that is the expectation.

Mr. AIKEN. Then if it is not known that the building will be completed within the next fiscal year I think the judgment of this House should be to sustain the action of the Committee on Appropriations. Wherefore is there a necessity in these times of great depression for appropriating enough money now to complete the building when another opportunity will be offered for an appropriation before it can be completed?

I do not know that I can enlighten this body at all, but I ask the privilege of saying a few words.

I am a representative of an agricultural community; and a great deal has been said here to-day about assisting the laboring classes. I have never yet heard one word expressed to show me that if we appropriate for this purpose the entire sinking fund of \$35,000,000, and double it, that these very classes will not come here next year and ask for as many million dollars more. I believe in helping the people, but I do not believe in helping them to-day and letting them starve to-morrow.

If any gentleman on this floor will present a constitutional method by which we can at the public expense disperse the crowds that now concentrate in the cities and scatter them in the agricultural portions of the country, I shall be glad to vote for any such plan. My State to-day holds out its hands to those who are willing to work and says, "We will employ one million of you;" and I have often heard it stated on this floor that there are only about one million and a half who are idle, not from choice, but necessity.

Now, suppose we appropriate \$35,000,000 to assist these people, how long would it be before the last dollar would be consumed? If there are one million idlers to-day and we can employ them all by making this appropriation, would they not be idle again at the expiration of thirty-five days? for they would expect at least a dollar apiece daily for their labor.

Mr. LUTTRELL. Will the gentleman allow me to ask whether we have not within the last twelve or thirteen years voted \$37,000,000 to pay the interest on bonds of corporations?

Mr. AIKEN. I cannot help that. That argument is very much like the one presented by the gentleman from Atlanta, [Mr. CANDLER.] He urged that the Government is now paying \$5,000 a year as rent in that city and he wants \$60,000 appropriated to complete a building so that the Government may be relieved from this charge for rent. Sir, \$60,000 is worth to-day in interest \$6,000 annually in the very State for which he asks this appropriation. It would be economy for the Government to take this \$60,000 and loan it out there instead of expending it, for it would thereby save a thousand dollars. I only regret that there ever was a dollar appropriated by the Government for erecting any one of these public buildings. It has been the cause of one-half the idleness of the people of this country. Who is it that are idle to-day? Either mechanics who have been employed by the Government or men who are too lazy to work, I care not of what color. In my section of the country we have had none of these public buildings, nor do we have men clamoring for work and cannot get it. Every man there who asks for work can get it; if he is willing to toil for a livelihood he can support himself. I say to members of this Congress, and I ask the particular attention of the gentleman from Pennsylvania, [Mr. WRIGHT,] that if he and other moneyed men will only pay the expenses of transporting the idle laboring-men with whom they are acquainted, who have no money and no work, down to my State I will guarantee that every one of them will be employed and be able to realize a livelihood and 10 per cent. clear over and above the annual cost of living. It is all demagoguery and nonsense to talk about Congress helping the laboring-men by appropriating money from the public Treasury solely for this purpose. There is an abundance of work all over the country if the idle hands were only willing to do it.

[Here the hammer fell.]

The question being taken on the amendment of Mr. CANDLER, there were—ayes 100, noes 48.

Mr. EDEN called for tellers.

Tellers were ordered; and Mr. FOSTER and Mr. ATKINS were appointed.

The committee divided; and the tellers reported—ayes 104, noes 61. So the amendment was agreed to.

Mr. ATKINS. I give notice that I shall demand the yeas and nays on this amendment in the House.

Mr. PHILLIPS. I move to amend by inserting the following:

For court-house and post-office at Leavenworth, Kansas, \$150,000 under estimates and contract to be made by the Secretary of the Treasury and the Supervising Architect of the Treasury.

Mr. EDEN. I make the point of order upon this amendment that there is no law authorizing the erection of this building.

Mr. PHILLIPS. I hope the gentleman will withdraw his point of order. I think I can show at any rate that it does not lie against the amendment. Ten years ago the United States, by act of Congress, located a court at Leavenworth; and court has been held there since. That court of course required a court-house. To-day the Government is paying \$7,400 a year rent for buildings for the court, the collector's office, and the post-office, and other necessary Government offices. During the last five years a bill has been pending in the House for the erection of these buildings, and has been introduced from one Congress to another. In the past two Congresses the committees determined in what they called economy to commence no new public buildings. Many of the buildings that had been commenced were not so much needed as those, though not commenced. During that time nearly one-third or one-fourth of the money asked in this bill for this purpose has been paid in rent. Certainly to continue this is not in the interest of economy or of the reduction of expenses. I submit that in this view the point of order does not lie. The Government is now selling its bonds bearing 4 per cent. interest at par. The money which this amendment proposes to expend for the erection of a Government building would at 4 per cent. interest amount to but \$6,000 a year, a saving of \$1,400 on the amount the Government has been paying as rent. Every consideration of economy requires the immediate construction of these buildings. A bill is now before the Committee on Public Buildings and Grounds for the erection of such buildings. The report of that committee cannot be reached at this session. Many similar bills are there, not one of which can now be reached. This amendment covers the exact amount required under that bill, and I hope the point of order will not be sustained. I feel sure the House will agree to this measure if it can be got before it.

Let me add a further remark. The State of Kansas has now a population of nearly one million of people; yet there is not, and never has been, a public building in that State. Other States with less population have one, two, or even three public buildings, especially in the older and Eastern States. There is no place in the country where a public building is more needed. There is no point at which an expenditure for a public building would be so economical an expenditure. I hope the gentleman will withdraw his point of order, or that it will be overruled.

Mr. ATKINS. I dislike to interrupt the gentleman; but he is not speaking to the point.

Mr. PHILLIPS. I think I am.

Mr. ATKINS. I do not so understand.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. PHILLIPS. Under the regulation of Congress a United States court has been held for years at Leavenworth, and rent is paid annually. This amendment proposes simply to provide a permanent building instead of renting a building. I make the point that the erection of this building is in the line of economy; and there is legislation authorizing it, because the law authorizes a court to be held there.

The CHAIRMAN. There being no law authorizing the construction of public buildings at Leavenworth, Kansas, the Chair is obliged to hold that this amendment is out of order. Whether it is in the line of retrenchment is a mere matter of argument. It does not so appear on the face of the amendment itself.

The Clerk read as follows:

Custom-house and post-office, Albany, New York: for continuation of building, \$50,000.

Mr. CHITTENDEN. I move to strike out "\$50,000" and insert "\$100,000." Mr. Chairman, I represent to-day the third most populous city in the Union, which has no public building whatever. The amendment I have proposed refers to the public building begun in the capital of my State, a capital one of the oldest in the Union, and yet one without as yet one public building. I understand, sir, that the estimate for continuing it was \$200,000 and it is cut down here in this bill to \$50,000.

This whole subject is a very serious one, and I should like to treat it so at length if I had time, for I believe it will become more serious as the years go on.

There is underlying our system of public buildings a vicious method which has grown up with the war and which we have got to get rid of. The gentleman from Texas has touched the true principle. I said more than a year ago when this very appropriation bill or its corresponding measure for that session was under discussion that what we ought to do is to find out what public buildings now under way should be completed, and complete them at once. That is true economy. We shall never have so good a time as now to complete

them; but unfortunately, Mr. Chairman, there is every reason to suppose in many of these places for which appropriations are provided in this bill buildings have been begun which should never have been begun, and which should never be completed except on diminished estimates.

In respect to the post-office at Albany, I appeal to the House that it is unjust to propose increased appropriation in respect to any one of these items unless that one should be increased. I only ask that it shall be put at \$100,000 instead of \$200,000, as estimated. Albany is the capital of the Empire State, and, as I have already stated, has no public building. I believe this building was only begun last year. It may reconcile some of our friends from remoter regions to delays which seem unavoidable to know that until last year the capital of the State of New York has never received a cent for public buildings.

[Here the hammer fell.]

Mr. ATKINS. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 5130) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial powers and functions of consuls;

An act (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes;

An act (H. R. No. 3259) providing a permanent form of government for the District of Columbia;

An act (H. R. No. 3892) to change the time for holding terms of the district court for the western district of Virginia at Danville;

An act (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California; and

An act (H. R. No. 5124) designating the times for the election of Representatives to the Forty-Sixth and succeeding Congresses from the State of Colorado.

ARMY APPROPRIATION BILL.

The SPEAKER. The Chair announces that he has appointed as the conferees on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill Mr. HEWITT of New York, Mr. SPARKS of Illinois, and Mr. FOSTER of Ohio.

POST-ROUTE BILL.

Mr. CANNON, of Illinois. I desire to ask by unanimous consent that the Senate amendments to the post-route bill be printed. I understand the gentleman from North Carolina [Mr. WADDELL] withdraws his objection to their being printed.

The SPEAKER. The gentleman from North Carolina has notified the Chair that he withdraws his objection. Is there further objection to printing the Senate amendments?

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BURCHARD. Does the gentleman from Tennessee propose to go on with the sundry civil appropriation bill this evening?

The SPEAKER. The session for this evening by order of the House is devoted to reports from the Committee on the Judiciary. The sundry civil appropriation bill will come up to-morrow morning after the reading of the Journal.

Mr. TOWNSEND, of New York. I wish to make an inquiry, and that is whether the reports from the Committee on the Judiciary are to be acted on when made to-night?

The SPEAKER. Undoubtedly; and gentlemen had better take notice that a quorum is required, or otherwise there may be a call of the House, which would disturb the comfort of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. WILSON, for two days, on account of important business;

To Mr. BUCKNER, for one week, on account of indisposition;

To Mr. VAN VORHES, for five days on account, of important business; and

To Mr. FINLEY, for this evening, on account of ill-health.

MRS. JANE M'KEE.

Mr. BLACKBURN, by unanimous consent, was granted leave for the withdrawal from the files of the House of the pension certificate of Mrs. Jane McKee.

MRS. ELLEN BOUDINOT.

On motion of Mr. SMITH, of Pennsylvania, by unanimous consent, leave was granted for the withdrawal from the files of the House of

the papers in the case of Mrs. Ellen Boudinot, no adverse report having been made thereon.

DISPUTED PRESIDENTIAL ELECTION.

Mr. STEPHENS, of Georgia, by unanimous consent, was granted leave to print in the RECORD, as a part of the debates, some remarks he had prepared on the proper mode of settling disputed presidential elections. [See Appendix.]

SURVEYS OF CONNECTICUT RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War relative to surveys and examinations of the Connecticut River, between Hartford, Connecticut, and Holyoke, Massachusetts, made since 1867; which was referred to the Committee on Printing.

TELEGRAPH LINE ON NUCES RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, recommending the establishment of a telegraph line along the west branch of the Nueces River; which was referred to the Committee on Appropriations.

BUSINESS OF EVENING SESSION.

The SPEAKER. The Chair desires to announce that this evening's session will be for consideration and action on reports from the Judiciary Committee, and that the consideration of the sundry civil bill will be the regular order immediately after the reading of the Journal to-morrow. The hour of half past four o'clock having arrived, pursuant to previous order the House now takes a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m.

ORDER OF BUSINESS.

The SPEAKER. This evening's session is for the consideration of reports from the Judiciary Committee and action thereon. The gentleman from Kentucky, [Mr. KNOTT,] the chairman of that committee, is entitled to the floor.

Mr. McKENZIE. The gentleman from Kentucky yields to me for a moment. I desire to make a report from the Committee on Public Buildings and Grounds, which I ask to have printed.

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] has not that privilege. The session of night is exclusively for reports from the Judiciary Committee.

Mr. McKENZIE. I merely desire to have the report printed.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose.

Mr. HARDENBERGH. I make the point that a quorum is not present.

Mr. DEAN. I rise to a question of privilege.

The SPEAKER. The first question to be determined, the point having been made, is as to the presence of a quorum. The Chair will count the House.

Mr. O'NEILL. I hope the gentleman will not insist upon that point.

Mr. HARDENBERGH. I do not.

The SPEAKER. The gentleman from Massachusetts [Mr. DEAN] will state what is the question of privilege to which he rises.

