

IN SENATE.

WEDNESDAY, January 22, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 4810) to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 8th instant, the information in that Department respecting an arrangement made between the Commissioner of Indian Affairs and the Lawrence University, at Appleton, Wisconsin, for the education of Indian children; which, on motion of Mr. HOWE, was ordered to lie on the table, and be printed.

SUPPLY OF WATER ON CAPITOL HILL.

The VICE-PRESIDENT laid before the Senate a communication from the commissioners of the District of Columbia, in compliance with a resolution of the Senate of the 17th instant, directing them to report to the Senate "what action by Congress, if any, is necessary to secure to the residents of Capitol Hill, and other elevated portions of the city of Washington, a proper supply of water," &c.

The Secretary proceeded to read the communication.

Mr. DORSEY. That is quite a long document, and I suggest, as it relates to a matter of much importance, that it be printed.

Mr. EDMUNDS. It ought to be printed, but I should like to hear it read.

Mr. BECK. I hope it will be printed in the RECORD. The reading will take but a little further time.

Mr. EDMUNDS. I should like to hear it read, as it is a question which affects so largely the city.

The VICE-PRESIDENT. The reading will proceed.

The Secretary resumed and concluded the reading of the communication, as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 21, 1879.

SIR: In compliance with the following resolution of the Senate of the 17th instant, "That the commissioners of the District of Columbia be, and they hereby are, directed to report to the Senate what action by Congress, if any, is necessary to secure to the residents of Capitol Hill, and other elevated portions of the city of Washington, a proper supply of water; what appropriation of money, if any, is required for this purpose; and to transmit to the Senate such facts relating thereto as they may deem important," the commissioners have the honor to report:

Numerous considerations enter into this question of water supply, to most of which anything more than brief mention would involve a length of report and degree of elaboration for which there is no time and probably no occasion. The commissioners are not prepared to state details, and so reported in their report to Congress at the opening of the present session.

Either of two measures for improving the water supply may be resorted to: first, increasing the amount brought to the city; second, repressive measures designed to control the waste of the supply already delivered.

To give more than crude estimates of cost, or of the amount of labor and time involved in carrying into execution any plan for an increase of supply that Congress might adopt, would call for extended examinations by competent engineers.

There are two methods of increasing supply: first, to lay an additional main from the distributing reservoir; second, to extend the conduit to the high lands north of the city.

The cost of the main and proper distributing connections would be, say, \$400,000. The extension of the conduit and additional reservoir would cost much more, but would bring a permanent supply to the immediate vicinity of the city.

The first consideration presenting itself with a question of this nature is the financial condition and ability of the water department itself, which, under the present rate of water rents, has a yearly income of about \$94,500, derived from a scale of rents which has remained unchanged from that originally established at the time of the introduction of Potomac water. The Legislative Assembly authorized the levy of a tax for distributing mains amounting to one and a quarter cents per square foot contained in each lot fronting upon the street in which such mains are laid, payable in five yearly installments. The same property can be taxed but once to pay for such mains. Of this tax there is now an uncollected balance of \$112,284.42.

The department is burdened with a bonded debt of \$423,000, bearing 7 per cent. interest, the interest and sinking fund together involving a yearly payment at this time of \$44,610. The debt was created by authority of the Legislative Assembly, July 20, 1871, to pay for the thirty-six-inch main, which has now been laid about six years. Deducting the amount of interest and sinking fund there remains of water-rent receipts about \$49,890 to pay all the expenses of the water department, including present payment of the greater part of the cost of distributing mains, and also all repairs and the cost of pumping water in Washington and Georgetown, &c.

The water-main taxes are largely delinquent and the revenues of the department are inadequate to meet current demands. It is therefore manifestly not in condition to enter into an expensive outlay for an additional main, to do which would involve a large increase of the bonded debt of the water department and an addition to present water rents much beyond what the commissioners have had in view.

The main, (not yet one-fifth paid for,) laid but six years since, has a capacity much larger than the combined capacity of both those in use prior to that time. Yet within six years the supply, then more than doubled, has again become inadequate, not by a doubling of the population, for that has not happened, but in larger part by increase in the lavish use and waste of water. Were an additional main now to be laid, it is evident from past experience that within five or six years we would find ourselves in the same difficulty. Another main would be required, and if laid the water debt would be increased a second time, some years even before the final payment of the debt now existing.

In addition to these facts is the further serious one that the mains now laid are becoming old and must within a limited time be replaced, involving an expense as great as their original cost. There has been no legislation in the past, as a wise policy would have dictated, to provide a fund to meet these recurring heavy out-

lays. The Legislative Assembly imposed upon the water department many burdens without making provision by change in the water rates to meet them. The commissioners now find it absolutely necessary to ask authority to do what was thus neglected. They are of opinion that the foregoing financial statement shows that the time has arrived to adopt rather a repressive system, and by controlling waste remove the necessity for increasing the supply. They consider this a wiser policy than to enter upon an increase of debt which will, it is thought, rather encourage a greater waste and a corresponding increase *per capita* in the future demand.

There are now pumped into the stand-pipe at the head of Sixteenth street two million gallons of water daily, or all the supply at present reaching the pumps. About fifteen hundred houses are attached to the pipe. At present the two million gallons does not afford a sufficient supply. Thus between two hundred and three hundred gallons (say eight barrels) *per capita* is daily consumed in that section, and the supply is inadequate to the demand. The best known authorities upon water supply estimate sixty gallons *per capita* as a liberal and ample allowance in a city. At this rate the stand-pipe would supply thirty-three thousand people with water. Such a waste is unreasonable, and not to be justified upon any theory of health, comfort, or utility. The commissioners know of but one way to prevent this waste, and that is by measurement of the water used. They propose to test this system first upon the high service, and do not doubt that then the stand-pipe will be found to amply supply the two districts of the city for which it was designed, namely, the northwest section and Capitol Hill.

It is contemplated to carry an additional supply to the pumps; and if the need arises additional pumps can be erected without large expenditures.

It will be thus seen that the commissioners favor the idea of checking the increasing tendency to waste, a tendency that experience shows to have been rapidly growing, to improve the present distribution of water within the city, and to husband the resources of the water department to enable it eventually, and when the actual need comes, to bring the conduit itself to the high grounds in the vicinity of the city, which is doubtless the best plan for the future increase of supply, but one that with its connections will involve an outlay probably of \$1,000,000.

The commissioners propose to have examinations and estimates made with a view to inform Congress at its next session more fully and exactly in respect to the future water supply.

Besides the connection of Capitol Hill with the stand-pipe, the general service of that section and South Washington can be increased by running a twelve-inch main from the thirty-inch main on K street along Fifteenth street west to re-enforce the Pennsylvania avenue main, and from Fifteenth street below Pennsylvania avenue to Ohio avenue, and thence down Fourteenth street, along South B street, to connect with the twenty-inch main on that street from which South Washington draws its supply, now coming to it by a circuitous route. This will enable the department to cut off partially the twenty-inch main leading from the intersection of New Jersey avenue and North B street, which main is now relied upon for the South Washington supply. At the junction referred to on New Jersey avenue a twenty-inch main (see map herewith) leads up to the high grounds of East Washington for its supply. The thirty-inch and thirty-six-inch mains unite upon New Jersey avenue and extend in a single main along it to B street, where the two twenty-inch mains branch off as above stated.

It is proposed also to cut off certain low ground in the northwest section now drawing upon the stand-pipe.

The estimated amounts required for the various purposes indicated are as follows:

Twelve-inch main stand-pipe to Capitol Hill	\$25,000
Twelve-inch main to re-enforce the Pennsylvania avenue main, &c	12,500
Six-inch main to cut off low ground, northwest section, from stand-pipe ..	2,500
Two thousand meters, complete and erected	20,000
Additional pumps	5,000
Additional supply of water and pumps	5,000

70,000

The uncollected water-main taxes, amounting to \$112,284.42, represent the amount advanced from the water rents to lay water mains which have not been refunded from the taxes for mains. In addition to this deficiency there are large demands for new mains which the commissioners are unable to lay, and the expense of the department is increased by the pumps for the stand-pipe. So that an augmentation of rents is necessary.

It is respectfully recommended that Congress authorize an advance of the above estimated amount required for the purposes set forth to be refunded from the water-main taxes.

The present water rents are based upon the width and height of houses, measurements that have no relation whatever to the consumption of water. A house six feet wide of two stories pays \$3. Those of greater width and height pay twenty-five cents per foot of additional width and \$1 for each story, a finished basement being regarded as a story.

It is the purpose of the commissioners to fix rates dependent upon the use made of water in houses—in other words, that, as near as circumstances will allow, water-takers shall pay in proportion to what they get. For these reasons, and because of the need to increase the receipts of the water department, the commissioners ask that authority be given them to regulate the water rates.

The inclosed bill, as amended, is designed to cover the foregoing recommendations.

By order of the board.

S. L. PHELPS, President.

HON. WILLIAM A. WHEELER,
President United States Senate.

The VICE-PRESIDENT. The communication will be printed and, with the accompanying papers, referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. BOOTH presented the petition of W. T. Glenn and others, citizens of Fresno County, California, praying for an amendment to the timber-culture act so as to give title to those who will keep ten acres of trees growing for five years not more than sixteen feet apart each way; which was referred to the Committee on Public Lands.

Mr. ALLISON. I present the memorial of Fred. Litton and a large number of others, citizens of Iowa, remonstrating against the passage of the bill reviving the patent granted to John C. Birdsell for improvement in combined clover-threshers and hullers, so called. As the bill is on the Calendar, I move that the memorial lie upon the table.

The motion was agreed to.

Mr. MERRIMON presented the memorial of John S. Long and others, citizens of New Berne, North Carolina, remonstrating against the removal of the Federal courts from that city to the city of Goldsborough, in that State; which was referred to the Committee on the Judiciary.

He also presented the petition of Edward Haile, surviving partner of Haile & Savage, of Alabama, praying for the passage of a law referring his claim for compensation for certain cotton alleged to have been seized and appropriated by United States military authorities at Savannah, Georgia, in December, 1864, to the Court of Claims for adjudication and settlement; which was referred to the Committee on Claims.

Mr. DORSEY presented the petition of William Forsyth, late surveyor of the District of Columbia, praying compensation for certain services rendered the District government while in that office; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL. By request of the Committee on Claims, I present a supplemental memorial in behalf of the heirs of the claimants of the late United States private armed brig General Armstrong, and I move that this supplemental memorial be printed for the use of the committee and referred to the Committee on Claims.

The motion was agreed to.

Mr. BAILEY. I presented a few days ago the petition of Landsford P. Yandell and wife, and others, sureties on the bond of Henry L. Norvell, late collector of internal revenue for the second district of Tennessee, praying that they may be relieved from responsibility as such sureties; and it was referred to the Committee on Finance. I now present additional evidence in the case, and move its reference to the same committee.

The motion was agreed to.

Mr. WHYTE. I present the memorial of the Baltimore Yearly Meeting of Friends, signed by Henry Janney, clerk of that body, representing their concern on account of the evils of intemperance, and praying Congress, by appropriate legislation, to eradicate permanently this evil. Inasmuch as not only the evil of intemperance is to be grappled with in this inquiry, but a very important legal question, I think that it ought to go to the Judiciary Committee; and I therefore ask its reference to that committee.

Mr. EDMUNDS. I wish to suggest to my friend that I think it is the Committee on Finance, which is supplied with plenty of judicial talent, which has had this subject for a session or two under consideration by very numerous petitions; and as the Committee on the Judiciary is, to use a western phrase, "swamped" with the number of subjects which have already been sent to it, I hope the Senator will consent that the memorial go to the Committee on Finance.

Mr. WHYTE. The only objection to it is that the petitions heretofore have been directed to the traffic in alcohol more particularly, rather than the moral question of temperance, to see whether it cannot be eradicated by some legislation; and therefore I think it is a very important inquiry for the Judiciary Committee to take charge of.

Mr. EDMUNDS. If my friend puts it upon moral grounds, I shall have to submit.

Mr. WHYTE. Precisely.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 3853) for the relief of William F. Wheeler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 5800) for the relief of Mrs. Julia Elliott, widow and administratrix of Newell D. Elliott, deceased, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GARLAND. I wish to submit from the Committee on Public Lands a minority report in the matter of the claim of William McGarrahan. The majority report was presented and filed in my absence.

The VICE-PRESIDENT. The minority views will be received and ordered to be printed.

Mr. GARLAND. When that order of business is reached I shall ask leave to introduce a bill to carry out the views of the minority report.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 32) for the relief of J. N. Micow and others, submitted a report thereon, accompanied by a bill (S. No. 1672) for the relief of N. C. Blanton.

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

Mr. HEREFORD, from the Committee on Claims, to whom was referred the petition of Campbell County, Tennessee, praying compensation for the alleged use and occupancy of public property belonging to that county at Jacksborough by United States military forces during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 716) for the relief of Huff Jones, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORGAN, from the Committee on Claims, to whom was referred the bill (S. No. 956) for the relief of W. P. Grace, as the ad-

ministrator of W. B. Gosa, submitted a report thereon, accompanied by a bill (S. No. 1673) for the relief of James Trabue.

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

He also, from the same committee, to whom was referred the petition of Henry F. Lines, praying compensation for services rendered as cipher clerk and military telegraph operator in the years 1864 and 1865, submitted a report thereon, accompanied by a bill (S. No. 1674) for the relief of Henry F. Lines.

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

Mr. BURNSIDE, from the Joint Select Committee on the Reorganization of the Army, presented a tabular statement in relation to the present and proposed organization of the Army, to accompany the report of the committee on the bill (S. No. 1491) to reduce and reorganize the Army of the United States, and to make rules for its government and regulation; which was ordered to be printed.

BILLS INTRODUCED.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1675) for the relief of Samuel A. Lowe; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1676) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1677) making an appropriation for the improvement of Big Sandy River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1678) making an appropriation for continuing the improvement of New River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1679) making an appropriation for the improvement of Elk River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1680) making an appropriation for the improvement of Guyandotte River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1681) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1682) relating to the rank of certain retired Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1683) in relation to the Rancho Panoche Grande, in California; which was read twice by its title, and ordered to lie on the table.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 52) to correct an error in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was read twice by its title, and referred to the Committee on Appropriations.

COLVILLE INDIAN RESERVATION.

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

Resolved, That the Secretary of the Interior be directed to furnish the Senate with a statement of the extent of the present area of the Colville Indian Reservation in Washington Territory, with the boundaries thereof, the date when such reservation was established, and in what manner, whether by Executive order or act of Congress; also the number of Indians now occupying such reservation.

REFUNDING THE NATIONAL DEBT.

Mr. MORRILL. I desire to call up the bill (H. R. No. 5808) to facilitate the refunding the national debt.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

Mr. MORRILL. I will say that it has received the unanimous assent of the Committee on Finance.

The VICE-PRESIDENT. The bill will be read, subject to objection.

The bill was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it. It authorizes the Secretary of the Treasury, in the process of refunding the national debt under existing laws, to exchange directly, at par, the bonds of the United States bearing interest at 4 per cent. per annum, authorized by law, for the bonds of the United States commonly known as five-twentieths, outstanding and uncalled; and whenever they shall

have been redeemed, the provisions of this section and all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing interest at 5 per cent. per annum or a higher rate, which may be redeemable. In any exchange made under the provisions of this section interest may be allowed on the bonds redeemed for a period of three months.

Mr. MORRILL. Mr. President, as I have already said, this bill has met the unanimous approval of the Committee on Finance. It simply provides that private parties may exchange their 5 and 6 per cent. bonds directly with the Treasury at par, and receive the interest for three months, the same as national banks and syndicates have done heretofore, which is a necessity under the existing provisions of positive law. I do not suppose there will be any objection in any quarter to having a bill of this kind for the promotion of the exchange of a bond bearing a higher rate of interest for one of a lower rate of interest. The object is to facilitate the popular loan.

Mr. CONKLING. What does the conclusion of the bill mean, if the Senator will state? It provides that—

In any exchange made under the provisions of this section, interest may be allowed, on the bonds redeemed, for a period of three months.

Mr. MORRILL. It means to follow simply the practice of the Treasury ever since any loans have been refunded, for the last ten years.

Mr. CONKLING. What is that practice, may I inquire?

Mr. MORRILL. The practice is that bonds must be called in advance of their payment, and an interest of three months has been allowed in all cases except one. There was one loan, I think, under Secretary Bristow, that was negotiated at par; but at that time the loan itself, that is the bonds, were worth at least from $1\frac{1}{2}$ to $2\frac{1}{2}$ per cent. premium. This bill will effect the same thing; or it permits an exchange at par with the loss of three months' interest.

Mr. CONKLING. This is an allowance of $1\frac{1}{2}$ per cent.?

Mr. MORRILL. Yes; $1\frac{1}{2}$ on six percents and $1\frac{1}{2}$ on five percents.

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

THE CALENDAR.

The VICE-PRESIDENT. The business of the morning hour is concluded, and the Senate will resume the consideration of the bill (S. No. 720) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, under the resolution for the consideration of the general Calendar.

Mr. ALLISON. I ask unanimous consent that that bill may be passed over for a moment.

The VICE-PRESIDENT. To this the Chair hears no objection; and the Secretary will report the next business on the Calendar.

The next business on the Calendar was the joint resolution (H. R. No. 47) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands.

Mr. MITCHELL. The Senator from California [Mr. SARGENT] objected to that joint resolution the other day, and I ask that it lie over until he returns to the Chamber.

The VICE-PRESIDENT. The joint resolution will go over without prejudice; and the next business on the Calendar will be reported.

Mr. EDMUNDS. The same may be said of the next joint resolution on the Calendar. It is of a class to which the Senator from California has objected hitherto.

The VICE-PRESIDENT. It will be passed over, and the next bill on the Calendar reported.

The next bill on the Calendar was the bill (S. No. 777) to organize a life-saving and coast-guard service.

The VICE-PRESIDENT. In the absence of the chairman of the Committee on Naval Affairs, [Mr. SARGENT,] who reported this bill, it will be passed over without prejudice; and the next bill on the Calendar will be reported.

PACIFIC RAILROAD LANDS.

The next bill on the Calendar was the bill (S. No. 195) to declare certain lands subject to taxation. It provides that all the lands granted by the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the act amendatory thereof, approved July 2, 1864, to the several railroad companies therein named, and to which the companies would have become entitled upon payment of the cost of surveying, selecting, and conveying the same, as provided by section 21 of the amendatory act of July 2, 1864, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, to the same extent as they would have been had such costs been paid and the lands conveyed to the railroad companies. But this is not to be construed as applying to lands already forfeited by the railroad companies, or either of them; nor shall it operate to relieve any such company from any forfeiture heretofore incurred.

The VICE-PRESIDENT. This bill was before the Senate, April 18, 1878, and considered as in Committee of the Whole, and the amendment of the Committee on Public Lands was agreed to, adding a proviso.

Mr. EDMUNDS. I should like to hear the report read. It is a very important subject as respects the rights of the United States, and we ought to go a little slowly about this business.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. BOOTH, February 25, 1878:

The Committee on Public Lands, to whom was referred the bill (S. No. 195) to declare certain lands subject to taxation, have had the same under consideration, and submit the following report:

An act of Congress of July 1, 1862 (vol. 12, p. 492, Statutes at Large,) granted to the railroad companies therein named five alternate sections per mile on each side of their respective roads.

An amendatory act of July 2, 1864 (vol. 13, p. 358, Statutes at Large,) doubled the grant of lands, but required the companies to pay the cost of surveying before receiving patents for the lands.

It has been held by the Supreme Court of the United States that these lands are not subject to taxation until the cost of surveying, selecting, and locating are paid.

The railroad companies under this law, by declining to pay these costs, hold large bodies of their lands free from local taxation, converting what was intended as a burden into a benefit.

The companies can and do mortgage their lands, sell them, and exercise absolute ownership over them, but they are exempt from taxes. In many instances they have sold them with the stipulation that the payment of the cost of survey should be deferred, that the purchaser may hold and improve them without liability for the taxes to which all other similar property is subjected. This bill is designed to remedy this injustice, and the committee recommend its passage with an amendment.

The following table exhibits the amount of lands granted and the amount patented or certified to the respective companies:

Name of road.	Estimated quantity embraced in the grant.	Number of acres certified or patented up to June 30, 1877.
Union Pacific.....	12,000,000.00	1,857,792.12
Kansas Pacific.....	6,000,000.00	531,261.71
Central Pacific.....	3,100,000.00	1,116,757.17
Burlington and Missouri River.....	2,441,600.00	2,374,090.77
Sioux City and Pacific.....	60,000.00	40,678.23

Mr. EDMUNDS. There are two or three questions, Mr. President, that naturally arise about this bill, to which the notice of the Senate ought to be called; and I refer to it particularly from the circumstance that the Committee on the Judiciary in exploring the subject, when it had under consideration what is known as the Thurman bill which was enacted into a law, had its attention drawn to the condition of these lands. I think there cannot be much doubt that the companies ought to be compelled to take their patents where they have become entitled to them, and when they do, all responsibility on the part of the United States as a public body toward the States and Territories will have been discharged and the lands will be subject to taxation, as other lands are, undoubtedly, unless the statutory mortgage of the United States upon these lands, the condition of their sale, should have been broken, which would produce a forfeiture.

I should be sorry to have the Senate led into taking a step which is going to cost hereafter; but it is open to some question inasmuch as these lands now are not taxable by law, being legally the property of the United States; and inasmuch as the United States has by statute authorized a pledge of the lands while still the property of the United States, if we provide by an affirmative act, as the bill provides, that they shall be subject to taxation under the authority of the States and Territories, and they should be sold for these taxes as against the railway and its first mortgages, whether we shall not have a claim presented to Congress by and by upon the part of the people who held a right under the statutes of the United States to these lands free from taxation to make good to them the lands that have been lost from under their security by force of this affirmative and direct tax act of the United States. I do not express any opinion as to what the law would turn out to be; I only say that there is considerable danger of our getting into a difficulty upon that subject.

Then, in the next place, as everybody knows, the United States has a lien upon these lands; and as long as the lands are in the United States, so far as the title goes, of course that lien is perfect, subject to the right of the prior mortgage. When the lands are disposed of in pursuance of the mortgage, then there is a trust which follows the proceeds of the lands into the proper assets of the companies, so that the United States and the prior mortgagee are secured on the money in the place of the lands.

It is said, and it is not at all clear that it is not true, that the United States need every acre of these lands and every dollar of money that is to come from them to be applied to the payment of the prior mortgage and of the enormous mortgage, so to call it, that the United States has. Everybody remembers that no interest is paid to us upon these advances of bonds of the United States. The United States pays the interest all the time. The companies do not return it; and the Supreme Court has decided that the companies, as the law then stood, were not bound to return the interest until at least the end of the time when the payment of the principal would be due, and it is left an open question perhaps whether they are bound to return it then. In that way there is running up continually an augmentation to a tremendous amount of the interest of the United States in all this property of these companies.

Now, if we provide by statute that these lands, although not patented though they ought to be perhaps, shall be subject to State and territorial taxation as well, the result will be that a considerable part of these lands will be disposed of for taxation, and the title and se-

curity of the United States will be gone unless we make a provision by law authorizing some Department of the Government, an authority that probably no Department now possesses, to pay the taxes and so redeem the lands.

It is a pretty grave question whether, when its own interests are so largely involved in these lands which it now has the legal title to, the United States owes any duty by comity or good morals or friendship or justice, any kind of a duty to the States and Territories in which these lands lie in respect of subjecting them to burdens, when the real interest of the United States for its own security is greater than the whole value of the lands themselves. In that state of the case, I should considerably prefer that this bill should not be acted upon in a hurry, for it ought to be very carefully considered.

The VICE-PRESIDENT. It goes over under objection.

Mr. BOOTH. Do I understand the Senator to make an argument against the bill and then object to its consideration?

Mr. EDMUNDS. I do not object to its consideration at this moment.

Mr. BOOTH. That is the ruling of the Chair.

Mr. EDMUNDS. I do not object at this moment to the consideration of the bill. My friend from California no doubt would desire to be heard.

Mr. BOOTH. It is not my bill, although I reported it, and I have no personal desire to be heard. There is no doubt, Mr. President, that there is a palpable wrong and the only question in my mind is how the remedy shall be applied. This bill does not by any means render the whole of the land grants to these railroads taxable. It applies to a very small portion of them, only to such lands as the United States Government has paid the cost of surveying, and for which the railroad companies refuse to take patents. Under the provisions of the law, if I understand it rightly, no further surveys will be made of these lands until these payments have been made by the railroad companies for surveys already perfected.

The first decision of the Supreme Court that held these lands were exempt from taxation was in the case of the Railway Company *vs.* Prescott, 16 Wallace, 603. It was there held that the lands sold by the United States may be taxed before patents have issued, but not until the right to a patent is completed, and that the right of the railroad company is not completed until the costs of surveying, selecting, and locating are paid.

Now, I understand the Senator from Vermont to say that it would be good legislation to compel them to take their patents; but you cannot compel them to take their patents until they choose to make payment of the costs of the survey, and this they decline to do for the reason that these lands may be held exempt from taxes; and, as is stated in the report, they have sold very many valuable lands which have passed into the hands of their assignees; improvements have been made upon them, the railroad companies simply giving bonds to perfect the title, so that these improved lands are held exempt from State taxation.

I think a practical wrong of this kind ought to be remedied, even if the far-seeing Senator from Vermont can see some possible, remote, contingent, improbable injury that may arise to the General Government. None such will arise to bear any comparison to the evils the States are suffering, even if the honorable Senator supposes there ought to be no comity and no obligation on the part of the United States Government to do justice to the States.

Mr. PLUMB. I desire to say a word. The United States, in reserving to itself the legal title to these lands until the cost of surveying should be paid, certainly had no intention whatever, or if it had, that intention was not expressed by the statute, thereby to exempt the lands from taxation. No such purpose was manifest. It not only did not intend to reserve them from taxation, but it did not intend to prevent their being sold, whereby it might, as the Senator from Vermont seems to indicate, retain the lien for the money which it had advanced to build the railroad. That is quite manifest from the fact that the Government stipulated with the railroad companies that the railroad companies should sell the lands within three years of the time when they completed their roads. Therefore it did not intend to hinder the railroad companies from disposing of the lands, and by such disposition defeat the lien of the Government, but it intended to impose it on them as an obligation to sell the lands, and that is stated specifically by the court in the decision of Railway Company *vs.* Prescott. At page 609 of 16 Wallace the court say:

It is wisely provided that these lands shall not be used by the company as a monopoly of indefinite duration.

This undoubtedly, whatever the covert intention of the framers of the bill might have been, shows an intention on the part of the Government simply so to reserve to itself the right of receiving the cost of surveying these lands. Now, under the shelter of that section the railroad companies, as is stated by the Senator from California, sell the land on ten, twelve, or perhaps fifteen years' time, giving a bond for a deed, and do not pay the cost of surveying, and do not take out a patent, whereby these lands not only become un-taxable at present, but that quality of not being taxed pertains to them during all this long period of time, and some of the most valuable tracts of land in the State which I in part represent are to-day, as they have been for many years, exempt from taxation under this rule.

The title of the General Government is simply a naked legal title,

without any beneficial interest except to the extent of about \$3 to a quarter section which it reserves to itself the right to compel the railroad company to pay before it parts with that legal title. That is the only beneficial interest the Government has. For the purpose, then, of obtaining that \$3 to a quarter section, it imposes upon the several States and Territories in which these lands lie an annual burden amounting to many times that upon each quarter section of land by reason of this exemption from taxation. I claim with the Senator from California, as I think every person must admit who has had this subject under consideration, that that is not only unjust, but was entirely without the purview of the intention of Congress in reserving to itself this right to receive this amount of money, to wit: the cost of survey.

The fact is, besides, as to the possible interest the Government may have in these lands, that they are mortgaged for all they are worth. That is evident from the fact that they have not only had a first mortgage put upon them as a rule, but also a second mortgage, and those second-mortgage bonds are selling in the market for very much less than their par value, which would not be the case if the lands were of sufficient value, known and recognized as being of sufficient value to take up and discharge the mortgage. That is not the case. They are mortgaged for more than they are worth. This mortgage title or claim is a title which the Government has permitted to be made upon these lands. If the mortgagees do not want to have the lands on which they hold this lien go to sale, then it is within their power, under the statute, to pay the taxes and thereby add to the lien they already have the amount thus paid for taxes, and that is what they ought to be compelled to do.

I do not think there can be any possible ground for saying that the Government of the United States reserved or intended to reserve any interest in this matter for the benefit of the persons who might hold the mortgage, so that they might come back at some future day and say we had placed a burden on their property which we were obliged to respond to in damages. There could not be any purpose of that kind. The whole purpose apparent on the face of the statute was that the Government should have a right to receive the two three or four dollars a quarter section which it cost to survey the lands, and there was no other purpose; but under the shelter of that the railroad companies decline to take out the title and thus defeat the taxation of the lands.

The VICE-PRESIDENT. Does the Chair understand the Senator from Vermont to object to the further consideration of the bill?

Mr. EDMUNDS. I dislike very much to object, but at the same time in any aspect of the case this bill ought to be amended to protect the interest of the United States, so far as that is a direct money interest, at the very least. Now Senators say that this bill only applies to lands that the railroad companies have got a title to except that they have not paid the cost of surveying, but in all other respects the title of the railway has become perfect; the railway does not pay the cost of surveying, which is the only step left to entitle them to the land. I am very much afraid that the first branch of this bill on reading it over again, does not stand in such a way as to limit the operation of the act to that class of land. It says that all the lands granted by the act of July 1, 1862, and the act of July 2, 1864, "to which said companies would have become entitled upon payment of the cost of surveying," &c. Now all the lands granted they would have become entitled to on paying the cost of surveying. The grant was a complete one upon the building of the road, which has been done.

Mr. BOOTH. How could they become liable for the cost of the surveys before the surveys were made?

Mr. EDMUNDS. Most plainly they could not; but that is the language. The bill says "all the lands granted that the companies would have become entitled to upon payment." It seems to me at first blush that there is not a single acre of the land granted on the first day that the act passed that the companies would have become entitled to on the payment of the cost of survey and the building of the road, which has been completed. So there may be under that language a large mass of unsurveyed lands that would fall within the scope of this act, on account of the insufficiency of the exclusion of that class of lands. Some words can be found undoubtedly that will exclude them and yet meet the purpose.

Then I think also that it is plain—and in that I feel sure the Senator from Kansas and the Senator from California will agree with me—that if the States wished to sell these lands for taxes they ought to pay the cost of the survey that the railroad ought to have paid. It is very easy to fix that by inserting after the word "shall" in line 14 the words—

After payment to the United States of all such costs—

That is the cost of surveying named before—
be subject to all legal taxes.

So that the State and territorial authorities can go and pay the cost of surveying, and then dispose of the land for taxes. That it is easy enough to make secure; but the descriptive part of this bill, I submit, with great respect to my honorable friends, is liable to a construction which will carry it over quite a larger area and class of lands than the Senators intend to have it go. I should be glad to have it laid aside for a few moments without prejudice until I shall suggest the necessary amendments. I dislike to object to a bill after discussing it.

The VICE-PRESIDENT. The bill will go over without prejudice. The Secretary will report the next bill on the Calendar.

P. P. G. HALL.

The next bill on the Calendar was the bill (S. No. 420) for the relief of Major P. P. G. Hall; which was considered as in Committee of the Whole.

Mr. ALLISON. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. SPENCER on the 28th of February, 1878:

The Committee on Military Affairs, to whom was referred S. No. 420, "A bill for the relief of Major P. P. G. Hall," have had the same under consideration, and submit the following report:

This is a bill directing the refundment to Major P. P. G. Hall, a paymaster in the Army, the sum of \$3,141.39, being the amount paid by him into the Treasury, January 15, 1872, in liquidation of a deficiency in his accounts as paymaster, caused by the criminal acts of a clerk named James Thomas, occurring in 1869, and of which said Thomas was duly convicted.

This matter was thoroughly investigated by the committee of the second session of the Forty-fourth Congress, and a favorable report, accompanied by a bill for relief, made to the Senate. (See Report No. 604, second session, Forty-fourth Congress, January 23, 1877.) The bill was not reached before the final adjournment of the Forty-fourth Congress, and now comes up by identical bill. Inasmuch as the facts and record are the same as those submitted to the consideration of the committee heretofore, your committee adopt the report of the previous committee, as hereinafter set forth, and recommend passage of the bill.

"[Forty-fourth Congress, second session, Senate Report No. 604.]

"Mr. SPENCER submitted the following report, to accompany bill S. No. 1175:

"The Committee on Military Affairs, to whom was referred the petition of Major Peter P. G. Hall, praying to have refunded certain money he was obliged to pay in consequence of the embezzlement of a clerk, have had the same under consideration, and submit the following report:

"The record shows that the petitioner, a paymaster in the Army of the United States, was stationed in the years 1868 and 1869 at Vicksburg and Jackson, in the State of Mississippi, where, in addition to his duties of payments to the officers and soldiers of the Army stationed in the various parts of the military district, and which required him to travel over parts of the States of Mississippi, Louisiana, Tennessee, and Alabama to perform the same, he was also charged with the arduous and responsible payment of what is known as "reconstruction vouchers," the funds of which were separate from those furnished for the payment of the Army.

"The additional duty imposed upon the petitioner a vast amount of labor, in the performance of which, in addition to his regular clerk, he was allowed by the proper authorities other clerks, and also enlisted men, from time to time, as occasion required, to the number of fifteen or twenty, for the purpose of assisting in the work of preparing for payment the said reconstruction accounts. Among the number of clerks so employed to meet the exigencies of this extra service was one James Thomas.

"The said James Thomas, while thus employed as a clerk, and engaged in the preparation of the vouchers on which said reconstruction accounts were paid, at various times between March 1, 1868, and February 1, 1869, without petitioner's knowledge, fraudulently and feloniously altered a large number of reconstruction vouchers which had been approved and ordered paid by the proper military authorities, so as to largely increase the amount of money due on the same, and raised and altered checks signed by the petitioner for their payment, by means of which felonious practices he obtained the money on said vouchers and checks, and embezzled of the money of the United States the sum of \$3,409.62 before he was detected thereof.

"During this period the petitioner was engaged in the discharge of his regular duties of paymaster, which necessarily called him frequently away from his headquarters into various parts of the military district where troops were stationed, and he therefore had no knowledge of the frauds committed by said Thomas until they were discovered by the accounting officers of the Treasury. Upon the discovery of these facts, the said Thomas was, at the request of the petitioner, immediately arrested by order of General A. C. Gillem, commanding the military district, and on the 19th of October, 1869, he was arraigned before a general court-martial convened at Jackson, Mississippi, by order of General Ames, the department commander, charged with the following crimes:

"First. Making claims against the Government of the United States, knowing the same to be fictitious and fraudulent, in violation of the act of Congress of March 2, 1863.

"Second. Making and using false vouchers, knowing the same to contain false and fraudulent statements and entries, for the purpose of obtaining the approval of false claims, in violation of the same act.

"Third. Knowingly and willfully appropriating to his own use money belonging to the United States, in violation of the same act.

"Fourth. Conduct to the prejudice of good order and discipline.

"On the 28th of January, 1870, after a full investigation by the court-martial convened for that purpose, the said Thomas was declared guilty upon all the charges, and sentenced to forfeit to the United States all pay then due or that may become due, to pay a fine of \$3,299.01, and to be confined at hard labor for the period of five years; which proceedings were approved by General Ames, and the said Thomas was incarcerated in the penitentiary at Jackson, Mississippi.

"In consequence of this embezzlement, there was found to be due, upon settlement of petitioner's accounts by the proper officers of the Government, a deficiency of \$3,141.39, which amount was made a charge against him. Thereupon the petitioner was suspended from duty and pay until he should pay over and reimburse to the Government the amount of said deficit, a refusal to comply with the same rendering liable to be court-martialed and dismissed the service as a defaulter. Accordingly the petitioner did pay over to the United States the said sum of \$3,141.39, the amount of the moneys so embezzled by the said Thomas.

"After the said payment and liquidation by said petitioner of the amount so charged against him, he filed, on the 29th of October, 1873, his petition for relief in the Court of Claims, under the act of May 9, 1866, by which said court is invested with jurisdiction to grant relief in cases of this character; and whenever said court shall have ascertained the facts of any such loss to have been without fault or neglect on the part of the officer suffering a loss of the public funds, it is provided by said act that a decree shall be made, setting forth the amount thereof, upon which the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

"On demurrer to the said petition, the Court of Claims held that petitioner could not recover, for the reason that his liability for the defalcation had been discharged by the payment of the money. The court held that an officer entitled to the relief contemplated by the act must not only have been, but must still be, held responsible to the Government for that which is lost. If the responsibility has been discharged, he is no longer entitled to relief. His account has by his own act been settled and closed, and there is therefore no unsettled account upon which a credit decreed by this court could be allowed.

"Therefore the petitioner was denied the relief he sought, because he had under the orders of his superiors previously paid over the deficit charged against him. The record shows that the petitioner had no time to present his case to the Court

of Claims previously to the payment of the deficit. Although petitioner made application for delay for the purpose of endeavoring to obtain relief, the record shows such delay was peremptorily refused, and by Special Order No. 189 of the War Department, dated August 4, 1870, which was issued immediately upon settlement of his account by the Second Auditor of the Treasury, the petitioner was ordered to repair without delay for duty in the Department of Texas. It also appears in the record that, by letter of the Adjutant-General of date August 16, 1870, petitioner's request for delay was denied, and the order to proceed at once to Texas was reiterated.

"A letter from the then Paymaster-General is in the record, from which it appears that officer, in suspending petitioner and threatening him with court-martial unless he paid over the deficit, disclaims all intention of barring petitioner from his legal remedy in the Court of Claims. But it is proper to remark, the effect of the Paymaster-General's acts was to debar petitioner, and therefore to force him to seek congressional relief. Had the exigencies of the public service and the consideration of his superior officers so permitted, there can be no reasonable doubt he would have been relieved by the Court of Claims under the broad and equitable provisions of the act of May 9, 1866, had he not in obedience to orders previously paid the amount of the deficit so charged against him.

"Hon. E. B. French, Second Auditor of the Treasury, and the officer charged with the settlement of paymasters' accounts, certifies that, with the exception of the reconstruction accounts, wherein fraud was alleged to have been committed by a clerk, the petitioner's accounts have been rendered in an acceptable and satisfactory manner, and his payments appear to have been made with care and ability.

"Thus far the case presents unquestionable merit, and the remaining point for consideration is, whether the petitioner had exercised proper care and caution and such reasonable prudence as is required of a disbursing officer. The Secretary of War, being addressed on this subject, submits the following report:

"WAR DEPARTMENT,

"Washington City, January 22, 1877.

"SIR: Returning your letter of the 19th instant, requesting information in the matter of defalcation of Major P. P. G. Hall, paymaster, United States Army, through his clerk, James Thomas, I have the honor to invite your attention to the report of the Paymaster-General, dated the 20th instant, (indorsed on your letter,) and accompanying papers.

"Very respectfully, your obedient servant,

"J. D. CAMERON,

"Secretary of War.

"Hon. GEORGE E. SPENCER,

"Of Committee on Military Affairs, United States Senate.

"UNITED STATES SENATE CHAMBER,

"Washington, January 19, 1877.

"SIR: Referring to the petition of Major P. P. G. Hall, paymaster, United States Army, praying to be reimbursed on account of certain defalcations occurring through the criminality of a clerk named James Thomas, while said petitioner was charged with the duties of paying vouchers under the reconstruction act, which petition is now pending before the Senate Committee on Military Affairs, I have the honor to request such information as may be within the province of the War Department to afford, touching the question whether Major Hall exercised, under the attendant circumstances, such care and due diligence as a disbursing officer as would be reasonably and justly required by the precedents and practice of the Department. As the committee desire to determine this case on Tuesday next, please direct an early reply.

"Very respectfully,

"GEO. E. SPENCER,

"Of Senate Committee on Military Affairs, Acting Chairman.

"Hon. J. D. CAMERON,

"Secretary of War.

[Indorsement.]

"Respectfully referred to the Paymaster-General for report.

"By order of the Secretary of War.

"H. T. CROSBY,

"Chief Clerk.

"January 19, 1877.

[Second indorsement.]

"Respectfully returned to the Hon. Secretary of War.

"As these transactions occurred several years before I arrived here, I have to make a statement derived from a variety of sources, mostly from the records of this office. These embezzlements by James Thomas, clerk to Major P. P. G. Hall, occurred when he was stationed at Vicksburg, Mississippi, from September, 1868, to February 1, 1869, from funds on "reconstruction account" deposited with the assistant treasurer at New Orleans. The vouchers were paid by check on that depository, printed as payable to "bearer." It was customary to pay them (after the approval of each voucher by Brigadier-General Ord, commanding the fourth military district) by checks to the order of the claimant. Thus the word *bearer* on the check was erased, and the word *order* substituted. It appears that Thomas would write the word *order* on the check by a black-lead pencil when presented to Major Hall, who has the misfortune to be near-sighted, which facilitated the crime of the offender. With a rubber he would erase the pencil-marks, and thus as the check would become payable to bearer he was able to appropriate the money to his own use. As no complaint of non-payment ever reached this office, Thomas must have first passed to Major Hall a correct voucher, duly countersigned by General Ord, and obtained a correct check to the order of the claimant, which was sent to him. Afterward he would alter and raise the amount of the voucher and present a new check for the increased amount, as he performed the duty of preparing the voucher and the check necessary to pay it.

"When these vouchers were critically examined in this office, these alterations became apparent, and were disallowed.

"A careful overhauling in this office, and afterward in the office of the Second Auditor, led to a disallowance in this manner amounting to \$3,141.39. This amount was made good by Major Hall, being deposited with the United States depository at San Antonio, Texas.

"I do not doubt that Major Hall, as stated in his report on the subject of the 19th instant, addressed to this office, was in the habit of comparing carefully the total amount of the voucher with the amount of the check before signing the latter—his near-sightedness, as in case of the check, rendering less obvious to him than to most disbursing officers the changes and alterations of the vouchers. He had severe work imposed upon him at Vicksburg, being required to make these reconstruction disbursements in addition to his ordinary duty of paying the troops. His disbursements on the latter account, during the five months from September, 1868, to January, 1869, were \$185,623.97; on account of reconstruction, \$79,445.60.

"The vouchers (true amount) were often small, varying from \$10 up to \$60, and a few over \$100.

"The general reputation of Major Hall for industry, fidelity, and accuracy of his accounts has been very good; and he appears to have made these disbursements at a time when extraordinary labor was imposed upon him.

"I inclose herewith Major Hall's letter of 19th instant, and copy of General Or-

der No. 4, of February 5, 1870, from headquarters military district, by which it will be seen that James Thomas was tried by a general court-martial, found guilty, and sentenced to five years' imprisonment for the offense, and to pay a fine of \$3,299.01.

I also inclose a statement of Major T. F. Barr, judge-advocate of said court-martial, whose duty it was to thoroughly investigate the case, and who expresses an opinion favorable to the present claim of Major Hall.

"BENJ. ALVORD,

"Paymaster-General, United States Army.

"PAYMASTER-GENERAL'S OFFICE,
"January 20, 1877."

"WASHINGTON, D. C., January 17, 1877.

"SIR: I am a petitioner to Congress for reimbursement in the matter of the embezzlement of Thomas, my clerk. As you prosecuted this case on behalf of the United States Government, and are conversant with it, will you be so kind as to favor me with your views, based on your knowledge of the case, regarding the manner in which my business was transacted, and if there was the necessary care and diligence exercised on my part.

"Very respectfully, your obedient servant,

"P. P. G. HALL,

"Paymaster, United States Army.

"Col. THOMAS F. BARR,
"Judge-Advocate, U. S. A.

[Indorsement.]

"WASHINGTON, January 17, 1877.

"Respectfully returned, through the Secretary of War.

"In the spring of 1869 I was ordered by the Secretary of War to proceed to Jackson, Mississippi, in response to a telegram received from General Ames asking for a judge-advocate to prosecute a case of embezzlement.

"Upon arriving at Jackson, I found that a Mr. Thomas, clerk to Major P. P. G. Hall, paymaster, was in the guard-house in Vicksburg, charged with embezzlement of public funds, and that a writ of *habeas corpus* had issued from the United States district court (Judge Hill) for his release.

"I made an investigation of the case and satisfied myself of the man's guilt, and then made a return to the writ, and argued the case successfully, the petitioner being remanded to military custody. He was subsequently tried by military court for embezzlement of public funds, and sent to the penitentiary for a term of years.

"I could not at the time conceive that Major Hall would be held responsible for the money embezzled by Thomas. With the arduous duties imposed on him in the administration of the reconstruction laws, in addition to his regular official labors, the administration of his office appeared to me commendable in every way.

"That he should have been held pecuniarily responsible for the criminal act of a subordinate has ever appeared to me a great injustice.

"THOMAS F. BARR,

"Judge-Advocate, United States Army.

"From these reports it appears that petitioner exercised such reasonable prudence and diligence as could be fairly required under the circumstances, and that the defalcation of Thomas was not owing to any want of care or diligence on the part of the petitioner.

"Your committee also believe that where public funds have been lost by disbursing officers by robbery, accident, or the default of subordinates, without any fault or want of care on their part, it has been customary not to hold such officers liable for the sums thus lost, or, in cases where the money has been paid into the Treasury, as in the case of this memorialist, authorizing the Secretary of the Treasury to refund the same. Believing that this case comes within the principle established by the precedents referred to, your committee report herewith an act for the relief of the memorialist."

Mr. PLUMB. I move to amend by striking out all after the enacting clause of the bill and inserting:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow and pay to Major P. P. G. Hall, of the United States Army, such sums as they may deem just and equitable, not to exceed the sum of \$3,141.39, on account of a former deficiency in his accounts as paymaster, caused by the criminal acts of his clerk, James Thomas, in 1868 and 1869, and of which the said clerk was duly convicted.

Mr. SPENCER. There is no objection that I know of to the amendment.

The amendment was agreed to.

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

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

Mr. SARGENT. I understand the principle on which the bill is recommended by the committee is that the clerk was not selected by the officer but was assigned to him. It was the clerk's default and he was punished therefor. On that principle I am willing the bill should pass without objection, if that is the ground on which it is based.

Mr. SPENCER. The Senator from California is correct about that. This officer was assigned to pay the reconstruction accounts in Mississippi, and this clerk was detailed to do that work.

Mr. SARGENT. Were this otherwise, had the officer the selection of his clerk, for fear that collusion might spring up between a bad officer and a bad clerk, I should be opposed to the passage of the bill.

Mr. MAXEY. On the principle stated by the Senator from California the committee recommended the bill. The clerk was not selected by the officer, but was a detailed clerk and he had to take him.

The bill was passed.

ROSA VERTNER JEFFREYS.

The next bill on the Calendar was the bill (S. No. 819) for the relief of Rosa Vertner Jeffreys.

Mr. McMILLAN. Let the report be read in that case.

The Secretary proceeded to read the report submitted by Mr. McMILLAN, from the Committee on Claims, on the 27th of February, 1878.

Mr. EDMUNDS. I think I must object to that bill.

The VICE-PRESIDENT. The bill goes over.

Mr. EDMUNDS. Now I ask to have taken up the bill that was passed by at my request.

Mr. BECK. I did not hear what the Senator from Vermont said. The VICE-PRESIDENT. He objected to the consideration of the Jeffreys bill.

Mr. BECK. I will say to the Senator from Vermont that it is only a question of amount. All agree that something ought to be paid. There was no war at the place where the property was taken. The Forty-third Congress passed a bill for \$5,000, both Houses agreeing, and there is now no question except whether she shall have \$800 or \$5,000. That is all there is in the case.

Mr. MITCHELL. There is no question in my mind that she is entitled to \$5,000, and I examined it carefully.

Mr. BECK. So I supposed. It is only a question of the amount that ought to be paid. If the bill be passed over now, this lady will have no chance at this Congress.

Mr. EDMUNDS. The Forty-third Congress was I believe a republican Congress, and we ought to look with a little care to the acts it passed. I will look at this bill with the Senator's permission.

In justice to Senators who had up a previous bill they ought to have their bill considered as it was laid aside for the moment.

Mr. BECK. I have no objection to that, but I do not want it to lose its place.

Mr. EDMUNDS. I do not want it to lose its place. It may be considered as a bill on the Calendar. I want the bill in regard to taxing lands taken up.

PACIFIC RAILROAD LANDS.

The Senate resumed the consideration of the bill (S. No. 195) to declare certain lands subject to taxation.

Mr. EDMUNDS. I move to amend by inserting after "named," in line 10, the words "which have been surveyed," and in the same line striking out "would," and in line 11, after the word "entitled," inserting "to patents;" so as to read:

Which have been surveyed and for which said companies have become entitled to patents upon payment of the cost of surveying, selecting, and locating the same, &c.

The amendment was agreed to.

Mr. EDMUNDS. I move further to amend by inserting in line 14, after the word "shall," the words "after payment to the United States of all such costs by or under the authority of such State or Territory."

The amendment was agreed to.