Mr. DEAN. I am directed by the Committee on Expenditures in the State Department to present a resolution asking liberty for the committee to sit during the vacation.

The SPEAKER. That is not a question of privilege.

Mr. DEAN. The question before the committee is the examination into the conduct of the minister of this Government at China; the examination of charges against him which, if sustained, might result in an impeachment.

The SPEAKER. That is contingent.

Mr. DEAN. But the charges involve the question of impeachment.

The SPEAKER. When the question is one of impeachment, then it is a question of privilege, but not before. The Chair cannot entertain the proposition of the gentleman to-night.

Mr. DEAN. Then it never can be a question of privilege until the result is ascertained.

The SPEAKER. The question of the impeachment of a public officer is a question of privilege, but a resolution allowing a committee to sit during the recess to inquire as to an impeachment does not involve such question. The committee might report in the negative as to an impeachment. What then?

Mr. DEAN. Still it involves that question.

The SPEAKER. The Chair thinks not.

Mr. DEAN. Is it not the same question as that already settled with reference to the examination of the Louisiana and Florida frauds?

The SPEAKER. There was a direct and different question there.

Mr. DEAN. There is a direct issue here.

The SPEAKER. The Chair cannot entertain the gentleman's proposition to-night.

Mr. KNOTT. I yield to my colleague on the committee, the gentleman from New York, [Mr. LAPHAM.]

COLLECTION OF HEAD-MONEYS.

Mr. LAPHAM, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 5137) to legalize the collection of head-moneys already paid.

The bill was read. It provides that the acts of every State and municipal officer or corporation of the several States of the United States in the collection of head-moneys prior to the 1st day of January, 1877, from the master, consignee, or owner of any vessel bringing passengers to the United States from a foreign port pursuant to the then existing laws of the several States shall be valid, and that no action shall be maintained against any such State or municipal officer or corporation for the recovery of any moneys so paid or collected prior to said date.

Mr. DUNNELL. I hope the gentleman from New York will give some explanation of that bill.

Mr. LAPHAM. I will. Prior to the time mentioned in the bill it was a practice of many of the States, especially of the State of New York, to collect what were termed head-moneys from immigrants—a dollar apiece. Those moneys were collected and disbursed for the benefit of the immigrants under the operation of the State laws. There was a statute in the State of New York providing for this system, but in the month of July, 1877, the Supreme Court of the United States, upon a direct proceeding to test the question, decided all these State laws to be unconstitutional and void, and all persons who have collected that class of money and expended it in good faith for the benefit of the immigrant system are now exposed to actions for having illegally obtained the money. The object of this bill is simply to relieve them from that liability.

Mr. DUNNELL. I would like to hear the bill read again. Is it proposed to re-enact any previously existing laws?

Mr. LAPHAM. Not at all.

The bill was again read.

Mr. LAPHAM. I will further state for the information of the gentleman from Minnesota that in all probability the great mass of claims of this character pertain to the practice in the city of New York and concern the State I have the honor in part to represent. I have consulted with Senator KERNAN who argued this case in the Supreme Court of the United States; indeed I consulted with him before the argument and I have done so since; and this bill entirely meets his approval. I believe it meets the approval of every Representative upon this floor from the State of New York.

Mr. DUNNELL. That is not an argument in favor of the bill.

Mr. LAPHAM. Perhaps not; but I should rather expect that the Representatives from the State of New York would understand this question.

Mr. COX, of New York. In the case of Anderson against the mayor of New York, in 2 Otto, the United States Supreme Court decided that the law of New York as to head-money in lieu of bonds conditioned for the support of such emigrants as might become a burden and a charge was unconstitutional. Suits have been brought to recover from the local authorities moneys paid before that decision was made. The virtue of this bill is to stop that litigation if possible by Federal legislation before expenses occur. The foreign steamship companies have taken out of the fares of the immigrants this very head-money. Had there been no police provision of the State, such as we had before the decision, these companies could not have been allowed to fix burdens upon them. That money was appropriated by the State of New York to take care of the poor, sick, aged, and imbecile, thrown upon our shores by the steamship companies. There has never been a more benevolent trust better executed. There is no good object in this litigation, except for speculators or shysters who bring such suits from mere pecuniary greed. There is neither justice nor equity in them. They will not succeed; but we have a right to ask, since the matter only concerns the Federal and local authorities, principal and agent, that no expense or vexation be tolerated.

Mr. DUNNELL. I would like to inquire of the gentleman from New York whether immigrants themselves, or organizations acting for them, brought these suits which led to the decision to which allusion has been made.

Mr. LAPHAM. I am not sufficiently acquainted with the details to say who brought the suits.

Mr. DUNNELL. There is now before the Committee on Commerce a bill upon this subject.

Mr. COX, of New York. That bill has no sort of connection or relation with this bill. This bill will not embarrass or disembarass that at all. That bill is rendered necessary by reason of the new relations of commerce to emigration through the decision referred to.

Mr. LAPHAM. The persons charged with illegally receiving this money have disbursed it in good faith for charitable ends, and if they should now be made liable, they are made liable for no wrong done whatever.

Mr. DUNNELL. I desire to say one word and then I will interpose no further obstruction to the passage of this bill. Those who live in the West and are acquainted with the immigrants who come into this country by the way of New York know very well that immigrants landed in New York are subjected to grievous burdens, under the name of charity, by persons residing in the city of New York, and I am glad that the Supreme Court has decided against the imposition of this tax upon them.

Mr. COX, of New York. The difficulty referred to, if it be one, is already obviated by the decision of the court.

Mr. PATTERSON, of New York. I have had a little experience in regard to the expenditure of the money raised from immigrants coming into the port of New York. There was a law in the State of New York requiring the payment of what is called head money by persons entering the port as immigrants. That money, sir, was in charge of the commissioners of immigration. They provided a landing place for the immigrants. They were allowed to come in at that place and if they had means of supporting themselves they did it, but if immigrants were landed there who had neither money nor friends the commissioners of immigration took charge of them, fed them, and lodged them until they could find places for them; and this head money, in some instances, fell very far short of paying the expenses the State had to incur. That balance the State of New York had to make good, and therefore instead of making money out of the immigrants who landed there it was a matter of expense to the State over and above the head money that was collected there. Not one dollar of that money went into the treasury of the State, but it all went for the benefit of the immigrants who had landed there and had no means to support themselves.

Mr. COX, of New York. These steamship companies, let it be remembered, really levied a tax upon the immigrant. They added to the fares.

Mr. CONGER. I suppose the truth may as well be told about this matter.

A MEMBER. Oh! no; do not do that.

Mr. CONGER. Under the law of New York, which provides that no person should land an immigrant passenger without giving bonds for his support for a reasonable time or provide that he should not become a pauper, a tax of once \$2, once \$1.50, and once \$1 was laid. Now since that law was passed one million of immigrants have landed at New York, and they have paid these different rates, and vessels have paid \$1, \$1.50 and \$2 a head upon the immigrants they imported. I think that for a short time they paid \$2.50 per head. I think that New York under this law has received millions of dollars during the last fifteen or twenty years.

Now, I believe that that money was expended by the commissioners of immigration pretty faithfully and judiciously. I think that they did provide that as soon as the immigrants came in they should be hurried to the cars and sent to the Western and Northwestern States before they became paupers and their State agencies took these paupers off if they were paupers and provided for them without charging anything.

Mr. COX, of New York. The object of that board of immigration—

Mr. CONGER. Let me get through.

Mr. COX, of New York. You are not giving the exact statement of the facts, as you proposed.

Mr. CONGER. Then the gentleman can correct me when I am through. Wherever the immigrants might be going, whether by railroad or canal, up the Hudson or down the coast; wherever they might be going from New York, as a general rule they were hurried to the cars, if they were able to travel, and sent to other States. It made no difference to these New York gentlemen whether they had anything when they got there, because they knew that in all of our Northwestern States there was food enough, and that we would give it to them until they could earn enough for themselves. Millions of men were driven to the West in that way.

But there is this thing to which the gentlemen can reply. There have been built upon Ward's Island, in the harbor of New York, magnificent structures by the immigrant commissioners, costing between \$2,500,000 and \$3,500,000. Now those would be nice places for the United States to have for these immigrants, and I had hoped that in this bill there might be some provision that the money paid by the immigrants and put into these buildings might be under the control of the United States Government.

Mr. EDEN. The gentleman from Michigan [Mr. CONGER] will recollect that this morning we passed a bill appropriating over \$200,000 to erect some buildings there in New York.

Mr. CONGER. I know we did. I have labored for years, long before the Supreme Court of the United States decided this head-money to be unconstitutional; I have labored in my place here to have the immigrants relieved from this burden; for although the owners of the vessels paid it, it was so much added to the fare of the immigrants. I have labored hard to get this head-money imposition taken off, before the courts decided the question. I have had to watch my friend from New York so closely to prevent his increasing the amount of head-money for the benefit of his city that I at last got almost tired of it. It was more fatiguing even than the tariff bill, though perhaps not so universally injurious to the country.

Now, I have this to say: I was glad when this bill was brought to my attention, that all the immigrants to the country were relieved by the decision of the Supreme Court from this head-money and could come here without being taxed the moment they set foot on our soil. I was willing that New York should have all she had made during the last twenty-seven years. I did not even ask that she should give to the Government the buildings which had been erected by means of this money taken from the immigrants. The United States Government has shown a disposition to-day to provide a landing-place for

all these immigrants under the authority of the General Government, and I venture to say they will do it.

These immigrants go to other portions of the United States, where they have no head-money to pay and never have had. The city in which I live, the city of Port Huron, is and has been for fifteen years the second place in the United States, as the records show, so far as immigrants are concerned, and they have never had to pay a cent of head-money there as they came from the Old World and passed through Canada and landed at that point. I hope this bill will pass, and that the city of New York will have the buildings which she has erected, but that these emigrants will be relieved from this tax.

Mr. COX, of New York. I desire to state that every dollar which has been raised in this way has been honestly expended by the board of emigration, men of conspicuous honor and position, in the interest of the immigrants and to protect the Western people, or those States in which was the destination of the immigrant.

Mr. DUNNELL. Has the gentleman any statistics to confirm this statement he has just made?

Mr. COX, of New York. Abundant facts, already of record here. But I do not wish to extend this discussion so as to peril the passage of this bill. I now call the previous question; or rather I hope my colleague [Mr. LAPHAM] will do it.

Mr. TOWNSEND, of New York. I desire to say a word.

The SPEAKER. Does the gentleman from New York [Mr. LAPHAM] yield to his colleague, [Mr. TOWNSEND?]

Mr. LAPHAM. I will yield for five minutes.

Mr. TOWNSEND, of New York. That is more time than I want. It will be seen upon a moment's reflection that Port Huron has none of the difficulties in regard to this subject which have been experienced by the city of New York. A foreign pauper brought across the ocean never in the world could get to Port Huron; if he could get there he certainly would be no pauper. Therefore, the trouble in regard to paupers never would arise in Port Huron. The immigrants who go to the Western States, ready and willing to work, are worth man for man, each one of them, a thousand dollars to the State where they settle. Every able-bodied immigrant who comes here to work, and not to devote himself to politics, is worth a thousand dollars to the State where he settles.

It is entirely another class of immigrants who have made the trouble and expense in the State of New York. It is the immigrant shipped off from the old country to relieve some almshouse or poor-house.

I think it will be found that everything that has been done by the city of New York in regard to the subject of immigration has been infinitely more beneficial to the immigrant than to the city itself. We have men in the city of New York who are bad men, ready to pounce on the immigrant as soon as he lands. Our commissioners have been selected from the very best men in the city, and they have stood between the shysters and the immigrants.

I believe that in the interest of the immigrants we ought not to forget that there must be some care exercised in regard to foreigners, many of whom cannot speak our language when they land here, and who come here to make their homes with us, even though they may in one sense be paupers.

Mr. DENISON. I would like to say a few words.

The SPEAKER. Does the gentleman from New York [Mr. LAPHAM] yield to the gentleman from Vermont, [Mr. DENISON?]