Mr. KERNAN. I desire to make an inquiry. As I am informed, whatever title is or ever was in the railroad corporations to the lands granted by the United States is covered by the two mortgages. Am I right? If that be so, then it seems to me there is great danger that the United States, to protect itself under its large mortgage, which is the second one, if the railroad companies do not pay the taxes, will have to pay them. There will be, therefore, lands here which the States and Territories will tax, and the taxes will not be paid, and the Federal Government will have to pay them to protect its mortgage, which really covers all this property. It seems to me a mode of having the money run from the United States Treasury into the State treasuries, because the railroad companies and the first mortgages may not pay the taxes, and then the United States will have to pay them. I may be wrong in the facts; but if not, the suggestion I make is entitled to consideration.

Mr. BOOTH. Does the Senator from New York contend that because there is a mortgage on land in favor of the United States, or anybody else, that land ought to be exempt from taxation? The decision of the Supreme Court is expressly on the ground that this lien is reserved, not for the benefit of the mortgagee, but to compel the railroad companies to pay the costs of survey, which do not amount on an average to six cents an acre, and in the two decisions of the Supreme Court not a single reference is made to the lien held by the Government or by any other mortgagee.

Now is it to be asserted here that because the Government of the United States holds a lien on land which may at some remote day be of value, the land shall be made exempt from taxation? As a matter of fact that lien has no real value. The lands are sold by the railroad companies under the terms of the act and pass out from under the Government mortgage. They are sold, and sold by wholesale. Scarcely one acre of valuable land in the original grant, except on the Southern Pacific line, remains in the hands of the railroad company to which they were granted.

Mr. KERNAN. I am not in favor as a rule of exempting land that is subject to mortgage from taxation. In my State such lands are all taxed and the mortgagee has to look out that he does not lose his title by paying the taxes himself if his mortgagee does not. But here is a case where, as I understand the bill, a title has not yet passed to the railroad companies, but they have an equitable right to have the land patented when they pay the costs of the survey. To some extent that is the condition of things. But supposing they had passed to the railroad companies, should the Government be put in a position where to save its rights under the mortgage it will have to pay the State taxation on the lands which it never got one cent for, which it holds only as a pledge from the railroad companies? If the States can collect their taxes out of the personal property of the railroad companies, or anything else but the lands that the Government has as a lien on, I shall be very willing to see it done.

Mr. PLUMB. I think the Senator from New York is under some misapprehension as to the facts of the case.

Mr. KERNAN. That may be. I say that is the way I understand the facts, and I want to be put right if I am wrong.

Mr. PLUMB. The Government mortgage is as a rule not a second mortgage on these lands. There are already I think two mortgages to private individuals, and whatever lien the Government has is at least a third lien; and it is a lien which the Government never heretofore has attached any value to, because it imposed on the railroad companies the obligation to sell the lands, thereby discharging whatever lien the Government might have upon them.

In the next place, as soon as the railroad companies pay this \$3 or \$4 to the quarter section, then the Government patents it, and that discharges the lien also. So that there is no lien reserved to the Government for any beneficial interest which the Government has or expects to have in the lands except as to the cost of the surveying, and that we provide for the payment of. So the Government when this bill passes will be in precisely the same condition with reference to its beneficial interest that it was before. We only prevent the postponement of the taxation of these lands for an indefinite period, as is now the case.

Mr. KERNAN. If the Senator is right, and I assume that he is because he is familiar with the subject, then we have really got no lien on these lands that is worth anything.

Mr. PLUMB. That is it.

Mr. KERNAN. The Senate might as well know that these lands were got from us without pay and without security. If that is so, of course I do not want to prevent them being taxed.

Mr. EDMUNDS. There is one other amendment I should like to suggest which has occurred to me from this discussion. On the second page I wish to strike out the word "shall" where it says "shall be subject" and insert "may," so as merely to give the consent of the United States.

Mr. PLUMB. There is no objection to that.

The amendment was agreed to.

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

ORDER OF BUSINESS.

Mr. EDMUNDS. I move to postpone the present and all prior orders and take up the resolutions I had the honor to offer to the Senate some days ago on the subject of the constitutional amendments.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont.

The resolutions were read, as follows:

Resolved, as the judgment of the Senate. That the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States have been legally ratified, and are as valid and of the same paramount authority as any other part of the Constitution; that the people of each State have a common interest in the enforcement of the whole Constitution in every State in the Union, and that it is alike the right and duty of Congress to enforce said amendments, and to protect every citizen in the exercise of all the rights thereby secured by laws of the general character already passed for that purpose, and by further appropriate legislation, so far as such enforcement and protection are not secured by existing laws; and that it is the duty of the executive department of the Government faithfully and with diligence to carry all such laws into impartial execution, and of Congress to appropriate all moneys needful to that end.

Resolved further. That it is the duty of Congress to provide by law for the full and impartial protection of all citizens of the United States, legally qualified, in the right to vote for Representatives in Congress, and to this end the Committee on the Judiciary be, and it hereby is, instructed to prepare and report, as soon as may be, a bill for the protection of such rights, and the punishment of infractions thereof.

Mr. BECK. I desire to ask whether the naval appropriation bill does not come up as the unfinished business now, unless we set it aside?

The VICE-PRESIDENT. It will come up as unfinished business at half-past one o'clock. The motion of the Senator from Vermont will then be in order. It will be for the majority of the Senate to determine.

Mr. BLAINE. The naval bill has been postponed a little on my request as a member of the Committee on Appropriations. I had some observations to submit on the bill before its passage, and I thought the understanding in the Senate was that I might go on at half-past one to-day. I will keep myself inside of an hour, and I shall not delay the public business much by anything I have to say. I wish the Senator from Vermont would postpone his motion until I can have that privilege.

Mr. EDMUNDS. Mr. President, when the Senator from Maine spoke of having the naval bill postponed yesterday for the purpose indicated, I, if I correctly remember, notified him that I had informed our friends on the other side of the Chamber, some of them, that I expected to move this matter to-day, which has been lying a good while—it is a matter of a good deal of public importance—and that I must do so. Of course it is for a majority of the Senate to determine. I hope the consideration of these resolutions will not take long, and then we can take up the naval bill and hear my honorable friend and dispose of the naval bill by voting on his amendments, and so on, which will take some time.

Mr. BLAINE. I do not know that it will. Of course I shall have to submit to the pleasure of the Senate. I should be very glad to go on now.

Mr. THURMAN. If the Senator from Vermont expects to speak upon his resolutions, of course there will be none to object to his doing so. If, on the other hand, it is not his purpose to speak at all, then it will be a matter for the consideration of those that have to vote

on the resolutions and on the substitute for them which has been laid on our tables to decide whether they will be silent or whether they will submit their views. I should not like myself, without any opportunity for consultation among Senators who favor the substitute of the Senator from Alabama, to be compelled this morning to vote without debate. Therefore, I ask the Senator from Vermont whether he proposes to speak to the resolutions or whether he wishes to have a vote without debate? If he will state that, we can determine what course we shall take. I do not know that I shall take any part in the debate, but there are others who may wish to debate the question. I hope the Senator from Vermont will express his purpose. Of course, after we have heard him make his remarks—and we shall listen with pleasure to his remarks—we can then determine what course we shall take.

Mr. CONKLING. Mr. President, is the naval bill the unfinished business?

The VICE-PRESIDENT. It is.

Mr. CONKLING. And it will prevail except for the motion of the Senator from Vermont?

The VICE-PRESIDENT. It will.

Mr. CONKLING. If I heard aright, the Senator from Maine [Mr. BLAINE] said that he wished to speak upon the naval bill and was ready to speak now, and intended, when the hour came, to proceed with his remarks. I have heard no reason, absolutely none, why his convenience should not prevail, and, therefore, I shall vote against the motion to displace the naval bill. These resolutions are important, as the Senator from Vermont says, but I can conceive no possible advantage in considering them to-day rather than to-morrow; and I think it is a custom, as old as any custom in the Senate, when a Senator has expected to address the Senate upon a topic actually pending, not to displace it when the time for it arrives, and particularly in order to consider something else not urgent in time.

Mr. EDMUNDS. I ought to say in reply to the Senator from New York, that when it was proposed yesterday that the naval bill should go over for a speech of the Senator from Maine in respect of the amendments he intended to offer, I stated then that this matter had been lying so long that I felt it to be my duty to move it this morning; but, nevertheless, the Senate allowed the naval bill to go over, and, as I understood it, subject to the question which the Senate preferred to take up. So I do not feel that I am violating any understanding.

Mr. BLAINE. Not at all; I did not so state. Of course, it is a matter for the Senate to decide.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont.

The motion was not agreed to.

The VICE-PRESIDENT. The Senate will proceed to the consideration of the unfinished business, the naval appropriation bill.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 6141) making appropriations to enable the Secretary of the Treasury to carry out the provisions of section 254 of the Revised Statutes and to appropriate \$40,000 for the miscellaneous expenses of the House of Representatives;

A bill (H. R. No. 5655) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878;

A bill (H. R. No. 6130) for the relief of Elizabeth B. Higgins, Joel Higgins, and Brand Higgins, of Phillips County, Arkansas; and

A bill (H. R. No. 6137) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments.

The message also announced that the House had passed the bill (S. No. 1242) to repeal section 1233 of the Revised Statutes, relating to company cooks in the Army.

The message further announced that the House had not concurred in the amendments of the Senate to the bill (H. R. No. 5534) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1880, and for other purposes.

The message also announced that the House had concurred in the resolution of the Senate for the printing of additional copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1877, for the use of the Superintendent.

The message further announced that the House had passed a concurrent resolution providing for the printing of 5,000 copies of the report on the lands of the arid regions of the United States by J. W. Powell; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 753) to confirm a certain private land claim in the Territory of New Mexico;

A bill (S. No. 854) for the adjudication of title to lands claimed by José Apis and Pablo Apis, in the State of California;

A bill (S. No. 1297) for the protection of dairymen, and to prevent deception in sales of butter and cheese in the District of Columbia;

A bill (S. No. 1374) authorizing the chancellor of the Smithsonian Institution to appoint an acting secretary in certain cases; and

A bill (H. R. No. 613) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 5313) making appropriations for the naval service for the year ending June 30, 1880, and for other purposes.

Mr. DAWES. Before the Senator from Maine [Mr. BLAINE] proceeds I desire to offer an amendment, which, I suppose, will not involve any debate. The Senator from Maine prefers that it be adopted, if at all, before he proceeds. I offer this amendment to come in after line 567:

Provided, That if the amount appropriated for any item of the pay or quartermaster's department of the Marine Corps for the fiscal year ending June 30, 1879, shall prove insufficient for its purpose, the excess in any other item or items of the respective departments may, with the written consent of the Secretary of the Navy be applied thereto: *Provided*, That the excess in the items of one department shall not be used for any insufficiency in the items of the other department, and that the total amount appropriated for the respective departments for said fiscal year shall not be exceeded.

Mr. DAVIS, of West Virginia. If I understand the amendment correctly we had just as well appropriate all that is in the bill in bulk for general uses without any specification of items whatever.

Mr. DAWES. The Senator does not quite understand the scope of the amendment. It only authorizes the transfer of any balance of one item in one department to a deficiency in another item in that department of the Marine Corps appropriations, but not from one bureau or department to another. I will state that it is precisely the language of the Army bill of last year, and it is not an unusual provision in an appropriation bill, as I happen to know. It has been considered also by the committee, and I believe meets with their approval.

Mr. WINDOM. I see no objection to the amendment.

Mr. DAVIS, of West Virginia. I certainly shall have to understand the amendment more correctly than I do now, or I must object to it. If I understand this amendment to the naval appropriation bill, it is to allow transfers from one department to another. I do not know whether it covers the bureaus or not; I should like to have it read again, and then the Senate will see what it is. It is certainly objectionable to me to provide that when money is appropriated for a particular purpose it may be changed and go to some other purpose in a wholesale way. It is not right in principle.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read the amendment.

Mr. EDMUNDS. Why is that necessary?

Mr. DAWES. I will read the provision of law as it exists in the Army bill of last year:

Provided, That the appropriations under the head of "Pay department" in this act, amounting to \$11,589,257.18, shall be accounted for, * * * and in case any item of the said appropriations shall prove insufficient for its purpose, the excess in any other item or items thereof may, with the written consent of the Secretary of War, be applied thereto: *Provided, however*, That the total amount appropriated under this head shall not be exceeded.

Precisely the same provision this amendment applies to the Marine Corps of the Navy; so that, if there should happen to have been an insufficient sum appropriated for any particular item like the clothing, for instance, and more than enough for some other particular item in the Marine Corps, with the written consent of the Secretary of the Navy the balance over and enough to pay that particular item may be taken to pay the other item without exceeding the whole for that corps. That is the provision.

Mr. DAVIS, of West Virginia. I dislike to interfere with the Senator from Maine if he is ready to go on, and I therefore hope that this will be laid aside until he has concluded.

Mr. DAWES. I have no objection. I do not desire to interfere with the Committee on Appropriations on the Navy appropriation bill, but this usual provision seemed to have been omitted by oversight rather than intentionally.

Mr. BLAINE. I should like to have the two amendments read of which I gave notice last evening.

The VICE-PRESIDENT. The Secretary will report the amendments of the Senator from Maine.

The Secretary read as follows:

That a board of three naval officers, from either the active or retired list, be appointed by the President, whose duty it shall be to consider and report to the next session of Congress the number of officers, line, staff, and warrant, needed for a navy with 7,500 men; and that, until hereafter directed by law, promotion in the Navy above the grade of ensign shall cease: *And further*, That the same board of officers shall consider and report whether any of the present navy-yards may be dispensed with, and whether, in any other way, the expenses of the naval establishment may be decreased without impairing its efficiency.

Mr. EDMUNDS. So as to save the point, I make the point of order that this is against the rule about legislation on appropriation bills; and so as to the other, I do not ask to have the point of order decided now, as I do not wish to cut off the observations of my friend.

The Secretary read the other amendment of Mr. BLAINE, as follows:

That from and after July 1, 1883, only such number of the graduates of the United States Naval Academy in any one year shall be entitled to appointment as midshipmen in the Navy as are required to fill vacancies of that grade existing on the 1st day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class. And if the number of midshipmen shall not have been previously fixed and limited by law, it shall be the duty of the Secretary to so fix and limit it on or before July 1, 1883.

Mr. BLAINE. Mr. President—

Mr. BECK. I desire to reserve the point of order on that also.

Mr. BLAINE. It was reserved by the Senator from Vermont. I take no advantage.

Mr. BECK. The point ought to come from the Naval Committee, perhaps.

Mr. BLAINE. In any remarks I shall make on the naval appropriation bill, Mr. President, I desire to say in advance that neither in word nor spirit do I intend to criticize the administration of the Navy Department either present or past, and still less do I intend by the remotest possible implication to make any reflection upon the gallant corps of officers that make up the Navy of the United States. I have no desire nor have I any grounds to reflect on either, and if I reflect on any department of the Government it will be on that of which I have had the honor to form a part for a considerable number of years. If there be any fault to be criticised, if there be any practice to be reformed, if there be any reorganization that is desirable and demanded, it is for Congress to do it; and if it should have been made before, it is the fault of Congress not to have made it, and not the fault of either Secretary, or bureau chief, or line, or staff, or warrant officer in the Navy.

At the same time, Mr. President, I must speak my mind very freely about what I consider the present condition of the Navy, and first and especially about the large number of officers the Navy contains. We have limited the Navy by law to 7,500 men, and for those 7,500 men, taking in commissioned officers of staff and line and warrant officers, and not counting the retired list, of course, which should not be brought into the discussion, we have a total of 2,020 officers, or we have to-day one officer to three men and a fraction in the Navy. That is excessive. I should infer so without any knowledge on the subject, and of course as to the organization of the Navy I do not profess to know much; but I should infer on the mere statement that it was excessive; and to prove that it must be excessive, I have here the last register of the British navy. Our Navy, as I have said, is limited to 7,500 men. We have in all in the Navy to-day 91 vessels. We have 38 to-day, I believe, in commission, as the term is, and we have, as I have already remarked, 2,020 officers. Take the British navy, which has 320 steam-vessels of war and a total, including all that belongs to the navy, of 494 vessels. They have 4,990 officers, with something over 60,000 men, in the navy. They have available for naval service more than five times the vessels in number and far more than that proportion in effective force; and while they have between nine and ten times as many sailors as we have, they have less than twice and a half the number of officers. Or, if you choose to take it in another form, throwing out the warrant officers and taking simply the officers of the line, rejecting the staff, we show a total of about 800, and counting the cadets, who are counted also in the British computation, we show about 1,000, and the British show against that about 2,300.

The comparison is quite as discouraging if we look at the French navy, which has a total number of line officers of 1,529; and I also hold the French naval register in my hand, or a book which contains the statistics. The French navy in point of number of vessels is almost as large as the British navy. Of course we all know that it is not so effective, but it is many times as large as ours, and yet the line officers of the navy of France are not more than double the line officers of the Navy of the United States, possibly a shade more than double. I infer that these facts are worthy of our attention. I infer that we are having a navy far more numerous in the department of officers than we require to the number of ships or the number of men to which we have limited it by law.

Take the navy-yards. For the immense navy of Great Britain, the largest and most effective in the world, there are in the whole island two great navy-yards, Chatham and Portsmouth, and two subordinate ones at Sheerness and Devonport, making in all four. The French navy has three principal yards, Cherbourg, Brest, and Toulon, and two subordinate ones at Rochefort and Lorient. We have on this coast, from latitude 37° to latitude 43°, on six degrees of coast latitude, seven navy-yards. We have one at Washington, one at Norfolk, one at Philadelphia, one at New York, one *in posse* if not *in esse* at New London, one at Charleston, and one at Kittery or Portsmouth. Of course that is beyond all possible requirement of our Navy. We have one at Pensacola, which it is presumed is necessary to retain for the Gulf uses, and certainly the one on the Pacific coast is absolutely essential; but that any person can infer that on six degrees of our coast latitude we need seven navy-yards is a vast stretch of imagination.

I might have said when I was disclaiming any possible intention of either arraigning the civil department of the Navy or the line officers themselves, that I have no intention of making any partisan accusation, and still less any intention of making any partisan con-

fession. I do not desire to inculpate either party or to exculpate either, and so far as all these navy-yards except the shadowy one at New London are concerned, they come down to us from "the good old days of democratic economy." We inherited them, and we inherited one more which we have abandoned; that is the one at Memphis. That was a brilliant streak of economy, of course, to put a navy-yard at Memphis, 800 or 1,000 miles from the mouth of the Mississippi River. The old story went that the navy-yard at Memphis was put through Congress because the two rival candidates for governor in Tennessee, preceding the great contest of 1844 between Mr. Clay and Mr. Polk, both came here, and the democrat said to a democratic Congress "if you do not put this navy-yard through, I am dead," and the whig candidate said "if you whigs do not vote for it it will kill us at home." And so they got a pretty nearly unanimous vote for the Memphis navy-yard. They might as well have put one above the Falls of Saint Anthony. It went on in a sort of sickly condition for 10, 15, or 20 years, not being finally dismantled until the war.

There is of course a vast and useless expenditure in the navy-yards, a very large and overwhelming expenditure in that department which we do not in any event need.

And when you come to the pay of the Navy, of course it shows just this proportion. If you have officers you must pay them, and the pay of Navy officers in the bill which is now before the Senate is for officers in commission \$3,822,875, for retired officers \$645,400, and for some other civilian attachés that come under the head of officers embraced in the fifty-third line and lines following \$475,000, making a total of \$4,943,275, or in round numbers five million dollars. Next as to the men. For the petty officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineer force and for the Coast Survey service, for all that are included in any form direct or indirect in the Navy, we pay \$2,300,000; so that of what is called the pay of the Navy more than two-thirds, nearly five-sevenths, are required for officers, showing of course the top-heavy condition that the register shows in regard to the Navy.

From the Naval Academy for the last fourteen years since the war we have added an average of fifty officers per annum to the Navy, and we are continuing to do it. The rule now is the very same that it is at West Point or was until last year we had some legislation upon the subject, that any boy who graduates at the Naval Academy after being duly appointed shall be commissioned as an officer in the Navy. That was so in regard to West Point until the legislation of last year. Congress by a pretty nearly unanimous vote in both branches has decided in regard to the graduates at West Point that those only shall be appointed to offices in the Army for which there are vacancies at the time of graduation. I think that ought to be the case in regard to the Navy. If not, you are liable to add from fifty to seventy-five officers annually to your Navy, and there is no limit now fixed by law at all to the lower grade. We fix the limit down to ensigns, but for midshipmen there is no limit at all, and you may pile in midshipmen until they are there by the thousand for that matter if you take time enough, and at the rate at which retirement or death thins out the upper grades of the Navy you will find such a disparity between the incoming and the outgoing as must lead to a steady annual increase in the officers of the Navy.

Now, I ask simply that after 1883 graduation at the Naval Academy shall not of itself entitle a man to be commissioned in the Navy, but that only such number shall be commissioned for which there are vacancies in the Navy at the time, leaving the academic board to determine that on the merit of the graduates. I put it at 1883, just as last year the legislation respecting West Point was put at 1882, for the simple reason that the boys who have been appointed to the Naval Academy, just as those who were appointed to West Point, went there with the understanding, and, if you choose, with the pledge from the United States, that upon graduation they should be appointed to office, and I certainly would not break the faith of the United States to the naval cadet, but let every one who has been entered with that understanding under the law have its full benefit; but if you make the law now for the next year, the naval cadet who enters understands from that day that his entrance upon the naval list of the United States depends upon the merit of his graduation, and that only those shall be selected from the graduating class for whom there are vacancies at the time.

It seems to me that this is entirely just, and in the case of West Point, and of the Naval Academy also, I do not think it will be any harm to graduate a very large number who are not entered in the Navy or Army. They will have no ground to find fault certainly. They will have received great educational advantages as a gratuity from their Government; they are equipped for the battle of life, and if ever the Government has need of their services, as it unfortunately did in a recent era, they will come in the future as they did in the past—for there was a very small number of graduates of West Point that did not find their way into the Army, on one side or the other, during the late war—and so it will be in the future. You will have a military knowledge spread throughout the country, and, no matter how many shall graduate there at the public expense under the present organization, let only those be put upon the regular Army list who stand highest, and who are for the time being needed to fill vacancies actually existing.

Mr. President, of course I would not do a harsh thing to the naval officers. I have no proposition to make except that a naval board

composed of officers themselves shall tell us what we ought to do. I would not turn out an officer who had a good record, and who had devoted the best years of his life to the service of the United States, but by retirement, made larger than it now is by some form which is easily to be devised by men who take the subject into consideration, we can bring down our Navy to the proper proportion of officers and men; and we can, by dispensing with the surplus number, and by dispensing with useless navy-yards, and in other ways, reduce the naval expenses of this country by a very large figure.

And then, Mr. President, connected with this, and of more interest to me than any other part of it, is the fact that we are trying the impossible experiment of building a navy from the top.

Mr. EATON. If you build from the top it will go down.

Mr. BLAINE. I accept what my honorable friend from Connecticut says, if you keep on building it from the top it will go down to the bottom. We are trying to build a navy from the top, I repeat. It never has been done, and it never will be done in this world. You cannot make a navy by graduating cadets at Annapolis. It is in that respect different from an army. Our experience in the last war, on both sides, shows that men make good soldiers in three months, and in a year they are veterans. That is not the case with a navy. You cannot improvise a sailor any more than you can improvise a mountain. He has to grow, and you cannot grow him as an exotic. You cannot grow a sailor in your Navy unless there is a surrounding commercial atmosphere, unless there is a great mercantile marine that shall continually replenish it and build it up from the bottom. There never has been a navy in this world worth anything that did not grow out of a mercantile marine. There never will be.

And now in regard to our mercantile marine the contrast since some of us here entered Congress, the contrast since the beginning of the war with the present time is very startling. When we needed a blockade from the mouth of the Rio Grande to the capes of the Delaware we had 70,000 sailors on board our ships. Eight thousand sailors were enlisted in one town in my own State, the city of Portland; twenty-two thousand sailors were enlisted at Boston. I should like any man to get 8,000 sailors enlisted at Portland or 22,000 at Boston to-day. They are gone. Our mercantile marine by a variety of causes is swept away, and of the causes leading to its destruction too much has been attributed, in my judgment, to the effects of the war. The war had a great deal to do with it; but had that been simply the cause we would have recovered from it, for its effect was in its nature temporary. But the real cause was deeper and far more serious than the four years' war, however serious that was.

The war only gave an opportunity to our rivals. If there had not been new conditions, we should have been able after the war to have recovered ourselves. But those new conditions were and are to-day, as has been repeated here over and over again on this side of the Chamber and on that, those conditions are that the commerce of the world has entirely changed, and you might just as well attempt to arm your soldiers with bows and arrows as to rebuild the mercantile marine of the United States by a mere increase of sailing vessels. The marine of the future, more and more every day, is a steam marine, and we who stand here furnishing a larger amount of freight than any other country in the world—I was going to say any other two countries; I doubt if there be any two countries in the world that furnish as large an amount of ocean freight as the United States—we stand here to-day gaining nothing whatever out of that, or so little that it only serves to "point the moral." We furnished last year 13,000,000 tons of ocean freight, and the profit on carrying that and the passengers that belong to the sea was \$115,000,000.

Mr. THURMAN. Does that include the coasting trade?

Mr. BLAINE. No; wholly foreign. It all went from our shores and came back. That which goes of course is more bulky when you measure it by tons than that which comes.

Mr. EATON. Over \$80,000,000 in gold was paid into the pockets of foreign ship-owners.

Mr. BLAINE. My friend anticipates me in that. Nearly \$89,000,000 out of \$115,000,000 was so paid into foreign hands; I believe only \$26,000,000 into ours; and that has been going on and is going on and will continue to go on unless the United States does something that shall change it. And we cannot afford not to change it. I say to the honorable chairman of the Committee on Finance that unless conditions that we dare not anticipate should continue to favor us, it is not a possible thing in this country to maintain over a long series of years specie payment here with that draught made upon our resources, and with that draught stopped specie payment will maintain itself. Gentlemen here remember the panic of 1857, how it smote the country, how it went over the continent with the force and violence of a tornado, prostrating great mercantile houses and manufacturing and commercial interests, and yet inside of ninety days from the suspension of specie payment the banks of New York, Baltimore, and all the great cities of the country resumed. Why were they able to resume specie payment after that disastrous panic? Simply because the freight moneys that lay to the credit of American commerce in London were gold to be called on by those who here needed it for the resumption of specie payments, and the gold that was deposited in London to the credit of American ship-masters and American ship-owners was the very gold on which the banks of this country resumed in 1858, and that is the gold that we do not have to-day. We should have had no need, we should have been under no necessity of

selling bonds to buy gold to resume specie payments if our fair share of the freight moneys on our own commerce had been coming into our coffers. Eighty-nine million dollars went last year into the coffers of Europe on American freight; less than \$26,000,000 came here. Give us our fair share, and specie payment, I repeat, will maintain itself.

In the last ten years—and that seems a very short period to most of us—we have sent and brought, fetched and carried between this country and foreign countries from eleven to twelve thousand million dollars' worth of products, and the freights on that with the passengers attached to the trade were over \$1,100,000,000, and out of that \$1,100,000,000 the European nations got nearly \$900,000,000, and that was drawn right from us, and we go on here appropriating for our Navy to protect a commerce that does not exist.

I am not finding fault with this naval bill, understand me. The existing naval establishment requires that we should appropriate the amounts it contains. We can do nothing else but appropriate this money as we stand to-day; but I am asking, for I can ask nothing else, in the name of American commerce that you will give to its revival the sum you are wasting on the Navy. You can take four to five million dollars out of the naval expenditure, in my judgment, without impairing the efficiency of the Navy, and if you will give four or five million dollars per annum to building up American commerce in this country you will turn \$50,000,000 per annum of gold coin into your coffers; you will employ countless thousands of men on the sea and on the land, and you will change the whole commercial and mercantile character of the continent. Oh, yes, but, says my friend from Kentucky, [Mr. BECK,] "Let us have free ships; let us have a right to bring in free ships and we will do it." How? What possible advantage do you give to any man to-day by enabling him to get an American register for a foreign ship? Mr. Vanderbilt, the great capitalist and head of the New York Central Railway, is just establishing, in connection, it is said, with foreign capital, a line of steamships to run in connection with his road. The ships are foreign-built. Every spike that was driven, every hammer that was sounded upon them, went to build up a foreign mechanic. Every sailor, stoker, fireman, engineer on board, is a foreigner; every officer is a foreigner; and that is a line of American steamships; and that is precisely such a line of American steamships as the Senator from Kentucky [Mr. BECK] and the Senator from Connecticut [Mr. EATON] would establish by allowing the free registry of foreign vessels. Why?

Mr. EATON. At the proper time we will discuss that.

Mr. BLAINE. This is the proper time.

Mr. EATON. I do not think it is.

Mr. BLAINE. I said that the bill proposed would enable just that thing to be done and nothing else, and I say to the honorable Senator from Connecticut that he certainly would be departing from all the policy that has made his own little Commonwealth a great one if he advocates that policy.

Why take a \$500,000 ship; a ship of about 3,000 or 3,500 tons, and a steamship of that size first class, fully equipped for freight and passengers costs just about a half million of dollars. There is not a single thing that goes into that ship from the time her keel is laid until she is ready for sea that cannot be produced in this country and that is not produced in this country except tin, the few dollars' worth of tin in her.

Mr. DORSEY. We have tin in California.

Mr. BLAINE. I am corrected. I am told that California produces tin. But you may take all the hundred things that go into that vessel and they are all produced in this country from the tree in the forest to the ore in the mine; and what does my honorable friend from Connecticut, who knows more of statistics than I do, say is the value of the raw material, and when you get that \$500,000 ship ready for the sea what part of her represents actual material and what part labor? There is five thousand dollars' worth of material in her, and four hundred and ninety-five thousand dollars' worth of labor. Begin with the iron in the ore and the wood in the tree, and you have only five thousand dollars' worth of material in a thirty-five-hundred-ton ship, and every particle of the remainder has been produced and wrought and upbuilt by American labor, and I understand my friend from Connecticut to insist that we had better have that \$495,000 expended on the other side.

Mr. EATON. I will simply say to my friend from Maine, that when the Committee on Commerce report, as they will very soon I trust either one way or the other in regard to free ships, I propose to discuss that question, but not on the naval bill.

Mr. BLAINE. Well, it is connected with the naval bill. Three-fourths, I do not know but I may overstate it, but certainly one-half the report of the Secretary of the Navy is devoted to the commerce of the country, and a very able report it is. It does him honor. I certainly am not out of order in discussing on the naval bill that to which the head of the Department himself devotes so large a portion of his report. I say again, that what may be saved out of the naval appropriation will do that which I have already adverted to for American commerce. We do not show any of this, can I call it stinginess, in any other department. We have given 200,000,000 acres of public land to railroads; we have given \$60,000,000 in money; and taking the value of those lands and the value of that money, and adding them together, it is safe to say that we have endowed railroads in this country with \$500,000,000.

From 1846 to 1871 the Congress of the United States passed ninety-one acts for promoting the building of railroads. There has not been much legislation since 1871. There has been a reaction against the policy, but from 1846 to 1871, I repeat, a period of twenty-five years, the Congress of the United States passed ninety-one different acts and endowed the railroad system of this country with \$500,000,000 of money, and that \$500,000,000 of money produced more than \$5,000,000,000 of money in this country. My judgment is that the Congress of the United States in everything they did in that respect did wisely. They cheapened freights. Clinton's ditch, as it used to be called, was sneered at when it was an experiment, but the minute the water was let into it it reduced the freights that had been \$100 from Buffalo to New York down to \$7 a ton; and it is not an exaggeration to say that at that day, before railroads were among us; the water that was let in from Lake Erie to that canal added \$100,000,000 to the value of the farms west of it.

As individuals, cities, towns, counties, States, a nation, we have exerted ourselves to the utmost point of enterprise and vigor to build up railroads. We have a system that outruns all the world, and with great trunk lines threading the continent north, south, east, and west, in every direction. The very moment we reach the ocean limit, we seem to think we have done our duty, and that when we have got transportation to that point it no longer interests us, and we can safely give that over to the foreigner. Why, from Chicago to Liverpool is one direct line. I wonder how it would sound if Mr. Vanderbilt, who is running a line of steamships manned by foreign men, commanded by foreign officers, built in foreign yards, whose money earnings go entirely outside of this country, were to apply that to the New York Central Railroad and select all the brakemen and switchmen and conductors and tenders and officers on the Central Railroad from foreigners; to put all the locomotives on it that are made in England; to let all its earnings be exported. Such a policy would not be one particle more detrimental and destructive to the interests of this country than for us when that Central Railroad had touched salt water with all the countless products of the fertile West to give up all the profits of participation in the transportation of them beyond. From Chicago to Liverpool is a route of four thousand miles. We operate one thousand miles of it and give three thousand miles to the foreigner.

Mr. President, our ancestors of the last generation were not so squeamish on this subject. They were not afflicted with theories; they were intensely practical, and after the peace of 1815 following the war of 1812 our commerce ran ahead of Great Britain's to such an extent that absolute alarm seized England. During the administration of John Quincy Adams, in a single year of the commerce between this country and Europe, one hundred and forty-five millions were carried in American vessels and only fourteen millions in those of other nations. The commerce amounted to about one hundred and sixty millions, and American vessels carried one hundred and forty-five millions of it; and I beg the Senator from Connecticut to remember that then in Parliament, and then through all their chambers of commerce, and then throughout all the commercial agencies of Great Britain an agitation was made that they would import free ships from America. They did not do it. They concluded that that would be their utter and final ruin, and that they never could catch up with us if they did that, and they resisted it, and they resisted it up to the point and until the time when they had got so far ahead by aid from Government, by the upbuilding of a great commerce, that they could successfully defy and laugh at competition. Then came in their free shipping act; and the policy which the Senator from Connecticut invites us to to-day is precisely that which the free-traders in this country on looking at England will find that she took into consideration and condemned and rejected in 1827 and 1828, and the English marine would never have been what it is to-day had they not at that time stood just where we ought to stand to-day.

I referred to 1817, to the generation that immediately preceded us; and I address my remarks to that side of the Chamber, because they claim a more distinct inheritance from the Jefferson and Madison and Monroe era. Mr. Monroe in 1817 had just come to the Presidency. We had passed an act which, if it were passed to-day, would revive American commerce with such a rapidity and thrill as would astonish people on both sides of the water. We passed an act providing that the products of no country should come into the United States except in American vessels or in the vessels of the producing country, and we held it there for years and years. These triangular voyages that sap the life out of our commerce could not be made under that law.

Mr. EATON. Will my friend allow me to state that there is now a bill before the Committee on Commerce making differential duties in favor of American shipping?

Mr. BLAINE. I am very much delighted to hear it, and I am sure the committee that should report that bill is in no possible danger of reporting that we had better abandon the art of ship-building in this country and get our ships in Europe.

Mr. EATON. That is another question.

Mr. BLAINE. Not at all; it is the same question, if my friend will permit me.

Mr. EATON. Not by any means.

Mr. BLAINE. It is exactly the same question. If you intend to encourage American commerce by giving differential duties in favor of American ships it would be highly improbable that the bill should

say in the next section that we do not want ship-building in the country, and if anybody sent over their old rubbish and trash and sold it at a low price we would take that and give it the benefit of an American register. Of course I do not use the phrase in any offensive sense, but I cannot conceive of a greater fraud than to call a ship of that kind an American ship. There is nothing in the history of the Government, there is nothing in any of its developments in which pride inheres more than in the ship. It carries the flag before all nations of the earth. It is the manifestation of our national power and our national existence.

Mr. EATON. One would suppose from the present reasoning of the Senator from Maine that that good ship over which the American flag floated, commanded by Paul Jones, was not an American ship because it had not been built in this country.

Mr. BLAINE. Ah, necessity knows no law. Paul Jones was fighting, and he had to take whatever he could fight with. We are not talking about what is the necessity of war; we are talking about what ought to be the policy of peace. If we are in a fight with a nation and can seize any ship that will whip the enemy, of course we will take her; and that is what Paul Jones did.

The Senator advocates the policy that should take up any ship built anywhere and put an American flag on her and employ her as an American ship. I say, and I repeat without any intention of offense in using the word, it is a fraud. It is against all the traditions and instincts of the American people. It is putting on a false trade-mark. The statute should be against it if the common law is not.

Mr. EATON. I am afraid my friend is not a lawyer.

Mr. BLAINE. It is a false trade-mark that you put on it.

Then again, when you say that we are not able to build an American ship in competition with foreign ships, and that we can get other ships cheaper if we will throw open the registry, do not my friends from Connecticut and Kentucky both see that if that be the necessity of to-day it will be far more the necessity to-morrow? It will be a much greater necessity the next day; and it will continue to be so much a necessity that in the course of a very short time the art of ship building in this country will have been lost.

Senators talk to us about what the nations of Europe do, and say that Germany gets her ships from England and that other nations get them from abroad. There are but two great naval powers in the world, or able to be great naval powers. The United States and Great Britain are the naval powers of this world; and the idea that with a continent containing the resources we have, with a population possessing the skill we do, with all the traditions and all the inducements that surround and govern the case, a Senator can rise in the American Senate and propose that the American flag be struck and that foreigners be invited to build our ships, and that we in turn agree to be dependent on them for a navy as well as for commerce, is a most extraordinary spectacle, if I may use the phrase.

I remind the Senator from Kentucky that the bill which I have read here was supported if not drawn by the illustrious man who then represented Kentucky in the other House, and who was its Speaker. I am not surprised, as the political developments have been made in the last few years, that from the Southwest this proposition should come, but my friend from Connecticut will excuse me if I say that I never expected to live to see the day when a New England Senator should uphold that policy.

Mr. EATON. I am glad the Senator has lived long enough to see it. [Laughter.]

Mr. BLAINE. I hope I shall still live long enough to see my honorable friend repent and reform. [Laughter.] I hope his length of days will be sufficient to make him repent and reform, and even to forget that he erred.

Mr. President, I will state my views on this subject, and I shall take the privilege of bringing the Senate to some vote that will test its sense on that question. My idea is that the Government of the United States should give to any man or company of men aid from the Treasury of the United States if he or they shall establish and maintain a line of steamships to any foreign port, or I might limit it to European, South American, and Asiatic ports. I would invite competition from San Francisco, from Portland, Oregon, from Galveston, from New Orleans, from Mobile, from Savannah, Charleston, Wilmington, Norfolk, Baltimore, New York, Boston, Portland, and everywhere. I would let all come in who can sustain it. The touchstone is what will be sustained by the trade, and that you can safely leave to the instinct and to the knowledge of American commercial men.

There is no reason in the world why Savannah, that caused the first ship by steam to be sent across the Atlantic, I believe, going from her port and bearing her name, should not be a great sea-port. There is certainly no reason why a very great foreign trade should not be concentrated at New Orleans. Some might try that could not probably sustain the enterprise, but there are various points throughout the country on our ocean front that would maintain with vigor, with success, and with pride to themselves and the country great lines of steamships to all the foreign ports of the world. I am radical on the question. I do not suppose the American Congress would go so far as I would, for I would certainly vote directly for the revival of the act of 1817, and I would write as the law of America for the present that the products of any country should come to the United States either in the vessels of the exporting country or in our own.

If that sounds like unfriendly legislation, if it sounds like extreme legislation, if it involves some contradiction of the policy of the last twenty-five or thirty years, let it be said that we are legislating for an extreme case, and extreme cases require extreme remedies.

We carried five-sevenths of the American commerce when the war broke out. We do not carry one-quarter to-day, and if we come out of the deep abyss of humiliation that we are in we will come out of it by vigorous and strong-nerved and daring legislation, if you please. I would open it to all the business of the country, but I would put the race between American skill and the skill of all the world, with the utmost possible confidence that, sustained by this Government in the race, we would win. It is in our people. With an equal chance we can beat them. But, with the present condition of things, a hope for the revival of American commerce is as idle a hope as ever entered the brain of an insane man. Our trade is falling off 1 or 2 per cent. per annum as we stand to-day. It was less this year than it was last. It was less last year than it was the year before. It will be less next year than this.

I know no question that can in any manner engage the attention of the American Senate that is more worthy of their serious consideration and their deep deliberation than this. It is more far-reaching than any question before us, for I repeat, as I intimated, that with this steady drain out of us, this drain of \$85,000,000 a year, in gold coin, this country cannot expect with confidence to maintain a specie basis. An adverse crop, a bad year, a balance of trade against us, and with the whole commercial marine in the hands of foreigners, we put specie payment and American solvency and American prosperity to a test that I shall grieve to see applied, and the result of which would be, I fear, most disastrous.

We voted \$1,500,000 for the Navy without thinking. Anything that gets in the rut of an appropriation goes easily. You voted money this year because you did last; we will vote it next year because we did this. Bayard Taylor used to tell a funny story to the effect that in the Russian budget there appeared every year fifty rubles for goose-grease for the prince's nose. He said that one hundred and fifty years ago there was a sore nose on one of the princes, and goose-grease was prescribed for it, and so fifty rubles came into the budget; and although a sore nose has not since been known in the royal family the fifty rubles have been annually appropriated. Our appropriations run on in the same rut, and we need a stirring up from the bottom and a wholesome change.

When I speak thus I speak, I am sure, as a friend of the Navy. I come from the portion of the country that feels great interest in and great sympathy with the Navy. But a navy cannot be maintained as a fancy attachment to the Government. The Navy must have uses. The United States steam-frigate Tennessee has just returned from a three years' cruise. I sent to the Navy Department, and regret that I cannot have it in time to read it here to-day, for a statement of the expenses of that three years' cruise. I might be wild probably if I should venture to give the figures without the data; and therefore I will not do so; but I venture to say that it will surprise every member of the Senate. And I venture to say that on all that long three years' cruise, in all the waters, in all the oceans, on all the shores, the rarest thing the Tennessee met in her travels was an American ship, and almost the only flag she saw bearing the Stars and Stripes was at her own mast-head.

We want a navy, but we want something for it to do. We want a navy to protect the commerce, but we want a commerce in advance for the Navy to protect, and we want a commerce that shall not be one of favoritism; a commerce that shall not benefit one section at the expense of another, but one that shall be equal and just and generous and profitable to all. You will never get it by making this nation a tributary to Great Britain. You will never get it by banishing the art of ship-building from among our people. You will never get it by discouraging all possible aspirations for maritime and commercial supremacy, by a public proclamation from Congress that after nearly a century of gallant struggle, in which more than three-quarters of the time we were ahead in the race, on account of an accidental mishap that put us behind we of to-day, not having the nerve or the sagacity of those who went before us, sank before the prospect and asked other nations to do for us what we have lost the manhood and the energy to do for ourselves.

Mr. BECK. Mr. President, I confess to some amazement that a bill which I introduced some time ago and which is now before the Committee on Commerce for consideration, which I have had no opportunity even to state the reason I had for introducing, should have been made the text for such a tirade as the Senator from Maine [Mr. BLAINE] has seen fit to indulge in to-day. But before I speak of that let me say as to the naval bill. He and I are members of the Committee on Appropriations. He is a member also of the Committee on Naval Affairs. He knows as well as I do that in a bill like that now under consideration no new legislation can properly be had. It is because efforts are often made such as he is making to-day to insert new legislation into appropriation bills by Senators not on the committee that much of the confusion growing out of our appropriation bills so often follows.

Although an influential member of the Naval Committee and fully informed as to all wrongs that may exist, he has failed to lay before the Appropriation Committee any of the grievances of which he now complains. Therefore he has no right now to seek to introduce new

legislation into this bill without giving the Committee on Appropriations a chance to consider the questions. I made the point of order against his amendment on that ground; but I will now say to him that whenever he as a member of the Committee on Naval Affairs to which he belongs, or on his individual responsibility, introduces any measure looking to a reform of the Navy, looking to the reduction of expenditures, or looking to any of the improvements he seeks to attain, I will go as far as he will or can in seeking to bring about all legitimate improvements and amendments of the present system of management of naval affairs.

I do not know why the present bill has been selected as the subject of attack. It is not my special province to defend either it or the Secretary of the Navy; but I have this to say, that the Senator from Maine was a member of the House of Representatives during the same time that I was, for eight years, when flagrant abuses were being perpetrated in the Navy Department which were known to him and known to all his party; which were exposed by me and by others, yet he never raised his voice against them.

For example, we had nearly six hundred ships in the Navy when the civil war closed and they are reduced down to ninety-one. They were sold many of them as old scrap, sold under every pretext, disposed of in ways that Congress knew nothing about and the proceeds used in all sorts of ways. If that action did not meet the approval of the Senator from Maine it never received his reprobation. I fear his trouble is that we have now, for the first time, a Secretary of the Navy who obeys the law, whether he likes it or not; a Secretary of the Navy who, in my judgment, is willing to unite with the good men of all parties in removing whatever wrongs can be found in his Department. The highest tribute that could be paid to the integrity of the Secretary is the fact that a democratic committee, a committee politically hostile to him, in the lower House of Congress, reported the bill now under consideration almost word for word as he suggested it, and a democratic House of Congress passed it without crossing a *t* or dotting an *i*. When he came before the Committee on Appropriations of the Senate and we had the bill under consideration, the few alterations that we made in it were made at his suggestion, because we were satisfied, upon full consultation, that there was nothing in it that did not comply with existing law and which was not required by the good of the service.

The Senator from Maine was a member of that committee as well as myself, and he could find no fault with what a democratic House had done and what the Secretary of the Navy had recommended. The Secretary, it is true, said in his report a great deal about our lost commerce, said it well, and said it truly; and when I come to speak relative to the bill that I introduced, which the Senator from Maine attacks so fiercely, by which I seek to allow our citizens to buy ships wherever they please, I shall ask the careful consideration of the Senate to what the Secretary says about our lost commerce. Before touching that subject, however, I propose to show that the Secretary is not creating deficiencies; on the contrary, that he is endeavoring in good faith to comply with the obligations imposed upon him as Secretary. I will read what he says in his report about the workings of his bureaus; and I will say further that he is the first Secretary we have had that I know of in the last ten or fifteen years who has been able to report balances of appropriations ready to be paid back into the Treasury, instead of coming in asking for deficiencies by the million which they themselves created.

It is due—

Says the Secretary:

It is due to the bureaus of the Department that special attention should be called to their several reports, wherein the details of the work done by them during the year are given. They show an amount which could not have been accomplished without the utmost watchfulness and care on the part of the officers in charge of these bureaus. And the economy practiced in their disbursements cannot fail to arrest attention. The total balance standing to their credit at the close of the fiscal year ending June 30, 1878, as previously stated, was \$301,272.10, made up in favor of each bureau as follows:

Yards and Docks.....	\$40,685 84
Equipment and Recruiting.....	238,879 20
Navigation.....	24,750 21
Ordnance.....	18,586 88
Construction and Repair.....	37,863 73
Steam Engineering.....	28,230 09
Provisions and Clothing.....	102,738 93
Medicine and Surgery.....	9,539 22
Total.....	501,272 10

It is also due to the Bureaus of Construction and Repair and Steam Engineering to refer to the amount of work they have respectively done in repairing ships, engines, boilers, &c., all of which is especially set forth in their reports. Seventy-five vessels have been more or less repaired, according to their condition, and ten of them have been thoroughly repaired, together with engines and boilers, and made ready for sea. Two others, the Nipsic and Galena, are in rapid progress toward completion. The machinery of every vessel repaired has been thoroughly overhauled and put in the best condition, and the policy of substituting four-bladed screw propellers for the various types of two-bladed and patent screws has been initiated. These changes have been attended with the best results, an increased speed of from one to two and a half knots per hour having been obtained, without increase of engine-power developed. It is designed to continue these changes until all our vessels are fitted with this type of propeller.

Mr. President, it is gratifying to be able to state that with the smallest appropriation made in the last twelve years the present Secretary of the Navy has a balance of over half a million of dollars in his hands instead of calling upon us for deficiencies. The present bill, that he

is now content with, which the House passed and the Committee on Appropriations recommend, is smaller than any that has been passed since the war. Turn to the finance reports. It is admitted that our Navy has been reduced down almost to nothing, that we sold hundreds of the ships that we had on hand and expended the money in ways that Congress knows nothing of, and we have been making up deficiencies year by year in the face of enormous expenditures, all at least meeting with the silent acquiescence of the Senator from Maine. The annual expenditures for the Navy in 1867, (see Finance Report for 1877, page 16)—I read in round numbers—were \$31,000,000; in 1868, \$25,000,000; in 1869, \$20,000,000; in 1870, \$21,000,000; in 1871, \$19,000,000; in 1872, \$21,000,000; in 1873, \$23,000,000; in 1874, \$30,000,000; in 1875, \$21,000,000; in 1876, \$18,000,000; in 1877, the year to which I allude, \$14,000,000; and we are now making an appropriation of \$14,000,000.