Mr. LAPHAM. I will yield for two minutes.

Mr. DENISON. I think that is time enough to defeat this bill. By examining the bill gentlemen will find that under it Congress is undertaking to pronounce the acts of every State to be valid, whether the States themselves say they are or not. We are taking into our hands certain acts of legislation of the various States and pronouncing them to be valid. That is the first part of the bill, and it takes nine lines to do it.

Then come three lines providing that no action shall be maintained to collect certain moneys which have been taken. Now, what are those moneys? They are the moneys that have been paid over under action of the States, which action has been declared by the courts to be unconstitutional.

Now, if that be so, this money is paid over, and an implied contract exists to pay it back. This bill if passed is retroactive, *ex post facto*, setting aside contracts that exist by virtue of the laws of the States. That is the result of the bill.

Mr. DUNNELL. Let the bill be read again.

The SPEAKER. It has been read twice.

Mr. DUNNELL. Very well; it needs to be read a third time.

The SPEAKER. If the House has no objection to another reading, of the bill, the Chair has none.

Objection was made.

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

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ACKLEN. I rise to a parliamentary inquiry. A few minutes before the expiration of the last morning hour the Committee on the

Judiciary, through the gentleman from Texas, [Mr. CULBERSON,] reported a resolution. Before the report could be read, however, the morning hour had expired, and although the previous question had been called upon the resolution there was no vote thereon.

The SPEAKER. The previous question could not have been sustained; otherwise the bill would have remained before the House, notwithstanding the expiration of the morning hour.

Mr. ACKLEN. The gentleman in charge of the resolution called the previous question, as I understood, or said he would call it upon the reading of the resolution.

The SPEAKER. The Chair is advised by the Journal Clerk that the previous question was not demanded.

Mr. ACKLEN. Very good; that does not alter the case. What I wish to ask is this: Does that resolution come up as unfinished business in the next morning hour or as unfinished in this evening session?

The SPEAKER. A measure cannot have two positions in the House. If it is in the morning hour, it remains there, of course, unless the House by some vote under the rules, for instance by a suspension of the rules, should take it out of the morning hour. The resolution to which the gentleman alludes is in the morning hour.

Mr. ACKLEN. Then I understand that the present session, which the House by unanimous consent has granted to the Committee on the Judiciary, does not affect the position of this resolution in the morning hour.

The SPEAKER. It does not; neither has the morning hour any connection with this evening's session.

Mr. ACKLEN. That is all I wished to ascertain.

LANDS IN MICHIGAN.

Mr. LAPHAM, from the Committee on the Judiciary, reported, as a substitute for House joint resolution No. 39, a joint resolution (H. R. No. 190) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan; which was read a first and second time.

The joint resolution declares that the United States releases to the State of Michigan any and all reversionary interests which may remain in the United States in the lands granted to and acquired by the State of Michigan by act of Congress of June 3, 1836, and certified to the said State in accordance with the said act. This release is not in any manner to affect the legal or equitable title in said lands acquired under the operation of the laws of the State of Michigan or the action of the officers thereof; but all such rights are to remain unimpaired.

Mr. PATTERSON, of New York. I see that this bill refers to matters in the State of Michigan; and I will inquire of my friend from Michigan [Mr. CONGER] whether he proposes to have such a bill passed for Michigan, while he was opposed to one for New York.

Mr. LAPHAM. This matter was very fully heard before a subcommittee of the Committee on the Judiciary; and it appeared (I will state in brief) that the lands which were conveyed to the State of Michigan under the act of Congress referred to in the resolution had been, under various acts of the State and the State officers, granted to individuals. A large number of persons are now claimants to those lands; and questions of conflicting title as between the different claimants are pending in the courts of that State. The committee after hearing all the facts, has concluded that all Congress ought to do is to release the reversionary interest if any existing in the Government—

Mr. SMITH, of Pennsylvania. I reserve a point of order on this bill.

The SPEAKER. It is now too late, unless the gentleman states that he rose in time.

Mr. SMITH, of Pennsylvania. The bill releases an interest of the United States in public property.

Mr. LAPHAM. It does not in fact release anything.

Mr. SMITH, of Pennsylvania. It does release a reversionary interest.

The SPEAKER. It is too late to raise the point unless the gentleman says that he rose in time.

Mr. SMITH, of Pennsylvania. I rose for the purpose as soon as the bill was read.

Mr. LAPHAM. I have proceeded with my remarks.

Mr. SMITH, of Pennsylvania. I know the gentleman has; but I could not infer from the reading of the bill until the gentleman made his statement that the bill was intended to release a reversionary interest of the United States.

The SPEAKER. The Chair thinks that the gentleman from New York [Mr. LAPHAM] had been proceeding quite a minute before the gentleman from Pennsylvania interrupted him.

Mr. SMITH, of Pennsylvania. He proceeded so far as to indicate to me that the Government had an interest in this matter. My friend on the left [Mr. PATTERSON, of New York] said that the State of Michigan had an interest. Then my attention was called to the fact that the United States Government had an interest.

The SPEAKER. But the bill was then under consideration, because if it had not been the gentleman from New York [Mr. LAPHAM] could not have addressed the House on the subject.

Mr. SMITH, of Pennsylvania. I maintain that the Government has an interest.

Mr. CONGER. The Government has no interest. The question is merely as to indebtedness of settlers who are on the land.

The SPEAKER. The Chair is not ruling upon the question whether the bill is subject to the point of order, but only as to the time when the point of order should have been made. The Chair overrules the point as not having been made in time.

Mr. LAPHAM. I have stated that these lands thus granted to the State of Michigan have been, under the laws of that State, parceled out, and are now in the hands of various claimants. And there was a large number of claimants, actual occupants, actual settlers upon them. Yet there are controversies pending in the courts of Michigan in respect to title. It has been suggested there was a bare possibility of a reversionary interest in the Government. After hearing the facts we have concluded it was wise and proper to release any possible interest of the Government. We do not believe there is any, but we believe it wise and proper to release any possible interest of the Government, and leave the present claimants to the land to settle the question of their rights in the courts as the proviso in the resolution provides. This is all I deem it necessary to say. I demand the previous question.

Mr. DEAN. I should like to hear the joint resolution again read. The resolution was again read.

Mr. DUNNELL. I should like to have the gentleman from New York admit an amendment. After the word "laws" insert the words "or decisions of the supreme court of the State of Michigan."

Mr. LAPHAM. There is no necessity for that.

Mr. DUNNELL. I think there is a necessity, and I hope the gentleman will accept it.

Mr. LAPHAM. I have no objection, but I am advised that I have no right to accept it. I am willing, however, to let the gentleman offer it.

Mr. DUNNELL. Let me make a single remark.

Mr. LAPHAM. I suggest the bill as it is entirely protects every person who has acquired any rights under the laws of Michigan either as explained or unexplained by the decisions of its courts. There can be no doubt about that.

Mr. DUNNELL. I understand there are parties not only in Michigan but elsewhere who are to-day holding these lands—

Mr. LAPHAM. This covers all parties.

Mr. DUNNELL. Let me be heard. I understand there are parties not only in Michigan but elsewhere who are to-day holding these lands under the decision of the supreme court of the State of Michigan. In the Forty-second Congress this whole question was reviewed by the Committee on Public Lands. I have a constituent in my own district who has an interest in ten thousand acres of these lands. He claims his title to those lands by virtue of a decision of the supreme court of the State of Michigan. Now I would have him protected.

Mr. LAPHAM. He is by the language of the joint resolution.

Mr. DUNNELL. Then there can be no objection to the insertion of my amendment.

Mr. FRYE. Only the utter absurdity of the joint resolution reported by the Judiciary Committee.

Mr. DUNNELL. I have known the Committee on the Judiciary to report absurd things.

Mr. FRYE. That is all the objection there is under the sun to it.

Mr. DUNNELL. I insist very respectfully that the amendment I propose is a proper one, and one which the committee ought to consider. There can be no objection to it.

The SPEAKER. The gentleman will please indicate his amendment.

Mr. DUNNELL. I move to insert after the word "laws" the words "or decisions of the supreme court of the State of Michigan."

Mr. FRYE. Is not the decision of the supreme court of Michigan a law?

Mr. DUNNELL. It is a law, but not part of the laws.

Mr. FRYE. It is the supreme court's construction of the law. It is law or it is not law, one of the two.

Mr. LAPHAM. The proviso is ample to accomplish all the business.

Mr. DUNNELL. The amendment I have offered is pending, and I understand the friends of the bill do not object to it.

The House divided; and there were—ayes 19, noes 48.

Mr. DUNNELL. No quorum voting.

The SPEAKER. The Chair will order tellers, and appoint Mr. LAPHAM and Mr. DUNNELL.

The House again divided; and the tellers reported—ayes 26, noes 133.

So the amendment was rejected.

Mr. DUNNELL. I ask unanimous consent to make a single statement.

The SPEAKER. Is there objection to a single statement?

There was no objection.

Mr. DUNNELL. I moved that amendment in good faith and did so in the belief, and which I still entertain, that the honest title of a man holding these lands, not only in the State of Michigan, but in the State of Minnesota, will be put in peril by this resolution. Many of these lands are held by the decision of the supreme court of that State. There is not any legislation of that State which gives to these men the title, which they have, but it simply and entirely rests upon the decisions of the supreme court of that State.

These lands have been in litigation a great many years. It is now proposed to disturb the title to those lands.

Mr. LAPHAM. I think I must insist on the previous question.

Mr. LOCKWOOD. From whom did these parties derive their titles?

Mr. DUNNELL. The board of control passed the land first to one railroad, then to the other, and the Forty-second Congress changed the transfer of them from one railroad over to another; and there has been litigation going on for a long period.

Mr. CONGER. The gentleman is making statements which are entirely incorrect.

Mr. DUNNELL. I believe I am entitled to the floor at present. Gentlemen who have been with me here for seven years know that I have never wasted fifteen minutes by any factious opposition to any bill in those seven years; and I have never made myself very conspicuous in legislation. I offer this amendment because I believe it right, and the gentleman who introduced the original bill, and gentlemen from Michigan who are interested in the passage of the bill are not unwilling that the amendment shall come in. It is simply a caution and precaution in behalf of men who are to-day holding these titles under decisions of the supreme court of that State.

The board of control did not give them the title. The Legislature did not give them the title. The Governor did not give them the title. But they got their title in many instances by the decision of the supreme court after five years of litigation. That is the interest of my constituent who has an interest in ten thousand acres of those lands. And when at this late day, after six or seven years of litigation, they come in here and ask for congressional legislation, I say it is right to protect every one who has an interest.

The Committee on the Judiciary was quite unwilling to be criticised or have their bills called in question. That committee assumes to know just what every bill should be, and how far it may go.

Mr. LOCKWOOD. The gentleman says these parties established their title and hold it by a decision of the supreme court of the State of Michigan. If so, how did they get a claim to this property so as to go into court and establish their title?

Mr. DUNNELL. The board of control in that State took in charge the lands which had been given for railroad purposes; and this board of control first gave them to a road running from Detroit to Lake Huron, and subsequently a portion of these lands were given to the Detroit and Milwaukee Railroad.

Mr. LOCKWOOD. Could the railroads give these parties deeds?

Mr. DUNNELL. Certainly; they acquired these lands by the construction of the road; and they have only got control of them through the supreme court of that State. Now, if gentlemen want to legislate in the interest of extreme caution, so as to perfect a bill that will be in everybody's interest, what harm will come from that amendment? I have nothing more to say.

Mr. LAPHAM. I am as friendly to the client of the gentleman from Minnesota as he is himself. I have heard his case; I have heard it thoroughly and fairly, and considered it; he has no title unless he has a title under the laws of Michigan, and this resolution preserves to him that title unimpaired by anything contained in it.

When the honorable gentleman from Minnesota talks about the Judiciary Committee being sensitive in regard to criticism I would remind him that this very afternoon this resolution was submitted to him and pronounced by him to be acceptable; and he is the last person on whose part there should be any question as to the phraseology of the resolution. I say, Mr. Speaker, it is ample to protect any right that has been acquired under legislation of the State of Michigan or the decision of its courts or the action of any of its officers, and was so designed.