Therefore, there can be no serious fault, as I think, found with this bill. I have felt it necessary to say this much in regard to the action of the House of Representatives and of the Committee on Appropriations to show that, having no power to change the law, no right to cavil with it, in fact nothing to do except to pass upon the laws as we find them, and examine the workings of the Department to see that everything is fairly and honestly done, we are able to say, and men of all parties I think agree, that if the other Secretaries and executive officers of this Government should obey the law as carefully and be as economical in their offices as the Secretary of the Navy is in his, a genuine civil-service reform would be inaugurated. So much for that. But the burden of the Senator's speech—

Mr. BLAINE. Before the Senator leaves that point, will he allow me to ask him, if I do not interrupt him, whether the deficiency bill, which was passed last year, and which cleared up all the points in dispute in regard to money, was not supported by him about as frankly and as cordially as by me?

Mr. BECK. What does the Senator say?

Mr. BLAINE. Did not the Senator support the deficiency bill of \$3,200,000 to pay all the deficits?

Mr. BECK. On that question I desire to say that the Senator from California [Mr. SARGENT] had charge of the House deficiency bill, which embraced hundreds of items which I thought were of doubtful propriety, but they were payments to men who it was known had done the work; and, whether the former Secretary of the Navy had acted legally or illegally in making the contracts, the Senator who had charge of the bill said to the committee that the men themselves ought not to suffer. That official was under investigation in the House of Representatives, a bitter quarrel was going on there, as the Senator from Maine knows, the House had passed that deficiency bill and I did not want to drag the quarrel into the Senate.

Mr. BLAINE. But the Senator seems to have dragged it in to-day.

Mr. BECK. One word further. As the House of Representatives had acted upon and passed those claims I consented that the Senator from California should report the deficiency bill as it came from the House without renewing the investigation, especially as it was obvious that the men had done the work.

Mr. BLAINE. If I understand the Senator, not to interrupt him, he with me, and he and I, with every other Senator on this floor—for there was not an objection; the bill was passed without the dot of an *i* or the cross of a *t*—all voted that that money was due, and that if there was any dispute as to the precise legal authority for making the contract there was no doubt that the Government of the United States got all the benefit of the money expended. He and I on that ground voted to pay the money, and during our service in the House of Representatives, to which the Senator has referred, it would be pretty hard to find in the Globe or RECORD any particular vote on which he and I differed—

Mr. BECK. Oh, yes.

Mr. BLAINE. On this point. On a good many others I should hope there would be a great difference.

Mr. BECK. My record in the House is well known. I was explaining why the deficiency bill of last session was passed. I do not care to take more time about it; I only repeat that there is no ground of attack against the present bill.

Mr. BLAINE. I have not attacked the present bill.

Mr. BECK. And I have shown that it cannot be attacked successfully under existing law, and that the proposed amendments or changes of law ought to come from the Committee on Naval Affairs as independent propositions, and cannot properly be tacked on to an appropriation bill.

But what I wish to say more particularly in reply to the Senator is that the bill which I introduced in order to allow the American people to buy their ships wherever they see fit, to buy them as they have a right to buy everything else they need and must have except ships, where they can get them cheapest, is in my judgment not only a bill that cannot be "whistled down the wind," but the more it is considered the better the Senate will think of the measure. My proposition is not, as the Senator assumes, to have ships so purchased run by foreigners, owned by foreigners, officered by foreigners, but to be used under all the limitations of our navigation laws, which require every officer to be a citizen of the United States. I only seek to allow the men of this country who do our carrying trade to buy their ships as they buy their wagons and everything else they use, where they can buy them cheapest, so that we can compete success-

fully with the citizens of other nations for the great ocean-carrying trade of the world.

The Senator from Maine says that I seek to pull down the American flag when I advocate that policy. That is not true. It is because the American flag is now trailing in the dust, and because, as he says, that on a cruise of three years a ship-of-war of the United States failed to see the American flag except at her own masthead, when after years and years of sad and disgraceful experience we have been wasting \$100,000,000 a year upon foreign nations for the use of foreign-built ships, having none of our own, enriching them and impoverishing ourselves, I seek to enable our citizens to own their own ships as all other nations of the world own theirs, buying them where they can buy them cheapest, so that they can carry on foreign trade in them as cheap as any other people. We must either do this or cease all efforts at competition. Is it more disgraceful to pay our own citizens for the use of a foreign-built ship than it is to pay foreigners for the use of it, as we are doing now.

Is the ship less an American ship because she was bought where she could be bought cheapest? Are the ships now run by the Germans and Italians less German or Italian ships because they were bought somewhere else, because these nations found that some other people build ships cheaper than they can? No. Is the coat upon the back of the Senator from Maine less an American coat because it was made in Paris, as I have no doubt it was? No. The ships once bought would belong to our own people, under the bill I introduced, and every dollar that they earned would be owned by American citizens, spent at home, and used at home instead of going to build up foreign nations, as is now doing by obstinately refusing to allow our citizens to buy while we are unable to build the ships we are compelled to use.

The confession is made and mourned over by the Senator that our commerce is gone; that we are getting worse and worse off every year; and the confession is also made that the war had less to do with it than was generally supposed. The official record shows that there were but seven steam iron vessels built in the United States during the fiscal year ending June 30, 1877, and the total tonnage of those seven vessels thus built scarcely exceeded the tonnage of one White Star steamer, being under 6,000 tons. That is our condition. A more deplorable one could hardly be imagined. I am glad even the Senator from Maine realizes it. That has been substantially our condition for years past. We are, I admit, going on from bad to worse. Out of all the great ships that leave the port of New York for all nations beyond the Atlantic not one carries the American flag. Must not something be done? What causes this? If we can build ships, why do we not build them? All agree that we do not build, cannot build, and yet must use them. It is because everything is protected by an infamous protective tariff to such an extent that whatever goes into a ship, from the first nail that is driven to the bunting at her masthead, makes her cost a third more than if built anywhere else in the world.

Mr. BLAINE. The Senator must be aware that everything going into a ship can be imported free, and, with all the variety of things that are used coming in free, with that privilege, the ship-builders have not asked for a hundred thousand dollars' worth a year. They find it more profitable and more advantageous to use American material.

Mr. BECK. The fact remains that with all those privileges we have built less than six thousand tons of iron steamships in the last year, and iron steamships alone can compete for European trade. The delusion, I was about to say the fraud, of the suggestion just made is this: the ship built out of materials on which the drawback is allowed must be used in foreign trade forever; she never can enter the coastwise trade of the United States; that is left as a monopoly for the ships of Maine and New England. Our people cannot afford to build a ship upon such terms, because her life as a foreign steamer will perhaps be five years, while her life as a steamer for all purposes would be twenty years, and the very moment she ceases to live as a foreign steamer she cannot run as a coastwise steamer, nor can she enter into competition with the ships that are run by the monopoly granted by Congress to the States along the New England coast. Hence the privilege of allowing free material has never been worth anything; that fact is proven, because none are built, although we need them so badly. The necessity for their existence is so great that the Senator from Maine is appealing now to Senators to put their hands into the Treasury and impose further burdens of taxation upon the people to subsidize every line everywhere, and help to build ships for everybody, because they cannot build them without subsidy. I should like to know where the money for all these subsidies is to come from. I should like to know where new burdens of taxation can be imposed, for subsidy means taxation and nothing else. Can you increase your protective tariff and obtain more revenue? No man will dare to say so. Can you add more taxation by internal revenue? On what? You may put it upon the incomes of the rich. I think you will find in the pension bill which you passed the other day (the amount appropriated was called twenty millions, but it will turn out to be a hundred millions, to be expended in paying back pensions) that 5 per cent. upon all the incomes of this country will hardly pay the additional pensions you have provided for. At what point or in what way is the Senator from Maine going to get in the pockets of the great impoverished mass of the people to obtain subsidies? He will not allow

us to buy our ships where we can buy them cheapest. He will not allow us to do what every other nation on the face of the earth is doing, and none of them, so far as I ever heard, feel any degradation by having bought their ships any more than they would if they had bought their horses or wagons or anything else abroad. They are delighted at our folly in giving up our great trade to them because we are too patriotic to do our own work in foreign-built ships.

No, it is our restrictive policy which has prevented us from having ships on the ocean. True, the distinguished gentleman alluded to by the Senator as from my State, who occupied a far more illustrious position than I or perhaps even the Senator from Maine does on this floor, favored in his early days the protective policy. There may have been some sense in it then. All other nations maintained it, and it may be that it was a proper thing for us then to do. Now times are changed. We are no longer a feeble nation struggling into existence. We will never be again invaded by a foreign foe. England in the days of Cromwell maintained prohibitory navigation laws, and, as the Senator from Maine said, in 1817 refused to repeal them, and suffered for her folly as we are doing now. Her commerce never increased and her ships never increased until 1849, when she did repeal her restrictive navigation laws; she even repealed her coastwise trade monopoly, going further than I propose, and did buy ships from America and did carry on her traffic in American ships from 1849 on. We sold ships to foreign nations up to and during the year 1860. We had in that year a profit of \$23,000,000 in the carrying trade of the country, much of it by selling ships to England. England never thought she had pulled down her flag and trailed it in the dust when she bought our ships and waved her flag from their mastheads. She bought them, as I said, from 1849 up to 1860, when we were her principal competitor, and when our tonnage was almost as great as hers and was as great as that of all the other nations of the earth combined. She bought them; she manned them with her own officers and sailors, just as I propose we shall do now; she pocketed the profits they made, because she could buy them cheaper from us than she could build them, and her commerce grew and doubled and quadrupled while she was doing so.

There is no romance or foolish sentiment about business. England understands that. The illustration drawn by the Senator from Maine as to the action of England therefore not only falls to the ground but shows the fallacy of his argument, as during the most profitable years of England's commerce we were furnishing England with ships. Now, when it is shown that we have no carrying trade, and have no ships, and do not, and of course cannot build them, and cannot impose additional taxes upon our people without breaking down all their interests, neither by internal revenue nor by direct or indirect taxes, we are told that we must furnish more subsidies. Give! give! give! is the patriotic cry. Who is to give? Who can afford to give? Why should we give? when we are taxed to death already, when we can buy all the ships we need in open market for less than we could after all the taxation sought for as subsidies is imposed.

Mr. President, what I seek to do is not to trail the American flag in the dust; it is to make the American flag supreme on every sea. I would wipe out all the protective tariff restriction upon trade and commerce, all restrictions upon buying ships or anything else that were obstacles in our way, and let our people do what every other people are now doing, sell where they can sell highest and buy what they need where they can buy cheapest. Until that is done substantially we will have no prosperity in this country, and every donation you make, every subsidy you give is simply a tax upon the labor of the country and an oppression upon the great industries of the people. You cannot subsidize lines of ships anywhere without creating a monopoly. You destroy free trade and fair competition, because the subsidized corporations relying on their subsidy will drive from the ocean their unsubsidized competitors. You cannot protect American labor in the present state of the law. You protect American machinery by tariffs and by patents as the Senator from New Hampshire [Mr. WADLEIGH] is now struggling by his patent bill to do, so as to compete on equal terms with the best machinery in the world. For that reason we pay to encourage inventors. He perhaps properly insists that inventors should be protected so that we may be equal to any country by increasing the power of machinery to create products cheaply. But who or what law protects labor? The Senator from Maine and all who are in favor of high protection will take a Chinaman or a man from any other part of the world, and employ him to run that machinery, and turn off the American native-born laborer if the Chinaman or other foreigner will do the same work for one cent a day less than the American laborer demands. All the paupers on earth compete in American workshops on equal terms with the American laborer. There is no tariff for him, but there is a tariff piled mountain high upon everything that he eats, drinks, wears, tastes, or touches. That is the protection that the Senator from Maine and those who think with him are now clamoring for. Protection for machinery which belongs to the rich; free trade in labor from the Chinese up; with enormous taxes on property to protect wealth.

The Senator from Maine said in answer to the Senator from Connecticut that Paul Jones had a right to seize a ship wherever he could and fight an enemy with it. We are fighting a great commercial enemy now. We are in a fight where our existence as a great commercial nation is at stake. Being in a contest with England, France,

and Germany, I would, as Paul Jones did, seize the necessary ships wherever we can get them on the best terms, and run them to the best advantage to break down our opponents in that competition. There are other wars besides battles where blood is shed. The life-blood of the nation is being drawn from us because we do not use the means at our command nor allow our people to go into a fair competition with other people, and this is done merely for the benefit of a few men in one corner of the country. The coastwise trade is an enormous monopoly to-day. That I do not seek to interfere with.

Mr. BLAINE. If the Senator will allow me, why does he not seek to interfere with it?

Mr. BECK. Because I am willing to give you that much to keep you quiet if I can. If I can only maintain the great ocean carrying trade I am willing to pay that tribute, great as it is, for we pay tribute to everything in that corner of the Union. We paid five millions and a half the other day for their fisheries.

Mr. BLAINE. You did not pay it at my request.

Mr. BECK. I beg pardon, we paid it for the benefit of your people.

Mr. BLAINE. You did not pay it at the instigation especially of New Englanders. Do not charge that to us.

Mr. BECK. If the fisheries were protecting are not for the benefit of New England, I do not know for whose benefit they are. They are not for the benefit of the balance of the country. I suppose the eight or nine millions now being scrambled over from the Geneva award, is to go in the same way. One hundred per cent. has been levied on the salt of the western farmer and given gratis to the fishermen to encourage that corner. The coastwise trade must be maintained, I suppose, for the same purpose, so that if a foreign ship, or a ship built here, even with the privileges the Senator from Maine speaks of, should undertake to carry cotton from New Orleans to New York for a dollar a bale, and a ship from Maine demanded \$5, the man who owns the cotton is compelled to pay the ship from Maine \$5, because under the navigation law no ship built in a foreign country can load in one port of the United States and land its cargo in another. All these monopolies will have to be endured a while longer. We will be fortunate if we can only reach the great markets of the world. The Senator may as well understand that the men of the West and of the South and of the great producing regions, insist that they have paid tribute to New England long enough, and if they can buy ships anywhere else cheaper, they insist that they have a right to do so, and that Congress in the present condition of the world is not treating them justly if it prevents it.

Something was said about the balance of trade. My friend [Senator DAVIS, of West Virginia] suggested, how about internal revenue? I turned to the finance report this morning, and I find that the State of Kentucky paid \$9,800,000 of revenue last year. The State of Maine paid \$79,000, less than $\frac{1}{8}$ of 1 per cent. of what Kentucky paid. But Kentucky wants nothing except fair play and a free contest with other people, free ships, free trade, free everything, so that we can sell what we produce and buy what we need without being taxed to death for the benefit of a few.

The Senator from Maine boasts of our present balance of trade. I have heard that before. The President of the United States at Saint Paul last summer boasted that we were on the highway to prosperity because of the balance of trade in our favor; that seems to be the hobby now. The Senator from Maine says that the balance of trade is all that now saves us from being poor. I have thought upon that subject and beg the attention of the Senate for a little while in regard to it, as I differ widely from the Senator from Maine and the statesmen of his school.

I appreciate fully the importance of having an honest balance of trade in favor of the people of the United States in their dealings with the people of other countries. I understand that a man or a nation whose expenditures exceed his or its income from production will in time become bankrupt; and I have steadily advocated all measures that tend to enable us to keep our means at home instead of enriching foreign nations. To that end I want our own people to own the ships which carry our commerce on the high seas, so that the \$100,000,000 now paid to foreign nations annually for freights and passage money may be owned and spent at home. I desire to see all our bonds in the hands of our own people, so that the interest on our national debt, like that of England and France, may be retained and spent here instead of abroad. Still I insist that the men who trade and who own the bonds shall have the benefit of the profits, subject only to the portion they ought to contribute to the support of the Government which protects them and their property.

The present balance of trade in our favor about which we hear so much, which is heralded in high places so ostentatiously as conclusive evidence of returning prosperity, is a forced and fictitious balance under our present unjust, oppressive, and, I might say, iniquitous protective tariff. If we were allowed to sell what we produce where we could sell it highest, and buy what we need where we could buy it cheapest, and retain the present balance of trade under these conditions in our favor, each citizen obtaining the benefit of his transactions abroad, we would be on the highway to prosperity; but when the balance of trade is in our favor as it is now simply because our people are prohibited by law from buying what they need and must have where they can buy it cheapest, and are forced to pay at home to those protected by the tariff monopoly more than the people of any other country have to pay for like articles, the balance of trade

thus coerced is a delusion and a fraud, injurious alike to the Government and the people. It only requires another step to be taken so as to make the highly protective tariff absolutely prohibitory, and not only the balance but all the foreign trade of the country will be in our favor. If that result could only be produced, the statesmen of New England would be able to congratulate the country on the perfection of a system where trade was all profit and no loss. Their claim would be: exports, \$700,000,000; imports, nothing; America the richest country in the world—which means that a few men along the eastern seaboard who have been invested by law with power to compel forty-six millions of people to pay them any price they see fit to demand for all that their machinery can produce, which the mass of the people must have, have become the peers in wealth of the Rothschilds or the Marquis of Westminster, while the producers and consumers alike outside of the charmed circle have become paupers and serfs.

Perhaps I can make my idea of the working of the present balance of trade clearer by illustration than by argument. Assume that a Louisville or Cincinnati merchant or large western farmer ships a cargo of wheat to Liverpool; it is worth in that market \$100,000; he meets there a ship from some port on the Mediterranean with which England has free trade laden with a cargo precisely similar to his own; he must sell in sharp competition with the European. No American tariff helps him there. The Englishman puts his hand into the bags of each and finding them alike pays the same price for each. The European pauper gets as much as the highly protected American, indeed has a decided preference over him. Why? Because he is willing to take in exchange for his wheat what the Englishman has to sell, and the American cannot. All trade is barter. People must sell in order to be able to buy. Both owners of the cargoes of wheat need and must have equal supplies to carry on their operations for another year; each needs machinery, clothing, and other things, and each is offered all he wants for \$60,000. The European buys or takes in exchange sixty thousand dollars' worth of English products, loads his ship, and returns home to prepare for competition with the American in the Liverpool wheat market next year; and, mark you, he brings his wheat and takes back his supplies in his own or his country's ship, and has the profits both ways to spend at home, while the American has to pay freights to a foreign ship at such rates as combinations of foreign ship-owners may demand, as neither he nor his countrymen can afford to build and are not permitted to buy ships to carry their produce to foreign markets. I said the American could not buy in Liverpool what he needed, though anxious to do so, at \$60,000. Why? Because he would have to pay \$40,000 more at the New York custom-house before he could land his goods in his own country. He could buy the same goods in New England for \$90,000, as the protected American manufacturer takes care to fix the price of his products lower than the foreign price with the tariff tax added. What is the result. The ship that carried the wheat of the American returned back empty so far as he was concerned. The Government of the United States received no revenue; that is, the people of the United States received no relief from taxation. The owner of the cargo of wheat had to pay \$30,000 more for the supplies he needed than his European competitor and had to enter into competition with him in the production of another year's crop for the same market with an outlay of \$90,000 against an outlay of \$60,000 by his so-called pauper competitor. Nobody is benefited but the tariff-protected monopolist, and he does not pay one cent more to support the Government because of the gains he has made by the monopoly Congress has given him than his coachman does. Indeed, he may invest his profits in United States bonds and escape all taxation, Federal, State, and municipal.

That is a plain illustration of the present system; each transaction is just like it. It must not be forgotten that seven-eighths of our exports are agricultural products which must be sent abroad and sold at whatever price they will bring. Our capacity for production is so great and our surplus is so large that it is impossible to consume it at home or retain it for higher prices; and, when ready for market, fat cattle, hogs, grain, cotton, tobacco, provisions, &c., cannot be held for a higher price, nor can the producer of them change his business to suit the markets. He must produce and sell or his farm goes to waste, and the foreign price regulates the price in the home market, as dealers in cotton, wheat, tobacco, and other staples well know. It is equally obvious that all freights, commissions, insurance, interest, and other charges, as well as intermediate profits, are deducted from the foreign market prices when the producer sells, so that each item of charge comes out of him, and he is the real competitor with the European pauper, without protection or the possibility of protection under our tariff laws; so that he is robbed both ways by the increased cost of production and the still greater increase of cost of all he consumes, while the men who get all the profits pay nothing out of their wealth thus obtained to relieve him from the burdens of Government taxation. Yet the mass of the people are persuaded to applaud the statesmanship which produces these results. In the case I have used as an illustration the custom-house books are produced with ostentatious parade, and make the following exhibit: "United States of America export from Louisville wheat of the value of \$100,000 to Liverpool; import nothing; United States \$100,000 richer by the transaction"—a glittering falsehood. The facts are, the United States have not received one cent, nor has the tax-payer been relieved from any burden. Foreign ships and commission merchants have pocketed

the profits of transportation. The American owner of the wheat has had to compete at disadvantage with his European pauper competitor, and has been compelled by Congress to pay for the supplies necessary to carry on next year's business \$30,000 more than they were worth in open market—\$30,000 more than his European rival paid for the same things. Nobody has made anything but the protected monopolist in the eastern corner of the Union, who pays nothing for his privileges, has ostensibly nothing to do with the transaction, but is made by congressional tariff laws a secret partner who absorbs all the profits.

Bastiat, a very clever Frenchman, put two pertinent questions to the French ministry some years ago when they were talking the same nonsense about the balance of trade under protection that our republican managers are now. He said in substance that he had a friend, a merchant in Paris, France, who shipped to New Orleans, Louisiana, \$200,000 worth of French manufactured goods and sold them there for \$250,000, after paying all expenses of the ventures. He invested the \$250,000 in American cotton as a return cargo and sold it in Paris, after paying expenses, so as to net him \$300,000. The French custom-house books showed: France exports \$200,000; imports \$300,000; France \$100,000 poorer by the balance of trade against her. But the Paris merchant had the \$100,000 in his pocket and was richer by that amount than he was before the custom-house books impoverished his country to the extent of his profits. That was the first conundrum, which so far as I know the ministry never answered. The second was: The Paris merchant, encouraged by his success, invested the \$300,000 in another cargo of French manufactured goods and started them to New Orleans. Unfortunately for him the ship and cargo were lost in a storm in the English Channel. The French custom-house books made the following entry of the transaction: France exports \$300,000; imports nothing; France \$300,000 richer. But the Paris merchant was a bankrupt. That is a fair illustration of the nonsense of our statistics as to the present balance of trade in our favor, which is so much lauded by our political savans.

I might elaborate this view more fully, but I have consumed much more time than I intended. One word only on another subject: I agree with the Senator from Maine that all the money that has been expended and the lands given for our great railways, as to which the Senator spoke so well, has been thrown away, so far as the country is concerned, as long as the present condition of things exists. You may extend the Southern Pacific to San Diego and the Northern Pacific to Portland, and you may pay all the bonds issued to the Central and Union Pacific, and do no public good. The people of this country expected when those roads were built that they would have a right to reach by the Pacific Ocean and by those roads the eastern world, and have the products of China, Japan, Australia, and the east brought back to them cheaper than they could raise them at home, and in return send our products to them; but you have by your navigation laws and your high protective tariff absolutely excluded the people of this country from the benefit of all that great commerce almost as effectually as if the Pacific Ocean were a sea of fire instead of being, as it should be, a great free highway for all the nations of the earth.

As long as we have such protection and such tariff laws our manufacturers are compelled to sell only to our own people and cannot reach anybody else. We cannot go upon the high seas, either to South America or to any of the great nations whose trade actually belongs to us, and sell our products to them, for we are not permitted to buy what they have and bring it home to start our own manufactories and keep them at work. Our mechanics, our laborers, and everybody else suffer because of this restrictive tariff. We must learn to work for small profits as other people do, and deal freely with all the nations of the earth, giving them what we have and taking in return what they have. That done, we will be what the Senator from Maine says we ought to be, and what I agree we ought to be, the greatest power in the world. It is to attain that position, it is in order to have our flag at the masthead of our own ships everywhere, with our people owning and running them, spending their profits at home, that I desire our people to be allowed to buy ships, as we cannot build them. That conclusion is irresistible from the fact that for twelve years, ever since the war, we have been growing worse and worse and losing year by year more and more, and as we cannot afford to be taxed any more for subsidies, and ought not to pay such tribute if we could, I desire to do the only practical thing that remains to be done, what all other people do, buy ships where we can buy them to the best advantage, take our products in them to the market where we can get the most for them, load them abroad with what we need, and land them here, subject only to such taxation as is necessary to support the Government. That done, we can manufacture cheaply and compete sharply with other nations; that alone can make us what we ought to be, a prosperous commercial people.

I beg pardon of the Senate for this rambling sort of argument. I had no idea of speaking this morning. I have been thinking about these questions, of course, and have been hoping they would come up at some time. I had no idea that they would on an appropriation bill, but I could not, after what was said, especially as to my motives in introducing the bill referred to, allow the argument of the Senator from Maine to pass without saying something.

Mr. BLAINE. Mr. President, I am sorry my friend from Kentucky was surprised into an *ex tempore* speech from a manuscript, but he has

gone off and carried the discussion into the regions of the tariff. I think, Mr. President, one of the happy things that comes out of the distress of England, if any happy thing could come out of a misery so deep and so profound as afflicts that kingdom, is that it gives a crushing answer to what I may call the free-trade rhodomontade of the Senator from Kentucky. England exists under every condition that he points out as desirable for us. She has been there for thirty years. She has carried the same notions about the balance of trade that the Senator from Kentucky has done. There is not the same amount of territory on God's green earth to-day that is suffering so terribly and apparently so incurably as England—real suffering, suffering such as we know nothing of in this country. There are very few people in the United States, even in the pressing stringency of the last five years, that have starved. Is there one? Does any man know of one human being that has been reduced to death by starvation? If the accounts that come to us from free-trade England, which the Senator from Kentucky so lauds, be true, there are thousands of the artisans of Great Britain staring starvation in the face, or having starvation stare them in the face. I point to the Senator from Kentucky as a more conclusive answer than I can give to him, this crushing reply to all his theories about the balance of trade and absolute free-trade in this country.

More than that, Mr. President. The Senator gave us a fancy sketch about a wheat merchant that found himself in an English market with 100,000 bushels of wheat competing with a wheat importer from some part of Europe, and showing how remorselessly the wheat-grower of this country was ground down in that competition. If the Senator from Kentucky means anything by his argument, if he is willing to follow it to its logical sequence at all and face its results manfully, he means that if all the people of this country would drop mechanical pursuits, which have been built up under the protective policy and turn wheat-growers, that would be an immense advantage to the western wheat-grower to-day. He says we have stimulated the production in this country of mechanical products by protective tariffs. Then, have we not stimulated also an immense production of agricultural products? and I repeat if the Senator follows his argument to its legitimate conclusion, it is that the millions in this country who are engaged in mechanical pursuits should be turned into followers of agricultural pursuits, and if that were so, I should like his one-hundred-thousand-bushel wheat or grain merchant to appear in London or Liverpool with his cargo, and have it competed with, not from simply the cargoes of Europe, but from an overwhelming over-production at home.

Now I drop the general points and come directly to the amendments. Shall I understand the Senator from Kentucky to object to these amendments?

Mr. BECK. I said I thought they were not germane to the bill.

Mr. BLAINE. I admit that. I admit that a single objection under the rules can keep them out; but the Senator from Kentucky must not base his position on that ground, because there is not an appropriation bill scarcely of the last two years that has not contained very radical legislation from the House, and the Senator from Kentucky, in my judgment, speaking now from memory, has supported in every instance the legislation that has come up from the House. Therefore the Senator cannot take refuge in the fact that he objects to legislation on appropriation bills.

Mr. BECK. I only desire to say to the Senator from Maine—

Mr. BLAINE. I did not yield the floor, but I am ready to hear the Senator.

Mr. BECK. I thought the Senator asked for an answer.

THE PRESIDING OFFICER, (Mr. HOAR in the chair.) The Chair understood the Senator from Maine had yielded temporarily to the Senator from Kentucky.

Mr. BLAINE. Certainly.

Mr. BECK. The Senator from Maine said I could not with propriety make any objection because the amendments were not germane to the bill, I having at other times supported things that were not germane. I will say now that the Senator from Vermont [Mr. EDMUNDS] objected to one amendment because it was new legislation, and I objected to the other, and I think both objections are good.

Mr. EDMUNDS. I objected to both of them in the lump; to the first one the moment it was read lest I should lose my point of order by allowing it to be read.

Mr. BECK. That relieves me. The appropriation bills are loaded frequently with so much outside legislation that it is very hard to manage them or to get fair legislation. I know that, and desire now to say as to both propositions the Senator has made that if he will introduce them or report them from a committee they shall receive my support at once.

Mr. BLAINE. What I mean to say is, that while the Senator from Kentucky reserves his objection to legislation here, he has uniformly supported independent legislation that came from the House on these bills, and that leads me to say that the present attitude of the two Houses in that regard is wholly to the disadvantage of the Senate. The Senate by its new rules has absolutely and peremptorily restricted its own discretion, and the House has vastly enlarged its discretion, and I am at liberty to speak of that because it is a joint matter. Now, I maintain that either legislation on the appropriation bills should be a matter of joint rule, so that each branch shall know what

the power of the other is, or we should not sit here and be spoon-fed by the House with whatever it chooses to administer to us, without any power whatsoever to regulate ourselves or do as we might wish to.

What I offer in regard to the Naval Academy is just what the Senator from Kentucky supported himself last year in regard to West Point. I want that read now, the first amendment in regard to the naval cadets. It was supported last year unanimously by the Senate, including the Senator from Vermont.

Mr. EDMUNDS. The Senator is mistaken as to me.

The PRESIDING OFFICER. The Chair understands that the attitude of this matter is that the pending question is on the amendment of the Senator from Massachusetts, [Mr. DAWES.]

Mr. BLAINE. That was withdrawn.

The PRESIDING OFFICER. The amendment referred to by the Senator from Maine, the Chair understands he has merely given notice of.

Mr. BLAINE. The amendment of the Senator from Massachusetts was withdrawn until mine should be disposed of. I merely want it read now.

The PRESIDING OFFICER. The Chair understands the Senator from Maine has given notice of his purpose to offer an amendment.

Mr. BLAINE. Now I desire the first one read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The amendment is to insert:

That from and after July 1, 1883, only such number of the graduates of the United States Naval Academy in any one year shall be entitled to appointment as midshipmen in the Navy as are required to fill vacancies of that grade existing on the 1st day of July in each year, those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class. And if the number of midshipmen shall not have been previously fixed and limited by law, it shall be the duty of the Secretary to so fix and limit it on or before July 1, 1883.

Mr. BLAINE. That, Mr. President, is literally a copy, *mutatis mutandis*, of the amendment which was adopted last year for the Military Academy at West Point; and I think I am correct in saying that as a Senator consents to that which he does not object to, the Senator from Vermont was consenting, and sat in his seat and let it go without protest or disclaimer.

Mr. EDMUNDS. The Senator is greatly mistaken both in his premises and his conclusions.

Mr. BLAINE. In what respect?

Mr. EDMUNDS. I will tell you presently.

Mr. BLAINE. I will wait now to hear.

Mr. EDMUNDS. Keep on waiting, then.

Mr. BLAINE. I repeat that if the Senator made any objections to this when it was reported back from the Committee on Appropriations it has escaped my memory. I repeat also that, I will not say every one, but a very large majority of the appropriation bills of the past two years have had legislation upon them from the House, which the Senate has concurred in; and when the Senator from Kentucky offers to support an independent bill of that kind, he knows very well, and quite as well as I know, that the chances of an independent bill of that kind going through are as one against a hundred; that the only way to make it at this stage of the session an effective piece of legislation, is to treat it as I propose to treat it here.

The other has nothing in the world in it but a *projet* for some form of reduction of the expenses of the Navy; and when the honorable Senator from Kentucky asks me where I will find the money to do something for the encouragement of the American commercial marine, I point him to those two amendments. If he will give to that the amount which will be saved by those two amendments, I will guarantee him results far greater than he promises us by following the free-trade theories, which leave England to-day in deep and widespread distress.

Mr. BECK. I hope the Senator from Maine is not of opinion that the repeal of the corn law, so that the English people could buy our bread cheap, makes them now in a starving condition. Many of them may be starving, but their condition would have been much worse but for that repeal.

Mr. BLAINE. I am not going into that. I only point out to the Senator that the German Empire, which is free-trade, and the British Empire, which is free-trade, are not as prosperous nations to-day by an incalculable distance as the French Republic and the United States, which are protective countries, and the Senator may theorize to the end of time; I give him two large facts to chew upon and contemplate.

Mr. EDMUNDS. Mr. President, I merely wish to say in reply to my honorable friend from Maine, that he entirely misapprehends the attitude that I have occupied in relation to legislative amendments upon appropriation bills. I think for more than ten years—I will not state the exact number because I do not study up my own record of actions as people do who are more justly prominent in affairs and who have larger expectations—I think for the last ten years, while the party to which I belong was in a large majority in both Houses, the Journals of the Senate and the records of debates will show that, in season and out of season, I have resisted legislation upon appropriation bills that did not relate specifically to the moneys expended.

In saying that, lest it be found like other very virtuous people that I have had an occasional slip in my behavior, I will add that it may be possible that in some time of emergency I may have been tempted by myself or by some unnameable persons into supporting some amend-

ments on appropriation bills on the theory that they related directly to the expenditure of the moneys appropriated, that on sober reflection may hardly stand fire. There may be some occasions of that kind.

Mr. BLAINE. Where you proposed them yourself?

Mr. EDMUNDS. Very likely. I do not profess to be much more virtuous than other people.

Mr. BLAINE. I thought as the Senator was making a confession he had better include all his sins in that regard.

Mr. EDMUNDS. Oh, no, Mr. President; there would not be time for that. [Laughter.] There would not be time to include all my sins. If we are to make a confession that can be terminated in a day and include very few sins, I must wait for the Senator from Maine to make it. [Laughter.]

But, Mr. President, apart from all questions of personal consistency, and which are of the smallest concern to me whatever they may be to other people, and I respectfully submit of very slight weight as an argument to the calm judgment of this body, is not the principle of the rule of the Senate against loading bills for the mere appropriation of money to carry out existing laws with all sorts of legislation, because it must be all sorts if you have any, according to the views of various gentlemen who have it to move, a sound principle? Nobody can say no to that; nobody has said no.

The Senator from Maine says this puts the Senate at a disadvantage in respect to the House of Representatives. I do not see it; and if it did it would merely be a disadvantage in not being able to perpetrate so much mischief as the House of Representatives may be able to perpetrate. But it is competent for the Senate of the United States, if it believes in the propriety of this principle, to reject every clause in an appropriation bill from the House of Representatives that contains independent and general legislation, and to stick to that rejection, and to say to the House of Representatives, as we have often done, and with success, "You propose to appropriate money to carry on this Government; you propose to add to that a provision changing the laws; we are not able to see that the laws ought to be changed in that respect or on this bill; you therefore must take the responsibility of saying that you will not carry on the Government at all by appropriations of money under existing law unless a co-ordinate branch of the national legislature will assent to your views about importing into that bill new provisions of law;" and every time the House of Representatives in public opinion, which affects that body more suddenly than it does this, will go down. There is, therefore, no disadvantage in the just sense, and there is every advantage I believe for public interest, for purity in legislation, for consideration in legislation that changes your organic law, in sticking rigorously and with fidelity to this rule of the Senate, which prohibits us from going into amendments of this kind.

That is all I wish to say, Mr. President. I did not get up to defend my own consistency in the past if it needs defense, but only to invite every Senator to consider how much better it is to pass our appropriation bills as appropriation bills and nothing else, and to pass our other laws in the ordinary way as these propositions might have been passed, if they should turn out to be good measures, if the Senator from Maine had exercised his right on the first Monday in December to have introduced them as a bill, had them considered and reported by a committee, and taken the judgment of the Senate upon them.

I insist upon the point of order, Mr. President.

Mr. BLAINE. Mr. President, it would be all very well if the practice were such as the Senator from Vermont intimates.

Mr. EDMUNDS. Let us make it so.

Mr. BLAINE. But it is entirely to the contrary. If the Senate will adopt a rule as rigid as the practice of the House is in another particular, then it will be effective. If the Senate infringes in the slightest degree upon what the House regards its constitutional right to originate bills of revenue, forthwith the bill comes back here and we have to sit and contemplate on the folly of sending it down.

Now, if we will pass a rule here saying peremptorily and without exception that an appropriation bill that comes here from the House with any legislation upon it shall immediately be returned to the House, that will be effective; but, as a matter of fact, the Senator from Vermont knows as well as I do that such is not the practice. Nearly every bill comes up here laden with legislation, some of it probably known to Senators, some of it probably put on at the request of Senators down there. I have known such cases, not in this Senate, of course, but in the earlier and better and purer days of the Republic, but within the memory of men still living, even within the time the Senator from Vermont has served in the Senate. When that comes here, if objection is made to it, it goes to the Appropriation Committee, and the courtesy of the Senate does not enable us to reject it, because that is the *projet* or proposition of the House. Now, it is mere nonsense for the Senator from Vermont to say that the attitude we hold on this question is in the least degree tending to prevent legislation on appropriation bills. I undertake to say that there has not been in twenty years—and I wish the Senator from Vermont to hear me on that point—

Mr. EDMUNDS. I am hearing you all the time.

Mr. BLAINE. I undertake to say that in twenty years there has not been as much legislation on appropriation bills as has been put upon them since this rigid rule of the Senate, because the House has it all its own way.

Mr. EDMUNDS. The Senator is mistaken about that.

Mr. BLAINE. The House can propose; we can assent; and uniformly propositions have come from the House, legislative propositions on appropriation bills, uniformly so far as my observation goes—probably the Senator from Vermont is an exception, the yeas and nays will show that—but uniformly, I repeat that legislation is decided here upon the judgment of the Senate whether it is good or whether it is bad legislation, and altogether regardless of the point of order.

Now, if the Senator from Vermont means to be consistent on this matter, if he means that this shall be an actual verity in legislation, let him propose a rule—he has proposed a great many—that shall make it imperative on the part of the Senate to send back with a respectful message every appropriation bill that comes here with a legislative provision upon it. Then we shall know precisely where we stand. As it is, I repeat the Senate is entirely at a disadvantage; it can only take that legislation which the House proposes. It has destroyed all power on its own part to propose any which it may think expedient.

Mr. THURMAN. Mr. President, I do not see the chairman of the Committee on Appropriations in his seat.

Mr. WINDOM. He is here.

Mr. THURMAN. If he wishes a vote on this bill I will withhold the motion I propose to make.

Mr. WINDOM. Nothing would gratify the chairman of the Committee on Appropriations more. I think the discussion has closed and I have no doubt we can take the vote at once.

Mr. BLAINE. I have no more to say.

Mr. THURMAN. If the chairman asks for a vote now I shall not make the motion I rose to make.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Massachusetts, [Mr. DAWES.]

Mr. EDMUNDS. I merely wish to say in answer to the Senator from Maine, and then I shall have done with this matter, that he does in my opinion injustice to the Senate when he says that every question of order is determined according to the opinion of individual Senators as to whether the thing proposed would be a right thing or not if it were not hampered with the question of order. That appears to me to be equivalent to saying that the minds of Senators are so incapable of performing their duties under the rule that they allow the prejudice of their wishes about a particular measure to lead them to violate the plain rule of the Senate. I have not such a poor opinion of Senators as to lead me to think that is a correct statement of the votes of Senators.

Mr. BLAINE. Then will the Senator from Vermont permit me to ask him how an exactly similar provision to that which he makes the point of order on was put last year on the West Point appropriation bill?

Mr. EDMUNDS. I cannot tell because I do not remember anything about it.

Mr. BLAINE. The Senator did remember enough about it to deny that he had voted for it.

Mr. EDMUNDS. That I think was safe enough. I could speak for myself. I could deny.

Mr. BLAINE. That requires a good deal of memory.

Mr. EDMUNDS. Not much, not half as much as the Senator from Maine has. The Senator from Vermont has several other things to do besides watching every clause in an appropriation bill. Perhaps he is wrong in doing the other things; I am not going into that question.

Mr. BLAINE. I did not know anything occurred in the Senate that the Senator from Vermont did not watch.

Mr. EDMUNDS. The Senator is mistaken about that. I do not even watch the Senator from Maine, because I know it is perfectly safe to let him run wild. [Laughter.] Whether in a particular instance there may be a clause in an appropriation bill as the one to which the Senator from Maine refers, as to the method of administration or whatever it may be, that goes through without objection by unanimous consent or when Senators are doing something else in committee-room or elsewhere, I do not care.

Mr. BLAINE. Does the Senator from Vermont have any recollection of the following provision on last year's Army bill:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise—

And the section running on?

Mr. EDMUNDS. I have a very strong recollection of that.

Mr. BLAINE. Does the Senator from Vermont not agree with me that that was decided on the vote in the Senate by the supposed political predilections and judgments of the Senate, and utterly regardless of the point of order?

Mr. EDMUNDS. I do not know for the simple reason that I was sick in my bed at my house when the thing was decided. That is the only answer I can give to that. The Senator must blame the providence that rules the universe—

Mr. BLAINE. The Senator was paired.

Mr. EDMUNDS. If the Senator will be good enough to hold on until I am through, it may be a benefit to him if it is not to me. If the providence that rules diseases more or less is to make a Senator responsible for not speaking to a point of order when he is sick in bed at home, then I must take the consequences of that; but the Senator

from Maine ought to remember that when the question came up while the Senator from Vermont was able to be here, he with the Senator from Maine resisted the proposition as hard as he could.

Mr. BLAINE. Yes, and the Senator from Vermont made a point of order against it and was opposed to the thing independent of the point of order.

Mr. EDMUNDS. Yes.

Mr. BLAINE. But what I wanted to call the Senator's attention to was that when the vote came—if he was not here I am sure he was paired, and if he was not paired he was guilty of great dereliction, because it only got into the law by one vote, and if he was not paired, his one vote might have saved the question—when the vote came, the Senate decided it without the slightest regard whatever to whether it was apposite and appropriate legislation. They divided upon it on the party line as they do on everything that comes up, I repeat. If the Senator from Vermont wants further illustrations of this I could detain him until the sun sets to-day and rises to-morrow; and when he tells me the Senate here will reject House propositions of independent legislation on the ground of this rule of ours I point him to the practice against such a high theory as that. The practice of the Senate is directly the reverse. The honorable Senator from Ohio I think, and all on that side which he so ably leads, stood up for this part of the Army bill last year.

Mr. THURMAN. Why, Mr. President—

Mr. EDMUNDS. Now if both these Senators will be good enough to let me go on, it would be a great satisfaction to me. I cannot say how much the Senate has been demoralized since we have had the pleasure of the presence of my friend from Maine, [laughter,] but I do say that with the exception that I stated before of occasional gusts of prejudice and of passion, the Senate has without regard to party stood up for holding on to its rules; and I say in addition to that—for it is useless to go into a discussion of how much devilry the Senate has perpetrated heretofore—the question is whether if we have been doing wrong heretofore we ought to do wrong now. That is the question.

Mr. BLAINE. No; the question is whether having—

Mr. EDMUNDS. The Senator will be good enough to wait until I am through.

Mr. BLAINE. One moment right there.

Mr. EDMUNDS. Not one single moment. [Laughter.] I know, Mr. President, how much better my speech would be if it was all made by the Senator from Maine; but the little part of it that I am making myself I would rather stand by itself so that a discriminating public may see how much better what he says is than what I say, and if it was all put in I might get the credit of the whole performance. [Laughter.]

Now, to leave joking apart, for my friend from Maine well understands that it is the farthest from my purpose to get into any dispute with him about a matter of substance—the question is, not what the Senate has done heretofore, be it right or wrong, but whether sound principles of legislation are not embodied in this rule that I invoke on this point of order. That is what the question is; and if the Senate has been in the practice through party prejudice or any other kind of prejudice or misjudgment of violating this rule, I appeal to my honorable friend with considerable confidence that if the rule is a sound one the sooner we abandon that practice the better, without regard to party lines or wishes about particular amendments. That is all there is to it. The fact that this amendment is plainly in violation of the rule I believe is not disputed by even my honorable friend from Maine, although I do not know that that particular statement is justified.

Now I will yield to everybody, for I think I have said the last thing.

Mr. THURMAN. I am not at all disposed to interfere with this family quarrel or this encounter of wits; but as the Senator from Maine saw fit, without any reason that I can see, to allude to me and to say that I was leading the democracy on this side of the Senate into a violation of the rule to which he attaches so much importance, I wish to remind him, for though he was not in the Senate then I cannot suppose that it escaped his attention, that it is not very wonderful that we should not have paid much attention to this rule after the example set by the republican majority in this body in 1871, if I am not mistaken as to the year, in putting the famous election law on to an appropriation bill—

Mr. BLAINE. Of course against the wish of the Senator from Vermont that was done.

Mr. THURMAN. I will not undertake to say, because the Senator from Vermont can speak for himself.

Mr. BLAINE. I infer that of course it was.

Mr. THURMAN. And I am not fond of personal controversy.

Mr. BLAINE. What I was going to say, without any personal controversy, was this: I had the honor of serving in the House for some years while the Senator from Vermont preceded me in the Senate, and all the members of this body who were then in the House will remember that one of the things the House was continually ready to complain of was that the Senate would load the appropriation bills with very large amendments. They persisted in doing it. The Senator from Vermont seems to intimate that he had no part or lot in that; but he qualified that by saying that he had a very bad memory, and I am afraid the files of the Congressional Globe and of the RECORD itself will show that the Senator not only voted for these, but

occasionally, to use a familiar phrase, took a large hand in framing them and in offering them.

I have here another one right on the naval appropriation bill of last year, an amendment far more radical than either one I have offered now, which was supported by the Senator. I do not think any division was made upon it, and wherever there was no division made upon it I am sure that my friend from Vermont was *particeps criminis*.

Mr. EDMUNDS. No.

Mr. BLAINE. If he was not here to object he was a consenting party, and when he did object it will be found, I think, that his strenuous points of order were most loudly and persistently enforced upon those provisions which, on the merits, he was opposed to, as in the case of the amendment to the Army bill.

Mr. WINDOM. Now, Mr. President, can we not have a vote on this bill?

Mr. DAVIS, of West Virginia. The question, I believe, is on the amendment offered by the Senator from Massachusetts, [Mr. DAWES.] The PRESIDING OFFICER. That is the pending question.

Mr. DAVIS, of West Virginia. Mr. President, in my mind there are half a dozen objections to that amendment. First, the bill, I notice, gives four or five pages of details of how the money appropriated for the Marine Corps shall be expended, a million dollars probably; and in one sweeping clause at the end it is now proposed that it shall all be at the discretion of the Secretary of the Navy. That is a radical change, and one that ought not to occur, in my judgment.

Another objection is that there has been no necessity shown for the amendment. There has been nothing coming from the Department that I know of, nothing coming from the committee that I have heard of, and in no way is the amendment intended for good as far as I know.

There is another question about it to me. I doubt very much whether it is in order if there is an objection made to it. A Senator near me asks that the amendment be read. I have no objection.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. At the end of line 567 it is proposed to add:

Provided, That if the amount appropriated for in items of the pay or quartermaster's department of the Marine Corps for the fiscal year ending June 30, 1879, shall prove insufficient for its purpose, the excess in any other item or items of the respective departments may, with the written consent of the Secretary of the Navy, be applied thereto: Provided, That the excess in the items of one department shall not be used for any insufficiency in the items of the other department, and that the total amount appropriated for the respective departments for said fiscal year shall not be exceeded.

Mr. DAVIS, of West Virginia. While I believe it is subject to objection on a point of order, I will not make the objection now, but will wait to hear from the Senator from Massachusetts whether there is an actual necessity for it.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. DAVIS, of West Virginia. I do not think the Senator from Massachusetts understood what was asked, or certainly he would not treat it the way he does.

Mr. DAWES. I am not here undertaking to interfere with the Committee on Appropriations. This proposition was before the committee, and I was informed by a member of the committee that it was agreed to by them. He requested me to offer it because he could not very well attend to it himself. I went and submitted it to the chairman of the committee and he said it was proper, and it did not occur to him just then why they had not adopted it, but he consented to my offering it, which I did at the request of a member of the committee on the other side of the Chamber. I have had some experience in regard to appropriation bills, enough to make me dislike to have members who do not understand much about them interfere with them, and I was reluctant to do this, and I did it only after having consulted with the members of the committee on both sides, and offered the amendment at the request of a member of the committee on the other side.

The apparent necessity is this: a quantity of clothing of the Marine Corps has been destroyed, burned accidentally. The officers were afraid that the item for marine clothing was not quite sufficient here, and there were other items for that corps which they said would leave a little surplus, and following precisely the same words that are in the appropriation of last year for the Army, copying them in so many words, it was suggested that if the Secretary of the Navy consented in writing to take from a single item its balance to make up a deficiency in another item, no infringement would be made upon that wise provision of appropriations that a sum appropriated for one purpose shall not be perverted to another.

Mr. EDMUNDS. Why do you put in the pay department?

Mr. DAWES. The pay department of the Marine Corps.

Mr. EDMUNDS. Why put that in?