Mr. DEAN. I should like to know how many acres of land this grant covers?

Mr. LAPHAM. I call for the previous question.

The SPEAKER. The gentleman from Massachusetts asks the gentleman from New York [Mr. LAPHAM] a question.

Mr. LAPHAM. I am unable to answer it at this moment.

Mr. CONGER. There are thirty-five thousand acres of land in the whole tract, and the part contested forms perhaps a fifth or sixth of the whole.

Mr. DEAN. What is the reversionary interest that it is claimed the United States have?

Mr. LAPHAM. Not any.

Mr. DEAN. Why, then, is this bill wanted?

Mr. LAPHAM. Simply to relieve the United States from any question.

Mr. DEAN. If the United States have no reversionary interest what relief can they get by it?

Mr. LAPHAM. I move the previous question.

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

Mr. LAPHAM 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 SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, an-

nounced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 4361) making appropriations for the fiscal year ending June 30, 1879, and for other purposes, agreed to the committee of conference asked for by the House, and had appointed as its conferees Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS.

REFUND OF TAXES.

Mr. LAPHAM, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 3406) to provide for the refunding of certain taxes in conformity with the decision of the Supreme Court.

The bill was read. It provides that the Commissioner of Internal Revenue shall, upon proper application therefor, refund all taxes assessed and collected upon "the capital employed by any person in the business of banking" which come within the principles of the decision made by the United States Supreme Court in the case of Bailey, collector, vs. Clark and others, anything in any act to the contrary notwithstanding. It further provides that such applications for refund shall be in conformity with existing regulations of the Treasury governing such applications, and shall be presented to the Commissioner within one year from the passage of this act.

Mr. SMITH, of Pennsylvania. I make the point of order that the bill must have its first consideration in Committee of the Whole, for it makes an appropriation.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the state of the Union.

Mr. LAPHAM. Does not the bill go upon the Private Calendar?

The SPEAKER. Is the bill general in its character?

Mr. LAPHAM. It is a private bill.

The SPEAKER. A bill may be general in its character with a private object.

Mr. LAPHAM. I think it is a public bill. I will ask that the report be read.

The Clerk read the report.

The SPEAKER. The Chair thinks that the bill establishes a general principle upon which taxes may be refunded, and the Chair thinks it should go to the public Calendar.

The bill was referred to the Committee of the Whole on the state of the Union.

NICHOLAS WAX AND OTHERS.

Mr. KNOTT, from the same committee, reported back, with a recommendation that it do pass, the bill (S. No. 913) for the relief of Nicholas Wax, Michael Granary, and Moline Lange.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Nicholas Wax, Michael Granary, and Moline Lange each the sum of \$500, out of any money in the Treasury not otherwise appropriated, in refundment of so much money exacted from them as joint obligors on a bond taken by Colonel D. A. Pardee, provost-marshal of the district of Baton Rouge, Louisiana, in the year 1863, for the appearance of one B. F. Rhodes, the payment of which was improperly and illegally enforced by the said marshal.

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

Mr. KNOTT. I hope my friend will not take advantage of the point of order to have that bill referred.

Mr. SMITH, of Pennsylvania. This is a claims bill.

The SPEAKER. The Chair sustains the point of order, and thinks the bill should be referred to the Committee of the Whole on the Private Calendar.

Mr. WHITE, of Pennsylvania. I appeal to my friend and colleague [Mr. SMITH] to withdraw his point of order, for if the facts are as stated in the report it is a clear case.

Mr. SMITH, of Pennsylvania. It is not necessary that I should give any reasons for making the point of order. My friend knows very well that a case of this character ought to be considered by the Committee of Claims.

The bill was referred to the Committee of the Whole on the Private Calendar.

GIBBES & CO.

Mr. KNOTT also, from the same committee, reported back, with a recommendation that it do pass, the bill (S. No. 288) for the relief of Gibbes & Co., of Charleston, South Carolina.

Mr. KNOTT. I ask that the bill be put upon its passage, and I ask that the report of the Senate committee in the case be read.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Messrs. Gibbes & Co., of Charleston, South Carolina, the sum of \$4,576.92, the same being a balance due said Gibbes & Co. on account of money deposited by them with the Secretary of the Treasury.

The Clerk read the report of the Senate Committee on Claims.

Mr. SMITH, of Pennsylvania. I raise the point of order that the bill must have its first consideration in Committee of the Whole on the Private Calendar.

Mr. OLIVER. I make the point of order that this claim has already been considered in Committee of the Whole.

The SPEAKER. Has this bill been considered in Committee of the Whole?

Mr. OLIVER. Not this bill, but a House bill precisely the same and providing for precisely the same claim has been considered in Committee of the Whole and reported favorably to the House.

The SPEAKER. That may be, but this is the bill we are acting upon, and the Chair sustains the point of order.

The bill was referred to the Committee of the Whole on the Private Calendar.

J. S. HANKINS AND W. BOYD.

Mr. KNOTT also, from the same committee, reported back, with amendments, the bill (H. R. No. 4898) for the relief of Joel S. Hankins and William Boyd, citizens of Lamar County, State of Alabama.

The bill was read, as follows:

Be it enacted, &c. That Joel S. Hankins and William Boyd, citizens of Lamar County, State of Alabama, sureties on a certain bond of one W. H. De Rodmond, for his appearance to answer a certain indictment before the United States district court for the northern district of Alabama, be, and they are hereby, released and discharged from all liability or from the payment of any money under or growing out of said bond and from the payment of a judgment rendered by said district court against them, the said Joel S. Hankins and William Boyd, as sureties on said bond, at the last fall term thereof, for \$1,000.

SEC. 2. That the Attorney-General be, and he is hereby, authorized and required to cancel said judgment and to perpetually stay all further proceedings thereunder as against the said Joel S. Hankins and William Boyd.

SEC. 3. That nothing herein contained shall be construed to release or affect any liability of W. H. Rodmond upon said bond, or any judgment which may have been rendered against him thereon, either separately or jointly with the said Hankins and Boyd; the only intent of this act is to release only the sureties on said bond.

The amendments were as follows:

Amend section 1 of the bill by striking out the word "district" and inserting "circuit" before the word "court," where it occurs in that section.

Amend section 2 by adding the following:

Provided, That this and the preceding sections of this act shall be inoperative and of no effect unless the said Joel S. Hankins and William Boyd shall first pay the costs incurred by the United States in the prosecution of the proceeding against them in which said judgment was rendered.

Mr. SMITH, of Pennsylvania. I raise a point of order against this bill.

The SPEAKER. The gentleman will state it.

Mr. SMITH, of Pennsylvania. My point of order is that this bill proposes to release a judgment in which the Government of the United States has a pecuniary interest, and therefore it should receive its first consideration in the Committee of the Whole.

Mr. KNOTT. It does not propose to take any money out of the Treasury.

The SPEAKER. This case is similar to many already ruled upon by the present occupant of the chair. The rule of the House is deficient in reference to such bills as this in this particular: the bill not taking any money out of the Treasury the rule is not comprehensive enough to cover the bill. The other day the House voted down a proposition to change the rule so as to reach just such cases as this.

Mr. EDEN. I would inquire of the gentleman from Kentucky why these men are to be released from this judgment?

Mr. KNOTT. The ground upon which the relief sought in this bill is asked I will briefly state. The beneficiaries of this bill were the sureties of a man named De Rodmond on a bond for his appearance in the United States circuit court in the district of Alabama. Becoming uneasy lest he should not make his appearance in conformity with his bond, these men, in pursuance of the provisions of section 1018 of the Revised Statutes, arrested De Rodmond and carried him before a justice of the peace, to whom they surrendered him. The justice of the peace took a new bond from De Rodmond and discharged the securities under the provisions of the section to which I have alluded.

De Rodmond made default, and upon a *scire facias* the sureties appeared in the circuit court and made apparent the facts which I have stated. The circuit court, however, held that inasmuch as there was no United States marshal present when the surrender was made the securities were not released, and thereupon rendered judgment against them.

The Committee on the Judiciary are unanimously of the opinion that under the circumstances the judgment ought not to have been rendered, and that these beneficiaries are clearly entitled to the relief which they ask. I therefore call the previous question upon the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. SMITH, of Pennsylvania. Allow me to ask the gentleman from Kentucky [Mr. KNOTT] what is the amount of the judgment?

Mr. KNOTT. The amount of the judgment is \$1,000.

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

Mr. KNOTT 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.

LARKIN SMITH.

Mr. HARTRIDGE, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 4337) to remove the political disabilities of Larkin Smith, of Georgia.

Mr. PATTERSON, of New York. Let the petition in this case be read.

The petition was read, as follows:

ATLANTA, GEORGIA, April 2, 1878.

To the Senate and House of Representatives:

I respectfully request and petition your honorable bodies that the political disabilities imposed upon me by section 3 of the fourteenth amendment of the Constitution may be removed. I am a graduate of West Point; served in the United States infantry for twenty-five years. After the acceptance of my resignation I joined the confederate army in 1861.

And your petitioner will ever pray, &c.

LARKIN SMITH.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

WILLIAM A. CARSWELL.

Mr. HARTRIDGE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 5082) for the removal of the political disabilities of William A. Carswell, of Georgia.

Mr. THOMPSON. Let the petition be read.

The petition was read, as follows:

AMERICUS, GEORGIA, October 13, 1872.

The Hon. SPEAKER House of Representatives, United States Congress:

SIR: I hereby the undersigned has the honor to apply for permission to have his political disabilities removed by Congress.

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

WILLIAM A. CARSWELL, M. D.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

E. C. BOUDINOT.

Mr. HARTRIDGE also, from the same committee, reported a bill (H. R. No. 5177) to permit E. C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims; 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.

ROBERT HABERSHAM AND OTHERS.

Mr. HARTRIDGE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4401) for the relief of Robert Habersham, George Patten, and John L. Villalonga, or their executors or administrators; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LANDS OF BLACK BOB BAND OF SHAWNEE INDIANS.

Mr. HARTRIDGE also, from the same committee, reported back, with a favorable recommendation, joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring certain suits in the name of the United States to set aside certain patents to lands of the Black Bob band of Shawnee Indians.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General of the United States shall be, and he is hereby, instructed to direct the district attorney for the State of Kansas to bring suits in the name of the United States, to set aside and annul the patents which have been issued to any of the lands of the Black Bob band of Shawnee Indians in Kansas, and to test the question of title to any or all of said lands, and to permit any attorneys selected by the settlers now upon said land to appear in court and to assist in the prosecution and trial of said cause: *Provided*, That in no way shall the United States become responsible or holden for the payment of attorney's fees for any counsel thus employed by said settlers.

Mr. HARTRIDGE. I can explain in a very few words the object of this resolution. By the treaty of 1825 with the Shawnee Indians they ceded certain lands to the United States. The United States afterward retroceded two hundred thousand acres of that land to the Shawnee tribe of Indians. By the treaty it was provided that the Black Bob tribe of Indians, as they were called, should hold their proportion in common until they determined, or desired to take patents individually, and that they should have a sufficient quantity of land to give them two hundred acres apiece. And this land was located for them between the borders of Missouri and thirty miles west. During the war this Black Bob tribe of Shawnee Indians was forced to leave those lands and take refuge with the other tribes. After the war was over they found their lands settled upon by trespassers, so that they could not get possession of them. A portion of them then took out patents and sold their patents to other parties. The settlers or trespassers on the lands would not yield to the patentees or those to whom they sold. Thus these titles have been in dispute for years. It is provided in this joint resolution that the Attorney-General shall institute suits to set aside these patents, in order that the titles may be quieted in the interest of the Indians and in the interest of the settlers.

Mr. HUBBELL. Is this the unanimous report of the committee?

Mr. HARTRIDGE. Yes, sir.