Mr. DAWES. I did not draw it; it was drawn in the committee-room of the Committee on Appropriations, and I offered it as I have said before. I shall not stand here undertaking to make up appropriation bills against the committee; and if no member of the committee supports the amendment the Senate will, I trust, vote it down; and, although I have had some sort of experience about appropriation bills, I will not undertake to help them make their appropriation bills again.

Mr. WINDOM. The Senator will allow me a moment? I think the only object of this amendment is to save a deficiency for certain portions of the service mentioned in the amendment. There is enough money appropriated for the purposes; but there is a little balance

here and another there, and a little deficiency at some other point and it was desired to avoid a deficiency bill and to give the Department the use of this fund at once. I care nothing about it, whether it is passed or not. A deficiency bill can supply it hereafter if there be any sort of objection to putting it here.

Mr. EDMUNDS. That is the best way.

Mr. BECK. The Secretary of the Navy and some of the officers of the Marine Corps, I am not sure whether it was Major Goodloe or Colonel McCauley, handed me that paper which I handed to the chairman of the committee, who believed it could do no harm, being a very small matter. We were about to recommend it when it was lost in some way or other. The Senator from West Virginia [Mr. DAVIS] perhaps asked to look at it. If it is any departure from the rule I do not care about it, but it is an extremely small matter, some \$7,000 or \$8,000 at most. It is to make two things meet so as not to call for a deficiency.

Mr. DAVIS, of West Virginia. The offering of the amendment in the Senate to-day was the first I heard of it. Therefore there must be some mistake about its having originated in the committee-room by the committee. I have attended all the meetings of the committee. It may be a small thing or may not. Of course, if the Senator from Kentucky or any other Senator says it is, I must accept it as such; but I think a million dollars under that provision might be transferred from one object to another. I think there are about four pages of details of the appropriation of this money, and nearly a million dollars is covered probably. I take it, of course, there cannot be a transfer of anything like the full amount. If the members of the committee and the Senator from Massachusetts think it necessary, I shall withdraw all objection; but I believe that it is subject to the objection that it increases the amount, that it takes from one item and increases another, and therefore it is subject to a point of order. But as at least two members of the committee, especially the chairman and my friend from Kentucky, have said they have heard of the amendment before and believe it right, I shall withdraw all objection. But I think in principle it is wrong and ought not to be done.

Mr. DAWES. The Senator from West Virginia is no more earnest than I have been heretofore, and am still, in confining appropriations to the specific object for which they are made. If there is a million dollars surplus in one particular item in, say, the pay department or the supply department of the Marine Corps—

Mr. DAVIS, of West Virginia. The Senator knows that this involves about a million.

Mr. DAWES. For the pay and the supply departments of the Marine Corps! If there is any surplus of a million appropriated in this bill for any one of these items, the bill does not come from the committee with that care and scrutiny which I have given the committee credit for. I suppose there are a few hundred dollars (and the Senator from Kentucky, who is better posted on it than I am, so assures me) that may be taken in this way, just precisely as was done in the Army bill last year and put in under the eagle eye of the distinguished Senator from West Virginia.

I wish, however, Mr. President, to relieve the Senator from all anxiety caused by my rashly rushing into this bill of naval appropriation, and I therefore respectfully ask leave of the Senate to withdraw an amendment which I rashly proposed to offer at the suggestion of a member of the committee to relieve them of a little deficiency hereafter. If the Senate will consent I will withdraw it. I have not the slightest desire to push it. No desire on my part was inspired by the request of the committee that I should offer it rather than themselves.

Mr. DAVIS, of West Virginia. I hope the Senator has not taken offense at anything I have said.

Mr. DAWES. Certainly not.

Mr. DAVIS, of West Virginia. It was only the principle I thought was wrong; and that I now state to the Senator. I have not the least objection to him or any other Senator offering an amendment. He has a perfect right to do so. But I did state that the first I heard of it was to-day when it was offered in the Senate.

It appears to be right so far as the Senators who have looked into it are concerned. I have not examined it. I shall not insist upon objecting to it; but I now say that all future transfers of this kind I shall be particular in trying to prevent. I believe the principle a wrong one and it ought not to go out, and if it was in last year's bill it was wrongly there.

The PRESIDING OFFICER. The question is on the amendment.

Mr. EDMUNDS. I thought it was withdrawn by the Senator from Massachusetts.

The PRESIDING OFFICER. He said he would withdraw it if the Senate gave its consent.

Mr. EDMUNDS. It does not require any consent; no yeas and nays have been ordered on it.

Mr. DAWES. I insist on my right to withdraw the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his amendment.

Mr. WINDOM. Cannot the vote now be taken on the bill?

Mr. BLAINE. I hope that withdrawal will operate as a warning hereafter to all members of the Senate not to meddle with the appropriation bills.

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

The bill was read the third time, and passed.

BILL INTRODUCED.

Mr. BLAINE. I ask leave now to introduce a bill embracing the provisions I tried to get on the naval bill, and which everybody is in favor of.

By unanimous consent, leave was granted to introduce a bill (S. No. 1684) to regulate promotion in the Navy, and for other purposes; and it was read twice by its title, and referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of the resolutions I had the honor to offer in regard to the constitutional amendments.

Mr. THURMAN. I move that the Senate adjourn.

Mr. DAVIS, of Illinois. I wish to have a bill referred first.

The PRESIDING OFFICER. The Senator from Vermont moves to postpone the patent bill.

Mr. EDMUNDS. The patent bill does not come up by law. That bill was displaced yesterday by the naval bill going over as unfinished business.

The PRESIDING OFFICER. The Chair is informed otherwise at the desk, that the patent bill was laid aside temporarily.

Mr. EDMUNDS. It was laid aside yesterday temporarily, and this other bill came over as unfinished business. The patent bill therefore has lost its place.

The PRESIDING OFFICER. The patent bill is the regular order, in the opinion of the Chair.

Mr. EDMUNDS. Then I move to postpone the present and all prior orders and take up the resolutions.

The PRESIDING OFFICER. The Senator from Vermont moves to lay aside the present and all prior orders for the purpose of taking up the resolutions he has indicated.

Mr. THURMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

Mr. PADDOCK. I ask the Senator from Ohio to give way to a motion for an executive session.

Mr. THURMAN. Let us try an adjournment first.

The PRESIDING OFFICER. It is moved that the Senate do now adjourn.

The question being put, there were on a division—ayes 23, noes 20.

Mr. EDMUNDS called for the yeas and nays; and they were ordered, and the Secretary proceeded to call the roll.

Mr. MATHEWS, (when his name was called.) I am paired on this question with the Senator from Indiana, [Mr. McDONALD.]

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The roll-call was concluded.

Mr. EDMUNDS. I wish to announce that the Senator from Michigan, [Mr. CHRISTIANCY,] who is absent on account of illness, is paired on all political questions, as he tells me, with the Senator from South Carolina, [Mr. BUTLER,] Mr. TELLER, and Mr. KIRKWOOD, and Mr. CAMERON of Wisconsin are paired with certain Senators whose names I have in my desk, upon all political questions.

Mr. GARLAND, (who had voted in the affirmative.) I suppose I have voted improperly, as I am paired with the Senator from Iowa, [Mr. KIRKWOOD,] who is now absent. If this is a political question, I ask leave to withdraw my vote.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his vote.

Mr. BUTLER. I am in the same predicament. I did not suppose a question of adjournment was a political question, and therefore I voted "yea;" but if it is to be a political question, of course I withdraw my vote, as I am paired with the Senator from Michigan, [Mr. CHRISTIANCY.]

Mr. MAXEY. The Senator from California [Mr. SARGENT] and my colleague [Mr. COKE] are paired. I am requested to announce that fact.

Mr. MERRIMON. On all political questions I am paired with the Senator from Kansas, [Mr. INGALLS.] As this is treated as a political question, I shall not vote.

Several SENATORS. It is not political.

Mr. MERRIMON. I am paired with the Senator from Kansas. If the gentlemen on the other side of the Chamber think this is a political question, I feel constrained to keep my pair, but I hear one gentleman on the other side of the Chamber say that he does not regard this as a political question at all, and he has voted.

Mr. EDMUNDS. Did the Senator address himself to me?

Mr. MERRIMON. I am paired with the Senator from Kansas when any political associate of his shall request me to do it on a political question. If this is treated as a political question, I am ready to observe that pair, but I find there is a difference of opinion about that. One gentleman on the other side of the House has suggested that he does not regard it as a political question, and has voted for the motion.

Mr. EDMUNDS. I certainly cannot interfere in a question of personal pairs between the Senator from North Carolina and the Senator from Kansas; but a Senator of one party moved to take up what may be regarded as a political question; a prominent Senator of another party moved immediately to adjourn, and thereupon the parties have apparently divided pretty nearly upon equal lines. I have

nothing to advise of course on the question. Everybody must judge for himself.

Mr. MERRIMON. I believe I shall decline to vote.

Mr. HARRIS. Mr. President I should like to inquire of the Senator from Maine [Mr. BLAINE] if his colleague [Mr. HAMLIN] left with him any statement as to his pair. I remember that the senior Senator from Maine [Mr. HAMLIN] before he started for Texas asked me to pair with him upon a specific question; I am not inclined to think that anything was said about political questions; but if the Senator from Maine has left a statement, or if he understood that I was paired with him upon political questions, I shall certainly observe it.

Mr. KERNAN. Allow me to state that I have a memorandum given me by Senator BAYARD that he and the senior Senator from Maine [Mr. HAMLIN] were paired on all political questions and they both went down to Texas together.

Mr. BLAINE. I was going to say that I knew nothing whatever about it.

Mr. KERNAN. Mr. BAYARD said he was paired with some other gentleman on one particular question.

Mr. BAILEY. This question seems to take a political form, and as such I decline to vote. I am paired with the Senator from Wisconsin [Mr. CAMERON] on all political questions.

Mr. EDMUNDS. I wish to say in correspondence with the statement of the Senator from Tennessee [Mr. HARRIS] that I have been informed that Senator HAMLIN and Senator BAYARD, who have both gone together, are paired on political questions, so that the Senator from Tennessee appears to be free from it.

Mr. WITHERS. I am aware of it. I was present when the arrangement was made.

Mr. CHAFFEE, (who had voted in the negative.) I am paired with the Senator from Louisiana [Mr. EUSTIS] on political questions. It did not appear to me that a question of adjournment could be so regarded, and I voted; but as it is so regarded, I withdraw my vote.

Mr. BOOTH. As explanation seems to be in order, I will say that I have voted in favor of the motion to adjourn because I understood the motion of the Senator from Vermont would supersede the patent bill, and I consider that practical legislation. However important the resolutions may be, it is at least of equal importance, and paramount in my mind to-day.

The Secretary read the list of yeas and nays.

Mr. BAILEY. I announced a moment ago that I had paired with the Senator from Wisconsin [Mr. CAMERON] on all political questions; and as this question seemed to take a political shape, for that reason I withdrew my vote; but I notice that the Clerk has recorded it.

The PRESIDING OFFICER. The Senator's vote will be withdrawn.

The roll-call having been concluded, the result was announced—yeas 24, nays 19; as follows:

YEAS—24.		
Barnum,	Dennis,	Jones of Florida,
Beck,	Eaton,	Kernan,
Booth,	Gordon,	Lamar,
Cockrell,	Harris,	Maxey,
Davis of Illinois,	Hereford,	McCreery,
Davis of West Va.,	Hoar,	McPherson,
Morgan,		
Ransom,		
Thurman,		
Voorhees,		
Whyte,		
WITHERS.		
NAYS—19.		
Allison,	Dawes,	Kellogg,
Anthony,	Dorsey,	McMillan,
Blaine,	Edmunds,	Mitchell,
Bruce,	Ferry,	Morrill,
Burnside,	Howe,	Patterson,
Rollins,		
Saulsbury,		
Sharon,		
Windom.		
ABSENT—33.		
Armstrong,	Conkling,	Jones of Nevada,
Bailey,	Conover,	Kirkwood,
Bayard,	Eustis,	Matthews,
Butler,	Garland,	McDonald,
Cameron of Pa.,	Grover,	Merrimon,
Cameron of Wis.,	Hamlin,	Oglesby,
Chaffee,	Hill,	Paddock,
Christiancy,	Ingalls,	Plumb,
Coke,	Johnston,	Randolph,
Sargent,		
Spencer,		
Teller,		
Wadleigh,		
Wallace.		

So the motion was agreed to; and (at four o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 22, 1879.

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

The Journal of yesterday was read and approved.

CORRECTION.

Mr. FREEMAN. I desire to ask a correction of the RECORD of yesterday's proceedings. When I asked permission to record my vote upon the motion of the gentleman from Tennessee [Mr. ATKINS] to lay on the table the motion to reconsider made by the gentleman from Ohio, [Mr. GARFIELD,] I stated that if permitted to vote I would vote in the negative. In the RECORD I am represented as saying directly the contrary—that I would vote in the affirmative. I would like to have that correction made.

The SPEAKER. As some criticisms have been made in reference to the roll-call to which the gentleman from Pennsylvania [Mr. FREEMAN] refers, the Chair will state that a critical examination shows, what the Chair knew at the time, that the second roll-call which was taken did not exhibit any change in the result as appearing by the first roll-call. In the first list, down to the letter C, those members voting in the affirmative were marked in the negative, and those voting in the negative were marked in the affirmative; but the result of the vote was not changed upon the second roll-call. The Chair desires to say further, in his own behalf, that the error was discovered by reason of the caution of the Chair in sending down to the floor to have some member object to dispensing with the reading of names.

REMOVAL OF INDIAN TRIBES, ETC.

Mr. SCALES, by unanimous consent, reported from the Committee on Indian Affairs, as a substitute for a bill heretofore referred to that committee, a bill (H. R. No. 6139) authorizing the Secretary of the Interior to negotiate with the Warm Spring, Umatilla, Chippewa, Ute, and certain other tribes of Indians in the United States for the extinguishment of their title to lands now occupied by them, and for their removal to and consolidation upon certain other reservations established by law; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

CURRENCY.

Mr. STEPHENS, of Georgia, by unanimous consent, introduced a bill (H. R. No. 6140) to define and prescribe the duties of the Secretary of the Treasury in certain cases, and for other kindred purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MEMORIAL EXERCISES IN HONOR OF PROFESSOR HENRY.

Mr. STEPHENS, of Georgia. I submit a resolution upon which I ask immediate action.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the memorial exercises in honor of Professor Henry, held in the Hall of the House of Representatives on the 16th of January, 1879, be printed in the CONGRESSIONAL RECORD, and that 15,000 extra copies of the same be printed in a memorial volume, together with such articles as may be furnished by the Board of Regents of the Smithsonian Institution, 7,000 of which shall be for the use of the House of Representatives, 3,000 copies for the use of the Senate, and 5,000 copies for the use of the Smithsonian Institution.

Mr. STEPHENS, of Georgia. I ask the previous question upon the adoption of this resolution.

The SPEAKER. The Chair suggests that the resolution does not designate the proper proportion of copies as between the Senate and the House. The House ought to have four times as many as the Senate.

Mr. BURCHARD. Should not the resolution be referred to the Committee on Printing?

The SPEAKER. The Chair does not suppose that the expense contemplated in the resolution would reach \$500; but if it would, then under the law the resolution must go to the Committee on Printing.

Mr. STEPHENS, of Georgia. This is precisely similar to the resolution adopted in the case of the memorial exercises of Professor Morse.

The SPEAKER. Of course the printing in the CONGRESSIONAL RECORD is not taken into consideration in determining this question of expense. The Chair is not advised whether these 15,000 extra copies to be published in book-form would cost \$500. If they would, then, under the requirement of the law, the resolution must be referred to the Committee on Printing. The Chair is advised it would cost over \$500, and therefore it had better go to the Committee on Printing under the law. That committee has a right to report at any time.

Mr. STEPHENS, of Georgia. Let it take that reference.

The resolution was accordingly referred to the Committee on Printing.

COMPANY COOKS IN THE ARMY.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back a bill (S. No. 1242) to repeal section 1233 of the Revised Statutes; which was read a first and second time.

The bill, which was read, provides for the repeal of section 1233 of the Revised Statutes.

Mr. BRIGHT. Had not the section better be read, so that we may know what is to be repealed?

Mr. BANNING. I send up a copy of the Revised Statutes and ask the Clerk to read section 1233.

The Clerk read as follows:

Cooks shall be detailed, in turn, from the privates of each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering more than thirty men; and they shall serve on each detail ten days.

Mr. MCCOOK. Mr. Speaker, I do not wish to interpose any objection to the passage of this bill, but I think the chairman of the Military Committee ought to make some explanation so we may understand exactly what will be its effect.

Mr. BANNING. I will say in one word that the Committee on Military Affairs have agreed to this unanimously. Under the law at present, cooks have to be detailed every ten days. It has been found

this gives very bad cooks to the Army, and that in about every ten days it destroys the suit of clothes of the cook. Therefore it has been recommended by Army officers, by the General of the Army, by the Surgeon-General of the Army, by the Secretary of War, by the Military Committee of the Senate, and by the Military Committee of the House, of which the gentleman from New York is a member, that this bill be passed.

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

Mr. BANNING 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.

TRANSPORTATION OF COIN AND BULLION.

Mr. HALE, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 6141) making appropriations to enable the Secretary of the Treasury to carry out the provisions of section 254 of the Revised Statutes, and for other purposes; which was read a first and second time.

The bill, which was read, provides that to enable the Secretary of the Treasury to meet the expense of the transportation of coin and bullion \$60,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; provided this appropriation be made available on and after the passage of this act, and the charges for the transportation of gold coin from San Francisco to New York shall not exceed one quarter of 1 per cent., and for the transportation of silver 1 per cent., and for intermediate points at proportionate rates corresponding to the distance.

To meet the miscellaneous expenses of the House of Representatives, to be disbursed by the Clerk of the House, the sum of \$40,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available after the passage of the act.

Mr. HALE. Mr. Speaker, I will briefly explain the bill. It is important that it should go through now, because on one clause depend vital and critical operations of the Treasury, and upon the remaining clause depends the working of certain committees of this House now "hung up" for want of funds.

The first provision of the bill gives to the Secretary of the Treasury an appropriation for transporting gold and silver bullion from the mints and assay offices to the East, where it may be needed and paid out.

Under section 3545 of the Revised Statutes the Secretary of the Treasury is directed to keep in mints and assay offices such amount of public money or bullion as he shall judge convenient and necessary to pay depositors of bullion at said mints and assay offices the value thereof in coin or bars. By section 254 the Secretary of the Treasury is authorized in certain cases to issue certificates representing coin in the Treasury in payment of deposits of bullion. By the statute of last winter, which will be found on pages 191-2 of the acts of last session, it is declared that the provisions of section 3545 shall apply hereafter to mints and assay offices, and the Secretary of the Treasury is authorized to issue, as far as he may deem it proper and expedient in payment of deposits of bullion in mints and assay offices, certificates representing coin in the Treasury, to be issued under the provisions of section 254. So when this is done it gives to the Secretary of the Treasury the control of this bullion from the time of its deposit for coinage. Instead of being paid back, this act "authorizes," not "directs," the Secretary of the Treasury, in his discretion, to issue coin certificates, and, of course, the coin has to be transported from the mints to the eastern subtreasuries, where it will be paid out when needed.

That transportation of course is an item of expense to the Government. It is an additional item from what before occurred because of this change authorized by the act of last winter. The Secretary might undoubtedly in his discretion have disregarded this act, and instead of taking the control of this gold which had been deposited in mints and assay offices, might have left it there to be paid in coin to depositors; but if he had done that he would not have obtained the control he desired in the process of resumption of the large coinage coming in.

So, acting upon that discretionary authority given to him by the statute of last winter, the Secretary of the Treasury has issued from time to time coin certificates. Nobody will dispute his right to do that. Some question may possibly be raised as to the prudence or wisdom of that course. I have no doubt about it myself. I have no doubt that it was a wise thing to do to incur this extra expense, not large, for the purpose of giving the Secretary the control where most needed of this coin. That is the ground on which the appropriation is asked for.

Now, it will be noticed in the bill that there is a provision which limits the charges which shall be made by certain express companies for the transportation of this gold. The Secretary has found that certain express companies connected with and controlled by the Pacific Railroad Companies have been disposed to exact and have exacted high rates, more than the eastern companies have done; they have claimed the money and have received it. And it cannot be offset in the account with the Pacific Railroad Companies, because these express companies, although actually in fact controlled by the railroad companies, are technically express companies and do not come under the

provisions applicable to the accounts of the railroad companies. The Secretary has found that these companies will charge a larger sum for transporting from Ogden to Omaha than from Omaha to New York. It is provided that the aggregate rate shall not exceed two and a half mills per dollar for gold, or 1 per cent. for silver from San Francisco to New York, and proportionate rates for shorter distances along the line.

Mr. MAGINNIS. I would like to ask the gentleman from Maine whether this limitation upon the charges for transportation applies to the assay offices at Helena and Boisé as well as the others? I notice that the language of the bill is between "San Francisco and New York and intermediate points." Now, Helena is four hundred and fifty miles north of the line of the road, and Denver over one hundred and sixty miles south. Are these offices embraced in the terms of this bill?

Mr. HALE. I asked the same question and found the construction that will be given at the Department. At all those branch offices between the Pacific and Atlantic the rates will be fixed proportionately according to what is fixed here, whether on the direct line or not. The rate is fixed on the whole distance from San Francisco to New York, and the rates for shorter distances will be fixed proportionately to that.

Mr. MAGINNIS. I asked the question because a prominent express company, Wells, Fargo & Co., after reaping a rich harvest from our Montana miners for a number of years, opposed the passage through Congress of laws to allow us to deposit our bullion at the United States assay offices on the same terms as the more favored citizens of the Republic who live in the great commercial centers and are provided with mint facilities which are denied to the producers of bullion. After passing three times through this House and being smothered in the other, justice was finally secured, and Congress by law directed the Secretary to issue coin certificates for and to purchase our bullion. In attempting to carry out the law, the Secretary found himself confronted by exorbitant demands from the express company, \$21 per thousand for gold and \$36 per thousand for silver, and, as Congress had provided him with no transportation fund, he was obliged to deduct the cost of transportation from the depositors of bullion, which the law did not contemplate. I hope that a transportation fund will be furnished and the Secretary enabled to curb the rapacity of express companies.

Mr. HALE. And this bill is intended to protect the Treasury.

Mr. MAGINNIS. But this is deducted from the depositors of bullion.

Mr. HEWITT, of New York. Oh, no!

Mr. WADDELL. Will the gentleman from Maine permit me to ask him a question?

Mr. HALE. Yes, sir.

Mr. WADDELL. I ask the question for information. Are not large quantities of coin put up in four-pound packages and packed in iron safes now transported from the Pacific coast in the postal cars?

Mr. HALE. I was coming to that. Of course the limitations put upon this bill to protect the Treasury from the exactions of express companies cannot be carried out unless both sides agree. If the express companies round up and say, "We will not carry at those low rates," then the Secretary proposes to go to the mails; he will then transport this by mail, and the rates fixed here are the rates that will be covered by the cost of transporting by mail in postal cars or otherwise. The companies are given the benefit if they choose to transport this coin of transporting at the same rate as the Government can in its mail cars.

The other provision of the bill increases the contingent fund of the House \$40,000. That has become necessary because the contingent fund is exhausted. Some of the expenses of the different committees that have gone off lately upon their mournful errands to the different States I believe are now remaining unpaid. There are other committees and subcommittees of the House that have been appointed to investigate certain matters in different cities of the United States, and they cannot proceed because there is no money. The investigation that yesterday was set on foot by the House cannot, I believe, move unless the contingent fund is replenished. It was thought that the sum here was not too large. I do not think it is large enough. I think the Clerk will be obliged before the session is closed to come here and ask, it may be, as much more money as is provided here; that the \$40,000 will be too little. But at present the estimate is that \$40,000 will do. That amount will at any rate cover immediate wants.

Mr. DUNNELL. Why is this appropriation from the contingent fund of the House made a part of this bill?

Mr. HALE. Because the Committee on Appropriations always reports the appropriations for the different branches of the service of the House. We generally appropriate them in a regular bill, but this is in the nature of a deficiency.

Mr. DUNNELL. The first section of this bill appropriates money to be used by the Secretary of the Treasury for a specific purpose indicated in the title of the bill, but in the second section, as if to cover up that fact, there comes in an appropriation of \$40,000 as a contingency of the House of Representatives.

Mr. HALE. I do not see how the gentleman can say that I have covered that up, because I have volunteered an explanation. The House itself and the committee may put a half dozen other things in an appropriation bill and the title show nothing.

Mr. DUNNELL. In looking over the index of bills passed at this session no one could suppose that in this bill there was an appropriation for contingent expenses of the House.