Mr. FRANKLIN. There are other parties interested in the lands in question besides the Black Bob Indians and the settlers upon the lands. A great many parties purchased tracts of land from these Indians understanding that the Indians had the right to sell them. Now, I did not hear the bill read and desire the gentleman from Georgia to state what provision there is for the protection of those parties.

Mr. HARTRIDGE. The provision is that all parties in interest shall go into court and be heard, and that the contest shall be settled by the adjudication and decision of the tribunal. But I will yield

to the gentleman from Kansas, [Mr. HASKELL,] who can explain this matter better than I can.

Mr. HASKELL. Mr. Speaker, this is a very plain case. The Black Bob band of Shawnee Indians, supposing they were acting under the provisions both of law and of treaty, made selections of lands as they supposed under existing rules and regulations. When these selections had been made, patents were issued or attempted to be issued by the Government to these Indians. As to one batch of these patents, almost immediately after they were issued, within two weeks after their issuance, the Secretary of the Interior ordered the Indian agent to return the patents to the Interior Department, as it was alleged there was fraud in the making of the selections—that the Indians did not make the selections of their own free will, that some of them did not want to make selections. In short, there was a general set of allegations of fraud against the legitimacy of the selections. Another batch of patents was made up in the Interior Department but never issued. The patents that were issued, when once beyond the reach of the officers of the Interior Department, were distributed contrary to the orders of that Department to the Indians and their representatives out there on the reservations. They sold these lands thus patented to some speculators or outside parties not resident upon the lands.

Meanwhile there was a settler upon every one hundred and sixty acres of land. These settlers claimed the right to buy, but the speculators came in and in some instances bought the lands out from under the settlers, because the settlers did not desire to buy, fearing imperfection in the title.

Mr. FRANKLIN. The gentleman has stated speculators bought many acres of lands "out from under the settlers," as he expressed it. Now I desire to ask him whether many of the settlers did not settle on these lands years after the Indians sold them to these men whom the gentleman calls speculators; were not notices stating that these lands were not subject to entry placed all over the lands at the time many of these settlements were made?

Mr. HASKELL. I am not discussing the rights of any purchaser or settler. If the gentleman will allow me to go on with my statement he will see that I am simply stating what is alleged. I am not arguing the case. The lands were largely bought out from under the settlers. Upon some of them there were no settlers.

Now it was necessary that all deeds issued for these lands should be approved by the Secretary of the Interior before the fee vested in the purchaser. In 1870, in view of all these allegations of fraud in regard to the patents, all these allegations of fraud about the transfers or sales under the patents Congress saw fit to pass a law authorizing the Secretary of the Interior to stop the whole proceeding right there, to approve no more deeds, and do nothing more in reference to those lands looking toward a perfection of the legal evidence of title.

And there they have sat for twelve or fifteen years since the beginning of this difficulty, the speculators utterly unable to acquire any title to the land and the settlers not able to buy a foot of them, although the Indians have received the money which the speculators paid—thirty-four thousand acres of land lying there untaxed, and by act of Congress everybody compelled to keep their hands off of them.

A MEMBER. What did the speculators pay for them?

Mr. HASKELL. Three and a half to four dollars. This bill provides the United States shall commence suit in chancery to set aside these patents and try the question of title and find out who owns the land, so that the settlers may buy it either from the speculators, if the speculators' title is good, or if the speculators' title is not good, buy it from the Indians. The upshot of it will be that the title to the land will be settled in the courts, settled fairly, settled equitably, and thirty-four thousand acres of land untaxed to-day will be brought under taxation and this old sore healed.

I wish to say, in answer to the gentleman from Missouri, [Mr. FRANKLIN,] that I have received letters from the largest owners or supposed owners of this tract of land, and part of them agree to an adjudication in the courts. The settlers generally agree to adjudication in the courts. A few have protested from time to time because they did not understand the nature of the bill. But when I had written that it was simply to put this question of title in the United States courts to try it so they could buy their lands of some one and this vexed question could be settled, they were generally entirely willing. I say now that I do not know any one thoroughly cognizant of the case and thoroughly acquainted with the scope of the bill objecting to its passage.

Mr. LATHROP. Why should the United States pay the cost of this suit?

Mr. HASKELL. It does not pay the cost of the suit save and except the usual court expenses. The district attorney brings suit to try the questions of title. The reason why the United States should pay that much of the cost is this: they ought to manage their business down in the Interior Department, when they undertake to sell lands to settlers or some one else, so that some one will get the title. They ought to see to it that their patents are issued according to treaty stipulations and according to law, and not tie up the hands of settlers, as in the case of these lands, so that this legislation is rendered necessary in order to quiet title and allow people to secure their homes.

Mr. LATHROP. Is not this bill subject to the point of order that it must have its first consideration in the Committee of the Whole?

Mr. HASKELL. There is no other cost but simply court expenses. The SPEAKER. In reply to the gentleman from Illinois the Chair

will state that this might have been subject to the point of order had it been made in time, but the bill has been discussed for ten or fifteen minutes and the point of order now comes too late.

Mr. FRANKLIN. I wish to be heard for a few moments.

Mr. LATHROP. How much time does the gentleman want?

Mr. FRANKLIN. I did not pay particular attention to the reading of the resolution and I do not know whether I exactly understand its provisions. Let it be again read.

The resolution was again read.

Mr. FRANKLIN. Now, Mr. Speaker, from the reading of the resolution I judge the object is to have the patents issued to the Black Bob Indians set aside and annulled. Let us do justice to all parties concerned in the case. The Indians have no title there, none at all. They have no interest in the land. They have sold their interest and have long since received the purchase money. These patents were issued to these Indians who had taken their land in severalty, as under the law they have the right to do, and while they had patents, before they were countermanded by the Government, these Indians sold to other parties. The gentleman desires the Government to say it will annul all these patents. What becomes of the rights of persons who bought in the mean time? I do not wish to do any injustice to settlers on those lands, but at the same time we guard their rights we should guard the rights also of the men who purchased in good faith; we should protect all alike.

Mr. HASKELL. Mr. Speaker, there is not a single word in the bill which bars the rights of any one of these gentlemen, not one. They all come into court, they are all subject to the adjudication of the court, and if their title is good they will hold the land. If their title is worthless no power in the courts can make it good, and if it is good no power in the courts can take it away. The sole question before the House and the sole question raised by the bill is, will you put it into the court to settle the question one way or the other in reference to the title of these lands.

Mr. FRANKLIN. The gentleman from Kansas says he has letters from parties in interest. I should like to know whether he has those letters here with him. If so, I should like to have one of them read. I desire to ask whether many of the purchasers of these lands have not written to him and objected to the bill in its present form. I doubt the propriety of passing the resolution.

Mr. HARTRIDGE. I demand the previous question.

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

Mr. HARTRIDGE demanded a division on the passage of the bill.

The House divided; and there were—ayes 128, noes 38.

So the bill was passed.

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

The latter motion was agreed to.

J. N. BONESTEEL AND J. T. CONKLIN.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 4009) for the relief of John N. Bonesteel and James T. Conklin.

The bill was read. It authorizes and instructs the Secretary of the Treasury to release and discharge John N. Bonesteel and James T. Conklin, sureties on the official bond of Augustus D. Bonesteel, late Indian agent for the vicinity of Green Bay, Wisconsin, from all liability by reason of said bond.

Mr. EDEN. It seems we are releasing a great many bonds to-night. It may be all right, but I would like the gentleman from Kentucky to state why this ought to be done.

Mr. KNOTT. I ask the Clerk to read the report which states very succinctly the facts on which the bill is predicated.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred House bill No. 4009, for the relief of John N. Bonesteel and James T. Conklin, report:

That in the year 1857 Augustus D. Bonesteel, then of Fond du Lac, Wisconsin, was appointed Indian agent for the vicinity of Green Bay, Wisconsin. His official bond was signed on or about October 5, 1857, by John N. Bonesteel and James T. Conklin, all residents of Wisconsin, as his sureties. Soon thereafter John N. Bonesteel removed to Brooklyn, New York, where he has since resided, and James T. Conklin removed to Kansas, but is now a resident of London, Canada.

In November, 1875, John N. Bonesteel, one of the sureties, was, for the first time, notified by E. B. Curtis, acting comptroller, that there was an acknowledged balance in favor of the United States of \$643.30, which A. D. Bonesteel, late Indian agent, had failed to account for. This notice was more than eighteen years after the execution of the bond, and more than thirteen years after Bonesteel had ceased to be Indian agent, and several years after his death. The 11th of March, 1876, another notice was addressed to A. D. Bonesteel by E. B. French, Second Auditor, that his property account as Indian agent had been examined and a balance of \$7,118.67 found due the United States for property suspended and unaccounted for, and which balance has been carried as a debit item to his cash account. On the 17th of March, 1876, a letter was addressed to A. D. Bonesteel, late Indian agent, care of Commissioner of Indian Affairs, by E. B. French, Auditor, stating: "Your accounts for disbursements in the Indian Department under your official bond bearing date October 5, 1857, have been adjusted to this date, and a balance of \$7,761.97 has been found due the United States, differing \$6,828.66 from your rendering, which difference is explained in the inclosed statement."

In the month of June, 1876, a suit was commenced in the United States district court for the eastern district of New York on the official bond of A. D. Bonesteel, and summons and complaint were served upon John N. Bonesteel, one of the sureties.

This suit was brought about nineteen years after the execution of the bond and

fourteen years after the principal had ceased to be Indian agent and six or seven years after his death, and the sureties had had no notice of any default of the principal until about six months prior to suit being brought. In the meanwhile the principal died insolvent. John N. Bonestell, one of the sureties, had gone through bankruptcy, and James T. Conklin has become a confirmed invalid and lost his property, and is dependent upon a salary for support.

Under these circumstances your committee believe that it would be unjust for the Government to press the suit against the sureties. In consequence of the delay in the settlement of the accounts, and the neglect to notify the sureties of the default until long after the death of the principal, it is entirely out of the power of the sureties to procure the evidence which might be material for defense. The committee therefore recommend the passage of the bill.

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. KNOTT 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.

ENROLLED BILL.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

JURISDICTION OF COURT OF CLAIMS.

Mr. FRYE. I am instructed by the Committee on the Judiciary to report back, with an adverse recommendation, the bill (H. R. No. 6) to enlarge the jurisdiction of the Court of Claims, and for other purposes. This bill, Mr. Speaker, was introduced into the House by myself by request, without any examination whatever on my part, as I knew that it was to be referred to the Judiciary Committee. After it was referred to the committee I examined it, and I found it an exceedingly dangerous bill. It was committed to me to report upon. I did report upon it to the Judiciary Committee and they authorized me at my request to report it adversely. I move that it be laid on the table.

The motion was agreed to.

Mr. FRYE 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.

SECTION 824 OF REVISED STATUTES.

Mr. FRYE also, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 4124) to amend section 824 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 824 of the Revised Statutes of the United States is amended by inserting the words "or information" after the word "indictment," in the fifth line on page 154 of said Revised Statutes, so that the subdivision of said section hereby amended shall read as follows:

"When an indictment or information for crime is tried before a jury, and a conviction is had, the district attorney may be allowed, in addition to the attorney's fees herein provided, a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding \$30."

Also, by adding at the end of said section, so as to stand as and become a part thereof, the following:

"For arguing a demurrer or motion for new trial, \$20.

"For services in proceedings on *habeas corpus*, such sums as may be allowed by the court, not exceeding \$50."

The amendment was read, as follows:

Strike out all after the words "not exceeding \$30," in line 13.

The amendment was adopted.

Mr. FRYE. Under existing law the district attorney is allowed for a conviction under an indictment but not allowed anything for convictions under information. Therefore the indictment is resorted to wherever it is possible when information might be resorted to and great expense saved. The Attorney-General recommends the passage of the bill. I move the previous question.

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

Mr. FRYE 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.

SECTION 860 OF REVISED STATUTES.

Mr. FRYE also, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 5090) to amend section 860 of the Revised Statutes of the United States.

The bill was read. It amends section 860 of the Revised Statutes of the United States by adding thereto the words:

Provided also, That this section shall not apply to party respondents in criminal cases voluntarily testifying in their own behalf.

The amendment of the committee was to insert, after the words "apply to," in line 5, the words "the evidence of."

Mr. FRYE. The present Congress has passed a bill allowing parties respondent in criminal cases to testify in court, and this bill is simply to conform section 860 to the new law. I move the previous question.

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

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

Mr. FRYE 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.

POINT SAN JOSÉ MILITARY RESERVATION.

Mr. BUTLER, from the Committee on the Judiciary, reported, as a substitute for House bill No. 730, relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, a bill (H. R. No. 5178) to relinquish the military reservation at Point San José, in the city of San Francisco, to parties in *bona fide* possession thereof on the 31st December, 1851; which was read a first and second time.

Mr. CLYMER. I reserve all points of order.

Mr. BUTLER. I move that the bill be referred to the Committee of the Whole on the Private Calendar, and that it be printed with the accompanying report.

The motion was agreed to.

EMPLOYMENT OF DISCHARGED SOLDIERS.

Mr. BUTLER also, from the Committee on the Judiciary, reported back the bill (H. R. No. 4091) to enforce by appropriate legislation the will of the people in regard to disabled soldiers of the late war, with a recommendation that it do pass.

The bill was read. It provides that whoever shall willfully violate or set at naught any of the provisions of section 1754 of the Revised Statutes shall be punished by a fine not less than one hundred nor exceeding five thousand dollars, and by imprisonment not less than one month nor exceeding two years.

Mr. BUTLER. I ask the Clerk to read section 1754 of the Revised Statutes.

The Clerk read as follows:

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Mr. BUTLER. I am ordered by the Committee on the Judiciary to report this bill with a recommendation that it do pass. The bill is accompanied by a report from the committee, the language of which I am alone responsible for. By the law as it stands upon the statute-book, a law passed in 1865, there was a preference to be given to the disabled soldier. That law has been violated in some instances, and it is proposed by this bill to make a penalty for such violation. If it is a bad law repeal it, but if it is a good one and it is to be allowed to stand upon the statute-book save it from being a mockery, by attaching penalties to the violation of it. I intend to call the previous question, but I will ask for the reading of the report.

The Clerk read the report, as follows:

The Committee on the Judiciary, to whom was referred House bill No. 4091, providing for the enforcement of the provisions of section 1754 of the Revised Statutes by providing a proper penalty for the violation of it, having considered the matter beg leave to report:

That that section of the law was passed on the 3d of March, 1865, and requires that "persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices."

At the same time that this law prescribing the duty of United States officers who have appointments to make in the civil service was passed, a second provision was made, recommending the same course to private parties and corporations, reciting that "in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employments."

This statute seems to your committee to have been dictated—

First. By a feeling of gratitude to the men who had rendered service to the country, and had become disabled because of such service from following with full effect the occupations for which they were fitted by reason of wounds and disability incurred in that service.

Second. By a feeling that it was the duty of the Government to provide for those who had been thus disabled in the service.

Third. That it being the duty of the Government to maintain and care for such men—and who will deny that it was not—it was much more economical for the Government to provide by appointment to official station under the Government those capable of filling them who were so disabled, and thereby supporting them without cost to the Treasury of the United States, than to make appropriations from the taxes upon the people for that purpose, of performing their duty to those brave, patriotic, but disabled men.

No one will doubt that most if not all of the more than sixty thousand officers of honor and profit in the United States could be as well if not better filled by men who had shown their love of country and their sense of duty in maintaining its flag in the field than by any others, and especially those who staid at home in safety and quiet in remunerative employments during these four years of war. Your committee cannot doubt that it was a part of the object of this statute to provide for the support of the children, the wives, and the parents dependent upon them by means of this economical and beneficent provision.

The law is mandatory in its enactments. Your committee is not called upon to argue the propriety of its enactments. It is the law of the land and should be obeyed by every officer of the United States having the appointment of a United States officer within the scope of his official duty. If it is not a proper law, if there is any reason why it should not be enforced, then it ought to be repealed,

because no law should stand upon the statute-book to be violated at pleasure by those who come within its scope. It is true no penalty was attached at the time of the enactment against any one who should refuse, or decline, or neglect to execute it. It will be observed the law was passed before the war had closed, and it became, therefore, a part of the contract under which men enlisted for a pittance per month to fight the battles of their country. Being passed at the time when sentiments of patriotism and loyalty among those having appointing power in the United States was the rule, and not the exception, it probably never occurred to the Congress of that day that there could be any necessity to affix a penalty to the law in order to provide for its certain execution.

They did not contemplate and could hardly have believed that any man fit to hold high office, having the power of appointment to office, would neglect the maimed and disabled veterans of the war and appoint in their stead, in violation of the law, those who had not such claims and no greater business capacity. The law presupposes that all the offices where there was sufficient business capacity in the soldier would be filled by disabled honorably discharged soldiers, as it recommended to the business men of the country to employ only those; and the higher offices being filled by those who had been soldiers in the war, it would seem that it never could have entered into the imagination of Congress that such officers could neglect their maimed and disabled comrades in making appointments to office, as the Roman law enacted no penalty against a man who should kill his father, because the law would not presuppose that such an offense as patricide could exist or that there was any man vile enough in Rome to murder his parent.

But your committee are constrained by the course of appointment to office which seems to have obtained without any regard to this law, that it is necessary to its full and just execution that some penalty should be attached to the violation of its provisions in order that the intention of Congress may be fully carried out.

Your committee have heard but a single suggestion as against the enactment of such a provision, and that is that the law restricting the appointment of officers to a certain class of persons, however deserving, is a restriction of the presidential power of appointment under the Constitution, which is to be left free and untrammelled, subject only to the advice and consent of the Senate.

The objection, however, if tenable, would certainly not apply to the appointment of the class of officers included in the constitutional provision of the second article of the Constitution, which provides that "Congress may vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Of course, if Congress may vest the power in the President of appointment of officers, or in the courts or the heads of Departments, it may also limit or restrain that power at will according to its own good judgment and discretion. But following out the same article which vests the power in the President by and with the advice and consent of the Senate to appoint ambassadors, other public ministers and consuls, and judges of the Supreme Court, they alone would seem to be the special class of officers wherein Congress has no right to interfere with the qualifications for appointment, because the next clause of that article is:

"And all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."

Those officers established by law can of course be limited either at the time of their establishment or thereafter, as the wisdom of Congress shall see fit. So that it seems to your committee, admitting the full force of the claim, that the provision of section 1754 may be restrained as to ambassadors and other public ministers, consuls, and judges of the Supreme Court. Yet the constitutional provision is no restraint upon the limitation by Congress as to who shall be appointed to all other offices established by law; for it would seem too clear for debate that if Congress may establish the offices by law they may establish the kind of men who shall fill the offices thus established. But this construction is not left to argument and inference only. Congress has from the earliest time, by various provisions, limited the class of persons who shall be appointed to offices and who shall hold office.

As early as September 24, 1789, now section 552 of the Revised Statutes, it was enacted that "there shall be appointed in each of the States of Alabama, Georgia, Mississippi, South Carolina, and Tennessee, one district judge, who shall be district judge for each of the districts included in the State for which he is appointed, and shall reside in some one of the said districts."

And in making appointments of judges for all the districts, Congress added a penalty upon the judge for refusing to conform to this provision, in the words following:

"Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Making it thus an impeachable offense to remove from the district one of the qualifications of his appointment.

This statute puts no penalty upon the President for making an improper appointment, because in those days it was not thought reasonable to suppose that the President would violate the law in making his appointments to office.

In 1867 a law was passed by Congress in reorganizing the Medical department of the Army—section 1168 of the Revised Statutes:

"All the original vacancies in the grade of assistant surgeon shall be filled by selection, by examination, from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war."

Again, July 28, 1866, section 1193, Revised Statutes:

"The Adjutant-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, and the Paymaster-General shall be appointed by selection from the corps to which they belong."

Thus restricting the power of the President to select those high officers to be appointed by and with the advice and consent of the Senate from a particular and very restricted class.

Again, July 16, 1862, section 1365, Revised Statutes:

"During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service."

In providing for cadets in the Naval Academy in the year 1862, Revised Statutes, section 1517:

"Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution."

If Congress can require the President to appoint those only that are physically "well formed and of robust constitution," it is difficult to see why Congress has not the like power, for good cause moving them thereto, to provide by law that men who are disabled in the service of the country and their "robust constitution" destroyed in that service shall be appointed to such offices as they are capable of filling.

Again, as early as 1813, (Revised Statutes, section 1875,) providing for the appointment of district attorneys for the Territories it is enacted that "there shall be appointed in each Territory a person learned in the law to act as attorney for the United States," clearly restricting the President to a class from which only he could select a class of officers to be appointed by him, established by law, under the provisions of section 2 of article 2 of the Constitution.

And, in the act of April 29, 1812, constituting the Military Academy, (2 Statutes at Large, chapter 72, section 2.) it is expressly provided that "assistant professors shall be taken from the most prominent of the officers or cadets."

And by section 1315 Revised Statutes, it is provided that "the corps of cadets * * * shall be appointed by the President, and shall, with the exception of ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed."

And in 1866, section 1316 of the Revised Statutes, a restriction was made, that "no person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed a cadet."

Now, as the cadets are expressly made officers of the United States Army, and are subject to court-martial, it would seem that here was a restriction of the President in the appointment of officers of the United States to office established by Congress.

The fact that no one of these restrictions, so far as your committee can learn, has ever been violated by the President of the United States, nor has the question been raised that they were restrictions in contravention of the power of the President to make appointments within the second section of the second article of the Constitution, although these restrictions range over the whole history of the Government, would seem to be conclusive as to the objection raised that section 1754 is in violation of the provisions of the Constitution. Even if it were in respect to certain officers, yet that objection would not apply to those officers who were not within the provision, which is clearly by far the most numerous class. Therefore if Congress should deem it proper to enact a penalty for the violation of this section, of course such penalty would not apply to such officers, whose appointment by the President would be beyond the power of Congress under the Constitution.

Your committee, therefore, for these and other reasons which might be more at large set forth, beg leave to report the accompanying bill with the recommendation that it do pass.

BENJ. F. BUTLER,
For the Committee.

Mr. KEIFER. The report is a long one, and if we could have a word of explanation from the gentleman from Massachusetts, I am willing that the reading be dispensed with. I will say right here that I am not opposed to the principle which the bill seeks to carry out. The section of the statute that the bill now pending applies to is a very good one, and it is directory in its character perhaps more than mandatory. It was intended as an expression of the wish of the people of the whole country as to the matter of appointments, but it was not complete either in that sense. If it is literally carried out it will apply to but about one-third and not more of the disabled soldiers of this country. It would probably exclude two-thirds of the men who were disabled in the war; I mean all that class of men who went into the Veteran Reserve Corps; all that class of men who suffered disabilities and who were mustered out at the expiration of their term of enlistment or at the end of the war. Every one of these men is excluded from appointment under section 1754 of the Revised Statutes, and the only class included are those who were honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, and it leaves all the others out.

The country is filled with thousands of men—officers, non-commissioned officers, and privates—who served until the war closed, or until the expiration of their term of enlistment, and were then mustered out by reason thereof, and not for physical disabilities, and many thousands of others in consequence of wounds or other physical disabilities were transferred to a certain kind of service in the Veteran Reserve Corps, for instance, and were never mustered out on account of wounds or sickness, and not one of them are included in this section. Now there is another class of persons who may be regarded as worthy of appointment to office and positions of trust in this country in this latter day of progress and reform; a class of people now holding office under the Government of the United States, hundreds and thousands of them, and they also are excluded by this section 1754 of the Revised Statutes. I mean all the women of the country, including the widows and daughters of soldiers. If you are to treat this as mandatory, and fix a penalty and make it a high crime to violate it on the part of the Department, all the soldiers' widows, all these worthy ladies are excluded. If you are to give this section a literal interpretation then the gentleman [Mr. BUTLER] who champions this legislation and proposes to make the section mandatory by requiring the appointing power to give it a literal interpretation, advocates legislation that comes to nothing; it will prove to be legislation in vain.

I make these suggestions, at the same time saying that I will go as far as the gentleman from Massachusetts or any other gentleman upon this floor toward appointing these worthy and disabled soldiers, not only those who have been honorably discharged from the service by reason of physical disability or wounds, but all who have suffered by reason of the war and suffered physical disability, including the widows, daughters, and orphans of deceased soldiers and sailors. I hope this bill will not pass until it is amended so as to include all these worthy persons.

Mr. BUTLER. It is very cheap to tell what a man will do, but when a thing is proposed to be done then I find certain gentlemen here in opposition to it. Here is a law that has stood on the statute-book for twelve years, and the gentleman says it is not mandatory. Let us see. The soldier who has been honorably discharged from the service by reason of disability incurred in the line of duty shall be preferred. In the next section we go on and recommend, in grateful recognition of the services and sacrifices and sufferings of these men who have been discharged in the military or naval service, a respectful recognition to their claims on bankers, merchants, manufacturers, mechanics, and farmers, for them to give these soldiers the

preference for appointments to any positions they are fitted to fill. We make it mandatory on officers by law, and we recommend everybody to do it where we cannot compel them to do it.

I have witnessed this scene within the last four months: a man with one leg walked up to the appointing power of one of the Departments, backed by testimonials of fitness, and nobody doubted his fitness, and I saw a man put in over his head who had been eight years in the one office and this poor one-legged soldier turned away. This man had been in office while this soldier was in the field and lost his leg there. When I saw that soldier turned away I vowed a vow before God that if ever I could get an opportunity to make such an act on the part of an official penal I would do so, and therefore I introduced this bill before the Committee on the Judiciary; and the only question is whether you will have any ball before your powder; whether you will have something to enforce your mandate; whether you will cheat the people and cheat the soldier, for that is the result so long as you allow a law to remain unexecuted and unenforced. The gentleman says that we leave out the Veteran Reserve Corps.

Mr. KEIFER. You do leave it out.

Mr. BUTLER. No, I leave nobody out. This law as it stands is either a good or a bad law, and I am only seeking now to enforce it. You leave out now everybody; but we do not here leave out the Veteran Reserve Corps. The veterans of the Veteran Reserve Corps were discharged from the military service and re-enlisted in the Veteran Reserve Corps as maimed and disabled soldiers.

The difficulty now is that you leave out everybody. I am for putting in a large class of disabled honorably discharged soldiers, and you object because we do not put in any more, and you want to amend my bill by putting in all honorably discharged soldiers. Well, put it in if you want to. Why do you not propose to amend it in that way, unless it is a mere matter of opposition? I will agree to it for all honorably discharged soldiers. This section of the Revised Statutes is the law. I want to have this law obeyed. When that is done then you can bring in your bill for the rest of them; for the soldiers' widows, if your heart goes out toward them. [Laughter.] Bring them all in and I will vote for it. But deal with this thing fairly. Will you now object to putting in a small class of soldiers?

Mr. KEIFER. Yes, to the exclusion of all the others.

Mr. BUTLER. Ah, pardon me; this bill excludes nobody. The others stand where civilians stand. This bill puts forward one class and puts the officials in mind that they cannot continue to do as they have done to my certain knowledge. I could call names and give dates. I could give you the instance where a nephew was put in, a hale, hearty, fat, beef-eating fellow, and the disabled soldier was kept out, although in every respect he was as high above the other as heaven is above the earth.

Let the Congress of the United States say whether they put this provision into the statute as a little bit of buncombe to be used on the hustings or whether they really meant it. That is the matter which I bring before the House to-night. This is a little matter. Are we to be fought in this place as we were fought in another place, on a bill for the relief of an old soldier by tacking a well man on to it? This is another case like that which I have in my mind, where they fought the bill by putting me on as one man to be taken care of. I understand that trick of opposition perfectly well. Now I desire to have no mistake about it. They put that on for the purpose of killing the bill, for no other purpose under God, not to help the soldier.

How many places do women fill now that could be filled by disabled soldiers? Give the places to as many as you please; and when a woman loses her leg in the service I will go for her. [Great laughter.] I have no partiality in this matter, not the least.

This bill stands on the right, on justice to those who served in the battle-field. While the confederate brigadier, that we hear so much about here, has not raised his voice against this bill, although it includes his constituents—for he recognizes the propriety of it in the fitness of things—yet it is left for a republican, and him alone, to raise his voice against this bill. Now, is it all buncombe that we have been talking about here, or are we in earnest? Is this mere clap-trap about the soldier? Whenever anything is brought up here for the benefit of the soldier there is always some reason why the soldier is to be set aside for this time.

Is there any other gentleman who would like to ask me any question? [Laughter.]

Mr. KEIFER. I will ask the gentleman another if he will yield to me.

Mr. BUTLER. Certainly I will, with pleasure.

Mr. KEIFER. I have given the gentleman from Massachusetts [Mr. BUTLER] a good opportunity to get in his speech on this bill. I will not be so unkind as to say that there was any buncombe in it; I will not even insinuate that, although he is not so particular about imputing motives to me for my opposition to this bill—not very delicate in reference to me. He seems to jump to the conclusion that the suggestion I made here was for the purpose of defeating his bill; he will not brook just criticism on his handiwork. Emanating from his pen, it must be regarded as sacred indeed.

And then he suggests that we ought to amend the bill. Why, sir, we men who are on the outside of this great Judiciary Committee are not supposed to be able to perfect things by moving amendments, when the gentleman is already on the floor calling for the previous question.

I suggested here what I can show to the gentleman is a defect in this measure, one that is radical. If he, a member of the Committee on the Judiciary, will suggest a new section here which covers the class of persons to which I refer, I will vote with him.

Mr. THORNBURGH. If the gentleman will yield to me, I will offer an amendment which I think will cover the case.

Mr. KEIFER. Wait a moment, until I am through. The gentleman from Massachusetts is utterly mistaken when he undertakes to say that the great mass of the veterans of the Veteran Reserve Corps are included under this section. I know hundreds of them who were discharged from their original regiments to enable them to enlist in the Veteran Reserve Corps; that was the mode of transfer from one volunteer regiment to another. They were not discharged, in the language of this section, "by reason of disability resulting from wounds or sickness incurred in the line of duty." They are excluded under this bill, and it has been the subject of complaint on the part of these men that they have not been included by these champions of the soldiers, these men who are always coming forward as champions of the soldiers, and who want "to do something" on the subject instead of simply "saying something."

I will enter the lists at any time with the gentleman from Massachusetts, [Mr. BUTLER,] or any other gentleman on this floor or elsewhere in advocating the claims, the rights, and the proper preferences of these soldiers; but I will not join with the Judiciary Committee of this House, led on by the gentleman from Massachusetts, in undertaking to impose a penalty upon the appointing power in behalf of a few of these worthy persons, leaving out the great majority of them. Why, sir, I know of men who served until the end of the war—officers who came out of the war with but one arm or one leg, who were never discharged by reason of their disabilities, but who served four years and more in the field, doing their duty to the end, though suffering, sadly maimed and disabled. And to say these men, though indigent, could not be appointed under this section of the bill to any office within the gift of this Government, to appoint any one of them, should this bill pass not amended, would be to violate the law of the land, and the appointing power, the President of the United States if you please, would become liable to punishment as a felon. Has it come to this so soon after the great struggle for our nation's life?

The gentleman from Massachusetts must not cast upon me the imputation that I am simply opposing his bill. If he knows of cases such as he states here, they are great wrongs; and I am ready to join with him in endeavoring to have them redressed. But I do know that he is now advocating here a measure which is unjust to a very large class of worthy, disabled, honorably discharged soldiers of the Union; and this provision, if made mandatory, as it was never intended originally to be, would exclude the class of persons to whom I have referred, and all the soldiers' widows, their daughters, and other worthy ladies who hold office under this Government. Such was never the intention of the law. The original law was only intended, as it only could be, when read in the light of the Constitution of the United States, to be advisory; as expressing the views of the legislative branch of the Government to the Chief Magistrate of the nation and to others who might chance to have the appointing power.

So far as this bill undertakes to affect the appointing power of the Chief Executive of the Government, I say with a knowledge that the gentleman will charge me with making this utterance simply to defeat his bill, I say that in my judgment as a matter of constitutional law we have no right thus to dictate by imperative legislation whom the President shall appoint among citizens eligible to appointment to office in this country.

One further remark. How are you to find out under this section as it stands whether different persons are "equally well qualified"? Would the gentleman have a jury to sit and determine whether Postmaster-General Key, or Secretary Sherman, or perhaps the President of the United States has exercised aright his discretion in reference to appointments; in determining whether A B, who had but one arm, possessed equal qualifications with C D, who had no disabilities. You propose to try the question of a proper exercise of the discretion of the appointing power; you are to determine by the verdict of a jury whether the officer invested with this discretion judged rightly or wrongly, without reference even to his capacity to judge. He might not be so astute, so smart, so keen, so ready to discern the qualities that go to make up a competent clerk or other officer, as the gentleman from Massachusetts. But a jury is to sit and take the gentleman's standard of judgment, the gentleman's opinion, if he is the prosecuting attorney, and the jury is to find out whether the law has been executed with proper discretion, and whether the parties who are thus charged with its execution should be condemned and punished as felons or not. It looks to me as if there was somewhere some buncombe in this matter. [Laughter.] Yet I certainly disclaim ever charging upon the gentleman from Massachusetts any buncombe at all. [Laughter.] I would not do that. People know him, his habits and instincts, too well in this country for that. [Laughter.]

Mr. BUTLER. In the first place, Mr. Speaker, a man should never talk about a thing when he does not know anything about it. [Laughter.] That is my first proposition; and this last talk about the provisions of this bill is in utter ignorance of what the bill is. Will the Clerk send me the bill?

The SPEAKER. Some gentleman has taken the bill from the desk.

Mr. BUTLER. Undoubtedly. That is a good way to defeat the bill.

The SPEAKER. The Chair gives notice that hereafter bills must not be taken away from the Clerk's desk.

Mr. JAMES. I move that the House adjourn.

Mr. BUTLER. I have the floor. Now, Mr. Speaker, I want to call the attention of the House to this bill which has been taken from the desk and cannot be found for the moment.

The SPEAKER. The bill is here now.

Mr. BUTLER. All right; now I would like to have it. [The bill was sent to Mr. BUTLER.] Now, what is the criticism made upon this bill by the gentleman who undertook to be so polite and courteous? He says it is open to the objection that a jury is to pass judgment upon the exercise of the discretion of the Executive, and then he undertook to tell how exceedingly discerning and clear-headed I was. Did he think I was such a fool as to draw a bill which would be open to that objection? Nobody on our side of the mountain does that. [Laughter.] Let us see what the language of the bill is:

Any man who shall willfully violate—

"Willfully," knowingly, intentionally, with intent to set aside the disabled soldier. The bill is directed not against an error of judgment, but a willful wrong. A good way to argue upon a bill is first to read it, an excellent lesson for the gentleman which may last him his life-time.

Now, let us come to another point. I ask the Clerk to send me the report. If the gentleman had read the report he would have known a great deal more than he does now.

Mr. KEIFER. I was the only person who asked to have the report read, and I heard enough to understand what it was.

Mr. BUTLER. This report gives more than twenty instances in which legislation of this kind has been adopted, giving date and other particulars. The President cannot appoint a medical officer except from among a certain class of men who have served in the war. He cannot appoint a district attorney unless he be a man learned in the law. He cannot appoint a district judge unless he is a resident of the district for which he is appointed. The precedents given in the report go back as far as 1794—the time of the fathers, who knew as much about the constitutional power of the President—no, who thought they knew as much about it—as the gentleman who has just addressed the House. The President cannot appoint anybody but a robust young man as a cadet at West Point. If we can under the Constitution limit him to robust men for certain places, can we not limit him for other appointments to men who have lost their robustness in the service? You had better have read both bill and report before you undertook to answer me. [Laughter.]

Now, then, one word about the Veteran Reserve Corps. I say all the Veteran Reserve Corps were discharged from their regiments because they were disabled—sent home to serve as home guards on account of their disability. That was discharge from service.

Oh, they were sent home for a purpose! The difference is while they were chosen they chose no one, my friend said! But they chose no one but disabled men. Does he know why they were chosen to be taken out of active service and put into the home guards? Merely by reason of their wounds. That is why they were put into a new and easy service. So it takes all those. But suppose it does not? You say then "I will have no one if you do not take those." I am one of those who go for half a loaf when I cannot get a whole one rather than have no bread. I am smart enough and discerning enough for that when I really want to do a thing for a man. When I do not then I try others.

One thing further. It is said this is mandatory. They pass two sections at the same time, one is made mandatory on the officer and the other is made advisory upon the merchants and bankers. Both are there. You never read them before, I know. [Laughter.] Yet you made a speech about them. I had this advantage over the gentleman who opposes me, and that is I read before I talk. [Laughter.] I know what I am talking about, and it is an excellent thing I can tell you, from my long experience. I have no genius to get along without that, however much you praise my genius and judgment. Some people get along without knowing anything. [Laughter.] I do not; I cannot with all the genius I am credited with. [Laughter.] I do not know how to do that.

I am utterly indifferent to the fate of this bill. I have done my duty to it, and as it is late at night and I have no more to say I will demand the previous question.

Mr. KEIFER. Let me say a word.

Mr. BUTLER. I cannot.

Mr. KEIFER. I wish to say one or two words in reply to the gentleman.

Mr. BUTLER. I cannot.

Mr. KEIFER. Permit me to make a suggestion.

Mr. BUTLER. No, I have heard your suggestion.

Mr. KEIFER. I am sorry that the gentleman lost his temper.

Mr. BUTLER. I have not had a bit of temper all my life.

Mr. KEIFER. I am sorry he will not hear anything to qualify—

Mr. BUTLER. You cannot qualify.

Mr. KEIFER. Allow me five minutes.

Mr. BUTLER. I cannot.

Mr. KEIFER. Allow me five minutes.

Mr. BUTLER. I cannot.

Mr. THORNBURGH. Allow me to suggest an amendment.

Mr. BUTLER. I will hear it read.

The Clerk read as follows:

Nothing in the first section of this act or in section 1754 of the Revised Statutes shall be so construed as to exclude from appointment to office any soldier who was disabled in the line of duty and honorably discharged, or the widow or daughters of killed or disabled soldiers.

Mr. BUTLER. I will agree to allow that amendment to be offered, and now demand the previous question on the bill and amendment.

Mr. KEIFER. Will you not permit me a moment?

Mr. BUTLER. I cannot.

Mr. JAMES. I move the House do now adjourn.

The House divided; and there were—ayes 46, noes 91.

So the House refused to adjourn.

The question recurred on seconding the demand for the previous question.

The House divided; and there were—ayes 61, noes 91.

Mr. BUTLER demanded tellers.

Tellers were not ordered.

So the House refused to second the demand for the previous question.

Mr. KEIFER. Mr. Speaker, I had no disposition to prolong this discussion. I desired that we should legislate in a cool, orderly, efficient, and substantial way so that we may legislate wisely. I am sorry the gentleman loses his temper a little about this because I had in my feeble way attempted to point out the defects in the bill which he reports and champions.

Now he says to the House and especially to me that I ought to have read the report; that I would have learned something; but I remember very well that he told us in the beginning that the report was his own, and after I had heard his speech and heard the best reasons he possessed and could give in favor of this bill, I knew when I heard the report read I would not get anything new to aid my understanding. I was advised in advance that the report did not contain any of the combined and concentrated wisdom of the Judiciary Committee of this House if I listened to it. The report contained only the gentleman's own statement of the case. That was all there was in it. I soon found I could not rely on that; and he himself in the beginning declined to have it read, did not want it read, and, as far as it was read, it was read at my instance.

Yet he charges upon me ignorance of the proposed legislation. I am no more ignorant in that respect, admitting my ignorance compared to his in many things, for I am young and may not have had his opportunities, but I am no more ignorant, perhaps, of this measure than the man who will stand on the floor of this House and undertake to cite as an instance or example in favor of his proposed legislation that the Congress of the United States has regulated the appointing power of the President in the past by prohibiting him by law from appointing a disabled man to West Point.

There is no such thing in the law and never was in the history of the country. The President does not appoint persons to West Point either; he never appointed anybody, nor did the gentleman from Massachusetts, as a member of Congress, ever appoint anybody to West Point. West Point cadets are not officers. In his capacity as Congressman the gentleman may have nominated somebody that was sent to West Point to appear before a board to be examined to see if he was eligible under the law of Congress to enter that public institution. Persons are not appointed when they go there to any office under the United States, constitutional or otherwise. They are nominated only by the President or by members of Congress as the case may be. But the gentleman re-enforced all his argument in favor of this bill by that single illustration.

I am not so ignorant as to be unable to see that that is a mere scheme, far-fetched, to try to get up an analogy to his proposed legislation, and I am sorry the gentleman could not have found something more and something stronger. As he professes so much wisdom on his part, I am very sorry about it. I can see through that with all my defects.

I cannot allow the gentleman to escape from the erroneous statement he makes here in regard to discharged soldiers. He seems to have an idea that all men who were wounded in the war that went into the Veteran Reserve Corps were sent home. Three times in his statement he repeated that men who were wounded or disabled in the Army were mustered out of service by reason of their disabilities and sent home. That, sir, is not true. They were transferred from the Missouri, and beyond it, to the city of Washington, to defend the very Capitol which we occupy to-night, and to serve in the Veteran Reserve Corps of the Army. They brought here the wounded officers; they brought here the wounded and disabled soldiers, those who had broken down through sickness and disease, and in various ways, and they were brought here to defend the capital of the Republic. And they never were discharged from the Army by reason of disabilities; they were simply transferred from one regiment to another under a law of Congress, not discharged.

But, Mr. Speaker, there were many more that never were transferred. I know in this House to-night men who were in the service from the beginning of the war to the end and who were disabled, disabled in a material way, and yet they served until the last gun was fired, and witnessed at Appomattox the surrender of the great army of Northern Virginia under Lee, and were only discharged from

the service when there was no longer any service to perform; and under this legislation, if it were to be carried out, those men could not be appointed to office under this Administration or any other, without rendering the appointing officer liable to a criminal charge.

Now, Mr. Speaker, I do not intend to repeat what I have said, and will only refer to it again. I believe that this is intended to strike at the Executive, and if the Executive has erred in this respect, as the gentleman seems to think he has erred, I hope he will correct his work in the future. I hope that all future Presidents will stand by the disabled soldiers and the families of deceased soldiers in making appointments to office. I can most freely vote for any provision that perfects the law so as to include all this class of persons.

Mr. KNOTT. I ask the gentleman to yield to me for a moment.

Mr. KEIFER. How much time do you want?

Mr. KNOTT. Only a minute.

Mr. KEIFER. Certainly; two of them if you want them.

The SPEAKER. The gentleman from Ohio yields two minutes to the gentleman from Kentucky.

Mr. KEIFER. I yield him five minutes if he wants them.

Mr. KNOTT. I regret, in view of the large amount of unfinished business of my committee, so much time has been taken up in the discussion of this question already. I therefore asked my friend from Ohio to yield to me that I might say, simply in justice to myself, that I have not favored the passage of this bill for the reasons so forcibly urged by the gentleman from Ohio. I considered it an unnecessary restriction upon the appointing power to say the least of it, of doubtful constitutionality, that might be very difficult of enforcement, and that might make an unjust and invidious discrimination against those equally worthy with the class sought to be favored by this bill.

Mr. KIEFER. I now move the previous question on the bill and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. THORNBURGH was agreed to.

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

Mr. KEIFER 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.

APPORTIONMENT OF REPRESENTATIVES TO CONGRESS.

Mr. STENGER, from the Committee on the Judiciary, reported back, with an adverse recommendation, the bill (H. R. No. 774) supplemental to an act entitled "An act for the apportionment of Representatives to Congress among the several States according to the ninth census," and moved that the report be printed.

The motion was agreed to.

Mr. LAPHAM. I present the views of the minority, and ask that they be printed with the report of the majority of the committee.

Mr. STENGER. I am instructed also by the Committee on the Judiciary to ask that this be made the special order for the second Wednesday of December.

Mr. HEWITT, of Alabama. If that requires unanimous consent, I object.

The SPEAKER. The gentleman from New York sends up a bill along with the views of the minority. The gentleman is not entitled to report a bill in this way.

Mr. LAPHAM. I have not reported a bill. I have presented the reasons of the minority against the report of the majority, and accompany those reasons with a bill which the minority recommend should be passed. It is in the nature of an amendment by way of substitute for the bill.

The SPEAKER. The bill will be included as a part of the views of the minority and printed as such. The gentleman from Pennsylvania, [Mr. STENGER,] under instructions from the committee, moved that the second Wednesday in December next be fixed for the consideration of the bill which was reported adversely.

Mr. BURCHARD. What is this bill.

Mr. STENGER. It is a bill giving an additional member to Nebraska.

Mr. BANKS. Let it come up after the morning hour.

The question was taken on Mr. STENGER's motion, and it was agreed to.

Mr. TOWNSEND, of New York. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and thirty minutes p. m.) the House adjourned.

IN SENATE.

TUESDAY, June 11, 1878.

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

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

The Secretary proceeded to read the Journal of yesterday's pro-

ceedings; when, on motion of Mr. SPENCER, and by unanimous consent, the further reading was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4802) for the construction of a public building for use by the United States Government in the city of New York was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 187) relative to gold coinage was read twice by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented the petition of F. C. Kline and others, citizens of Mauch Chunk, Pennsylvania, praying for the passage of an act granting a pension to Jacob Ginder, on account of services rendered the United States by his son, Captain David H. Ginder, late of Company I, Eighty-first Regiment Pennsylvania Volunteers; which was referred to the Committee on Pensions.

Mr. WITHERS presented the petition of J. H. Jackson, chairman, and Calvin Johnson, secretary of a meeting of colored citizens of Lynchburg, Virginia, operatives in the various tobacco manufactories of that city, praying for speedy action by Congress looking to the reduction of the tax on tobacco; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois, presented the petition of Eliza S. Conklin, of Decatur, Macon County, Illinois, and Joseph Stafford, of Galesburg, Knox County, Illinois, praying for an extension of a patent granted to D. S. Stafford, deceased, for improvements in cultivators; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. KERNAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 723) for the relief of the sureties on the official bond of B. T. Beauregard, late collector of internal revenue, second district of Louisiana, to report it back and ask that the committee be discharged from its further consideration. The matter, as we learn, has been recently adjusted by the Department.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. BUTLER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1164) for the relief of Peter G. Mills, his heirs and assigns, reported it without amendment.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (S. No. 775) for the restoration to market of certain lands in the Territory of Utah, reported it without amendment.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the memorial of Major T. Gardiner, United States Army, retired, for himself and on behalf of certain other retired officers of the Army, praying to be allowed the pay and allowances of their rank from December 3, 1861, to July 17, 1873, while in the performance of active duty, to report it back and to move to be discharged from its further consideration on the ground that the committee do not think such a law as prayed for should be enacted.

The motion was agreed to.

JOHN J. MANUEL AND DAUGHTERS.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 27) providing for transportation by the military authorities of John J. Manuel and two infant daughters from Camp Howard, Idaho Territory, to Saint Charles, Missouri, to report it without amendment. It will only take a moment to pass it, and as there can possibly be no objection I ask that it may be read and that the Senate may take action upon it. It is a matter that requires consideration now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates \$200 to furnish military transportation.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENCAMPMENT OF NORTH CAROLINA MILITIA.

Mr. SPENCER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 37) authorizing the Secretary of War to turn over to the governor of North Carolina such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment, to report it without amendment. I ask for the present consideration of the joint resolution. It will not occupy any time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.