Mr. HALE. Neither did any one ever imagine that the titles of the different appropriation bills cover the different items in them.

Mr. DUNNELL. The Indian appropriation bill would suggest the fact that the items of the bill were for the Indian service.

Mr. HALE. This is an appropriation to pay the expenses of certain committees of the House, and is included in the title words "and for other purposes."

Mr. DUNNELL. The title does not indicate that.

Mr. HALE. It may not to the gentleman's mind, but it puts him on search for "other things."

Mr. BUTLER. Will the gentleman allow me to make a suggestion? This discussion shows that there may be a difference of opinion as to the first appropriation to the Secretary of the Treasury. As to the second there can be no doubt, either in the House or in the Senate. There are two or three committees which are waiting to go upon their duties and cannot do so until their expenses are provided for. I would suggest to the gentleman that he divide the two sections into two bills. Nobody in the House would object to the last section of the bill, and certainly no one in the Senate would upon the other. They may come to a discussion and reference to a committee, and that will lead to a delay if you put the two items together.

Mr. HALE. I certainly should not be willing to follow the course suggested by the gentleman from Massachusetts, because while I can understand that some question may be raised about the first section, indeed I have been notified that it would be raised about the course the Secretary has pursued, I cannot consent to divide the bill or delay the progress of the first section, because it is just as necessary to the operations of the Treasury Department, in the business which has been set on foot and is now going on, as are the provisions for the committees of this House, for whom the other appropriation is required.

The Committee on Appropriations reported this bill through me because both of these items are in the nature of pressing emergencies, and the necessity of the case requires each one of them; one of the Treasury Department and the other of the House of Representatives, and the needs of the one are as great as the needs of the other.

The transportation of this gold coin from the mints and assay offices to the East is necessary, and surely the gentleman would not object to it.

Mr. BUTLER. I do not object to either item, but I do not know but that some one else will object. Why should you join the two together so as to let the one delay the other. If there are two emergencies let each one stand upon its own bottom.

Mr. HALE. The gentleman knows the difficulty of multiplying appropriation bills. The items of an appropriation bill must necessarily be multifarious.

Mr. BUTLER. Not at all; because the ordinary appropriation bill does not take effect immediately, whereas this is to take effect at once. I only speak in reference to the exigencies of the House of Representatives, which is to expire on the 4th of March, while the Treasury is likely to live on forever, or until it is depleted.

Mr. HALE. It is because of the deficiency that I am pushing this bill now. It will not do to wait and let either item go into another bill.

Mr. BUTLER. Then put the items into separate bills.

Mr. CONGER. Does the gentleman think that investigating committees will not live forever?

Mr. BUTLER. There will be new investigations.

Mr. HALE. I was notified that some question would be raised about what the Secretary has done, but I did not know that any gentleman would oppose the passage of the bill.

Mr. HUBBELL. Does this transportation apply to gold bullion as well as coin?

Mr. HALE. That is all in the Revised Statutes. If the gentleman will read section 3545 and section 254 of the Revised Statutes he will find provisions as to gold bullion and certificates therefor which necessitate transportation.

Mr. CANNON, of Illinois. I would like to ask the gentleman a question. I notice that this bill provides that the rate for the transportation of gold bullion is not to exceed $\frac{1}{4}$ of 1 per cent. Now, I believe that it takes something over \$200 in gold to make a pound, and that would be at the rate of fifty cents per pound or over. I ask the gentleman if it is not true that gold bullion is now transported in the mails of the United States at the rate of one cent an ounce or sixteen cents per pound, and whether it is proper for us to make an appropriation to pay over fifty cents per pound when they are carrying for private individuals at the rate of sixteen cents per pound?

Mr. HALE. Allow me to explain. If the Government has to go into this business to any large extent it must not simply send packages of four pounds' weight and trust to the accidents of the mail, but it must exercise some care over the packages; it must put up in larger quantities this gold coin and send messengers or guards with the cars.

The Secretary of the Treasury has made a calculation as to what the transportation of a car-load of coin will cost, and has found that it will be just about what he has fixed here as the rate which he is willing to pay these express companies. I do not know but what if packages were sent of different weights—four pounds in one package,

twelve pounds in another package, twenty-four in another, and sixty pounds in another, the different packages simply going along with the mail-bags—they would go cheaper than the rates here proposed. But I do not suppose the Secretary would be willing to send any large amount of coin in that way. He has reckoned what the cost would be if the packages were aggregated and a guard sent with them for security, saving other expenses which the express companies now assume.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him one other question?

Mr. HALE. Certainly.

Mr. CANNON, of Illinois. The statistics show that of the great many hundred valuable packages carried in the mails during the last twelve months there has been lost, as I recollect now, but ten of them. Under the system of registration I think it is almost absolutely safe to use the mails for this purpose. I would suggest to the gentleman that perhaps it would be better to so amend the law as to allow the utilizing of mail transportation for packages of larger size than four pounds when the service is done for the Government, and then through the system of registration it can be done with safety.

Mr. HALE. Of course if anything of that kind is required and is desirable it should come in due time from the proper committee, the Committee on the Post-Office and Post-Roads, of which the gentleman himself is a member.

Mr. EDEN. I would like to ask the gentleman a question.

Mr. HALE. Very well.

Mr. EDEN. I understand that gold bullion is now carried in the mails. If that is practicable, why, then, is it not practicable to carry silver bullion in the same manner?

Mr. HALE. The gentleman can see, of course, that silver of the same value being so much heavier than gold, it would be a more difficult matter to transport it by mail. A large amount to be transported by mail would soon clog the mails, and the only way to do it, if it is to be transported by mail, would be to carry it by the car-load rather than in small packages.

Mr. EDEN. Can it not be done cheaper in that way than the express companies carry it?

Mr. HALE. Undoubtedly it could be carried cheaper than the express companies now carry it, but not cheaper in large quantities than the rates fixed by this bill. I now yield to the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. My friend from Maine [Mr. HALE] is mistaken in saying that coin could not be transported cheaper by mail than the rates prescribed in this bill. It could undoubtedly be done cheaper by mail. But there is involved the question of insurance, which is a very serious matter when you recollect that a car-load of gold would be worth several millions of dollars.

The express companies undertake to insure. While this specie has been coming through the mail the Secretary of the Treasury has been compelled to provide military guards to protect it. I have no doubt that even with the guard it is cheaper to carry it by mail. Nevertheless it is perhaps without warrant of law, but nobody will arraign the Secretary for the exercise of such a discretion as that; the risk is too great.

I wish to say that the gentleman from Maine [Mr. HALE] has carefully and correctly stated the provisions of law which apply to this case. The Secretary has exercised a discretion in regard to paying for bullion deposited in the mints and assay offices for which coin certificates have been given, a discretion confided to him by law. It is in reference to the exercise of that discretion that I take exception to the remarks of the gentleman from Maine. He thinks that the discretion has been wisely exercised; I think it has been an unnecessary expenditure of the public money.

It is necessary to recall the attention of this House briefly to the history of the provisions of law in regard to the coinage of gold and silver. Originally there was a mint charge of $\frac{1}{2}$ of 1 per cent. for the coinage of gold. By the resumption law of January, 1875, this mint charge was abolished, so that the holder of gold bullion could go to the mint or to the assay office in New York, deposit his bullion, and receive a coin certificate, which being receivable for duties was equivalent to gold coin. That was the first step.

Then that provision of law was enlarged so as to apply to all the mints and assay offices of the United States, so that it became possible for any holder of gold bullion to take his bullion to the mints and assay offices and not only get his coin free of charge for coinage, but in addition to that to obtain a coin certificate which was good for coin in the city of New York, thereby saving the cost of transportation of the coin, if it should become necessary to send it from the East to the West, or *vice versa*.

It was in a provision of the sundry civil appropriation bill of last year that this additional concession to the holders of gold bullion was made. That provision did not originate with the Committee on Appropriations; it originated in the House. The gentleman from Colorado whom I see now standing before me [Mr. PATTERSON] offered an amendment applying to the mint at Denver, which was adopted, and which provision, I believe, was subsequently enlarged by the Senate so as to apply to all the mints and assay offices of the United States.

When that amendment was offered, the chairman of the Committee on Appropriations [Mr. ATKINS] said:

I would ask the gentleman if any additional expenditure is required by that

amendment. The charges upon depositors, I suppose, will be deducted from the expenses?

The chairman of the Committee on Appropriations undoubtedly confused in his own mind gold coin with gold bullion which was to be parted. There is no charge on gold coin. The gentleman from Colorado [Mr. PATTERSON] replied:

The gentleman asks me if any additional expenditure is required by the amendment. On the contrary, it will result, I think, in a reduction of the expenditures, because it will produce a new revenue; and this new revenue is used for the purpose of defraying the expenses of the mint.

I infer also that the gentleman from Colorado misunderstood the application of the amendment, for instead of producing any new revenue, it has compelled the Secretary of the Treasury to come to this House and ask for an additional appropriation of \$60,000 for this year and \$150,000 for next year.

Mr. PATTERSON, of Colorado. Will the gentleman yield to me for a moment?

Mr. HEWITT, of New York. Certainly.

Mr. PATTERSON, of Colorado. The amendment which I offered a year ago is much broader in extent than the few lines which the gentleman has quoted. But with reference to the additional cost, I would state that certainly no additional cost has been imposed upon the Government by the amendment; because at the mint in Denver the cost of transportation is deducted from the market value of the gold, and the party bringing his bullion to the mint for sale receives from the Government only its market value in gold coin less the cost of transportation.

Mr. HEWITT, of New York. To what point?

Mr. PATTERSON, of Colorado. To whatever point the Government sees fit to transport it—to Philadelphia, to New York, or elsewhere. Hence there can be no additional burden imposed upon the Government by the amendment.

Mr. HEWITT, of New York. I beg to say that the gentleman is quite in error as to the operation of the law. The law is clear and explicit in the provision that whoever brings bullion to the Treasury shall have without charge, at the rate of 25.8 grains to the dollar, coin certificates which are receivable for customs dues in any port of the country.

Mr. MAGINNIS. No doubt that is the law; but certainly the gentleman from Colorado correctly states the practice; for at the assay office at Helena the Secretary deducts \$21 per thousand as the transportation charge on gold, and \$36 per thousand on silver.

Mr. PATTERSON, of Colorado. This is done, too, under instructions signed by the Secretary of the Treasury which were duly published in the public prints; so that there can be no mistake whatever about the proposition.

Mr. HEWITT, of New York. I am not disposed to dispute in regard to the regulations of the Department; I do not know what they are. I think it very likely that the Department does make these charges of \$21 per thousand on gold and \$36 on silver, as stated by the gentleman from Montana, [Mr. MAGINNIS.] But I say that there is no warrant of law for such a charge; and I do not know to what fund any such charge can be appropriated. It does not belong to the expenses of transportation; otherwise, the Secretary of the Treasury would not come to this House and ask us to make an appropriation for that purpose. It must go somewhere else.

Mr. BUTLER. I would like to know whether any appropriation has ever been required to transport the Government greenbacks? [Laughter.]

Mr. HALE. Yes, every year.

Mr. HEWITT, of New York. The Government treats the greenback just as it does the gold; it fabricates both for nothing.

Mr. PATTERSON, of Colorado. I think that in justice to the Secretary of the Treasury I should make one statement which will occupy but a moment. At the mint in Denver (and I suppose the case is the same at Helena) the Government does not issue coin certificates for gold bullion. It pays for the gold in cash—either in silver dollars or in legal-tender currency; and it deducts from the cash that is paid to the owner of the bullion the cost of transportation, there being no coin certificates issued. If coin certificates were issued, I presume the Secretary of the Treasury would be compelled to live up to the law, and to issue the certificates, dollar for dollar, computing each dollar according to the regulation number of grains.

Mr. HALE. I hope the gentleman from New York [Mr. HEWITT] will go on and finish what he has to say, because I wish to bring this matter to a conclusion. The hour is rapidly running, and other matters are pressing. I do not wish to take too much time.

Mr. HEWITT, of New York. I will close in one or two minutes.

Mr. HALE. Take your own time.

Mr. HEWITT, of New York. Now, Mr. Speaker, what I want mainly to say is that in no country of the world except the United States is bullion coined free for the depositor. To get the gold coin without charge for coinage, is concession enough. When a man receives his coin in exchange for bullion, why should this Government take upon itself the cost of transportation, known among merchants as the exchange between different places, so that a depositor of bullion in San Francisco or Denver may draw the gold in New York or Philadelphia? When the Government has delivered the gold coin to the depositor at the place of deposit, it has not only discharged its full duty, but it has done all that is necessary in order to make that coin available for the purposes of commerce.

The gentleman from Maine said the Secretary of the Treasury

thought it desirable to control the gold coin of the country in order that he might put it where the place of redemption of legal-tender notes should be. Mr. Speaker, the place where gold coin should be is beyond the power of the Secretary of the Treasury; it is beyond the power of this Congress or of any Congress whatever. Money seeks the place where it is wanted, and if it is worth more in New York than in San Francisco it will go there, and if it is worth more in San Francisco than in New York it should stay there, and the Secretary of the Treasury should not exercise any discretion which even for a day is intended to frustrate and nullify the laws of trade. And what I have to say to the House is this: this provision of the statute which crept into the bill during the last session under misapprehension should be promptly repealed, and I only regret the Committee on Appropriations did not report a repeal of that statute. The truth is, all we should do is to coin the bullion and give the depositor the amount of coin it represents. Beyond that we should not go one step. After it is coined the money will distribute itself freely without cost to the Government, and any attempt to interfere with its natural flow will only result in mischief and can be productive of no good whatever.

Mr. HALE. Only one word in reply, Mr. Speaker, and then I will call for the previous question. It makes no difference whether it is a fact or not that the Secretary of the Treasury deducts at the time he receives the bullion the amount necessary to pay for its transportation. Whether he deducts from what he pays over in certain cases or not I do not care; but it is true that he does need in transporting it afterward an appropriation by Congress to pay the expense. There is no fund to pay for that transportation. Such appropriation is under the control of Congress, and must be made here, and that is the reason this bill has been reported from the Committee on Appropriations.

I do not understand that anybody claims—the gentleman from New York does not claim—the Secretary has exercised any power wrongfully in this regard.

Mr. HEWITT, of New York. Not wrongfully, but unwisely.

Mr. HALE. Yes; the gentleman thinks if he had been in the place of the Secretary he would not have done it. Yet the Secretary in the direction he has taken—and it is precisely the direction aimed at by the gentleman from New York himself on the great question of resumption—has transported the coin to the East where it is needed, and where everybody knows it is wanted, and is being paid out. The Secretary therefore is confronted with the necessity of asking for an appropriation from Congress to carry on this transportation for the rest of the year; and that, sir, is all there is of it. 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, and passed.

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

The latter motion was agreed to.

Mr. DUNNELL. I move to amend the title of the bill by striking out the words "for other purposes" and in lieu thereof inserting "to appropriate \$40,000 for miscellaneous expenses of the House of Representatives."

Mr. HALE. That is all right.

The amendment was adopted.

Mr. HALE. I should like to have printed as part of the discussion the letters which I send up.

There was no objection, and it was ordered accordingly.

The letters are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 10, 1878.

SIR: I have to call the attention of your committee to the provisions of the act of June 8, 1878, (30 Statutes, 102,) authorizing the Secretary of the Treasury to constitute any superintendent of a mint or assayer of any assay office an assistant treasurer of the United States to receive coin or bullion on deposit; and, also, to section 3545 of the Revised Statutes, as amended by the act of June 19, 1878, (30 Statutes, 191, 192,) providing for a bullion fund for the purchase of bullion by mints and assay offices to enable returns to be made to depositors with as little delay as possible.

While these provisions of law were intended to secure to the producers of bullion more speedy payment, therefore it is believed they will bring into the mints and Treasury the great body of the precious metals mined in the United States, and will tend greatly to the easy and steady supply of bullion for coinage.

As stated in my annual report, page 24, the burden of transporting this coin and bullion thus received is thrown by law upon the Government, and to meet in part the expense of such transportation the regulations under the act last mentioned provide a charge against the depositors of an amount sufficient to pay the transportation to the nearest or most convenient mint, leaving to the Government the expense of transportation from the mints to such Treasury offices as may be found necessary to meet the demands for disbursement.

To meet this latter expense I have to ask an additional appropriation for transportation of coin and bullion for the present current year of \$60,000. In this connection your attention is called to the suggestion made in my annual report that the rate for shipping this coin over the Pacific Railroads be prescribed by Congress, the proceeds to form a part of the sinking funds of such roads.

Very respectfully,

JOHN SHERMAN, Secretary.

HON. J. D. C. ATKINS,

Chairman Committee on Appropriations, House of Representatives.

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
January 8, 1879.

SIR: I have the honor to call your attention to a matter which I am well convinced should receive official correction.

The usage has been to send Government securities, currency, &c., by the Adams Express Company to be forwarded through other express companies outside of territory covered by contract, and the result has been that the most exorbitant and irregular rates have been fixed at the caprice of such companies and to the injury of the United States.

An examination of vouchers herewith transmitted will show that the charges are excessive, and, I am inclined to the opinion, are without authority of law, so far as the charges of the Union Pacific Railroad Express are concerned. It will be seen that two express companies, namely, "The Adams" and "The American," charge \$3.60 for a package containing \$6,080 from Washington to Omaha, whereas the Union Pacific Railroad Company's express charges \$15 on the same amount from Omaha to Ogden, Utah, and the Wells Fargo & Co.'s Express charges \$36 from Ogden to Portland, Oregon.

The following will show the relative charges to Omaha and from Omaha west:

Amount.	Charges to Omaha.	From Omaha west.
\$361,000.....	\$217 20	\$902 50
100,000.....	60 60	251 60
60,000.....	36 60	390 00
12,000.....	7 20	30 00
6,000.....	3 60	51 00
2,000.....	1 20	12 00
2,000.....	1 20	5 00

It will be observed that in some cases over ten times the amount is charged for transportation beyond Omaha as is charged to that point, while in the aggregate fully five times as much is charged; and nearly one-half of this excessive charge is made upon a railroad line which was built by Government subsidy under provisions which are entirely ignored by the corporation when organizing an express agency over its lines.

I respectfully ask instructions in relation to audit of these accounts already rendered, and would recommend that, unless lower rates can be secured, all moneys hereafter sent west of Omaha should be sent by registered mail, even if the Government should pay insurance.

The fact that the Post-Office Department transports nearly \$100,000,000 annually without loss would strongly suggest this method when rates of transportation asked are excessive.

The great disproportion of payment demanded to actual service rendered constrains me to report these cases to you for instructions; and I am more inclined to call your attention to the matter from the fact that you refer to the same subject in your annual report, (page 24,) and arrive at the conclusion that, to fix rates, further legislation is needed.

Awaiting your instructions in the matter of these accounts, I am, sir, very respectfully, your obedient servant,

R. M. REYNOLDS, Auditor.

The honorable the SECRETARY OF THE TREASURY.

REDUCTION OF EXPENSE OF PRINTING AND BINDING.

Mr. SINGLETON. I am directed by the Committee on Printing to report a bill (H. R. No. 6142) to reduce the expense of the public printing and binding, and for other purposes, and to move the bill be printed and recommitted.

Mr. CONGER. Has that committee the right to report at any time?

Mr. SINGLETON. The Committee on Printing has the right to report at any time.

The SPEAKER. But they have not the right to report general legislation at any time. They have the right to report resolutions referred to them.

Mr. SINGLETON. This is a subject which was presented and referred to that committee.

Mr. COX, of New York. The Committee on Printing can report in reference to current business at any time.

The SPEAKER. The Committee on Printing has no more right than any other committee.

Mr. COX, of New York. The Speaker did not hear what I said. I said that they have no right to report at any time except on current business, and not in reference to general legislation.

The SPEAKER. That is what the Chair has decided.

Mr. COX, of New York. It has been so decided before very often. Mr. SINGLETON. I ask by unanimous consent that I may have an hour on Saturday next for the consideration of this bill.

Mr. CONGER. Let the bill be read.

The bill was read *extenso*.

Mr. CONGER. I object to the consideration of the bill at the time stated.

Mr. SINGLETON. I will, then, withdraw the bill.

The SPEAKER. The gentleman had better let the matter remain as it is, for then the bill will be ordered to be printed and it will be in the exact situation it would be if the gentleman should withdraw it.

Mr. SINGLETON. Can I call it up after it is printed at any time?

The SPEAKER. Only when the committee is called for reports in its regular order. It might be taken up and considered under a suspension of the rules.

Mr. CONGER. I am opposed to its having any rights which it does not possess under the rules.

The bill was read a first and second time, ordered to be printed, and recommitted.

INDIAN APPROPRIATION BILL.

Mr. SPARKS. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 5534) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1880, and for other purposes, with amendments by the Senate, and to move that the Senate amendments be non-concurred in.

Mr. CONGER. Let them be read.

Mr. SPARKS. There are a great many of them. The Committee

on Appropriations have unanimously instructed me to make this report.

Mr. CONGER. Sometimes there are very excellent Senate amendments which we might like to adopt.

Mr. SPARKS. I have no objection to their being read, but it will take considerable time.

Mr. CONGER. The report being a unanimous one from the Committee on Appropriations, I will not insist on the reading of the amendments.

The amendments of the Senate were non-concurred in.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MARTIN. I now insist on the regular order.

The SPEAKER. The regular order is the morning hour, which commences at thirty minutes past one o'clock, and the business before the House is the bill reported from the Committee on War Claims, which was under consideration at the time the morning hour expired yesterday.

Mr. ACKLEN. I desire to ask the Chair whether the unfinished business of the morning hour which the House refused to consider yesterday does not now come up for consideration?

The SPEAKER. It does not; but after the disposition of the bill under consideration, the unfinished business which the House refused to consider yesterday would come up again. The House on yesterday refused to consider the report and it is still unfinished business in the morning hour. Then the House proceeded to the consideration of other subjects; and the moment this bill is disposed of the gentleman from Louisiana can test the sense of the House again.

Mr. ACKLEN. Then, as I understand the decision of the Chair, the present unfinished business takes precedence of the former unfinished business?

The SPEAKER. It does. The Chair may also state that the vote against the gentleman's bill yesterday under ordinary circumstances would be considered an unfavorable decision on the part of the House.

Mr. ACKLEN. The failure of the House to consider it yesterday does not necessarily imply that the House will not consider it to-day.

The SPEAKER. The House very properly has the right under the rule in almost all cases—there are exceptional cases of course—to say by a majority whether it will proceed with the consideration of any question or not.

Mr. ACKLEN. Then I understand the Chair to rule that as soon as the present business is disposed of the other comes up as unfinished business?

The SPEAKER. The Chair will then recognize the gentleman from Louisiana.

M. BARRON AND H. P. AND W. GORMAN.

The House resumed as the unfinished business of the morning hour the consideration of the bill (H. R. No. 6131) for the relief of Maggie Barron and Henry P. Gorman and Walter Gorman.

Mr. MARTIN. I yield to the gentleman from Illinois, [Mr. EDEN.]

Mr. EDEN. The only apology that I make for occupying any time whatever in the discussion of this bill is that I desire to correct some erroneous impressions that seem to prevail in the House in reference to the action of the Committee on War Claims. This bill proposes to give a hearing in the Court of Claims to certain heirs of a gentleman who resided, I believe, in the State of Mississippi during the war, and who died in 1868 or 1869. The bill embraces only that class of claims of which the commissioners of claims have had jurisdiction in the insurrectionary States ever since the 3d of March, 1871.

The Committee on War Claims have not adopted a rule and do not intend to adopt a rule to remove the bar of the statute of limitations in every case where parties entitled to relief under that act did not file their claims within two years, but only in such cases as the claimants can satisfy the committee that they were prevented from some cause over which they had no control from filing their claims within the two years.

This claim is on behalf of parties all of whom were minors during the war, and all of whom but one I believe were minors at the time of the passage of the act of March 3, 1871. I repeat that the Committee on War Claims has in no instance within my knowledge reported a bill to this House to give a hearing to any person who had a right to a hearing before the commissioners of claims, and who failed to assert that right, unless they had presented some good and sufficient reason to the committee for taking such action.

Mr. WHITE, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. EDEN. I have but ten minutes, and prefer not to be interrupted.

Mr. WHITE, of Pennsylvania. I want to know something about this bill.

Mr. EDEN. I am trying to tell something about it.

Mr. WHITE, of Pennsylvania. I want to know the facts about it, not the law.

Mr. EDEN. If the gentleman will read the report, which is printed in this morning's RECORD, he will find there all the facts I can give him.

It has been said in the discussion upon this bill that we propose by it to pay a class of claims that the Government is under no responsibility to pay. I take issue with the gentlemen who have taken that position. I state, and the laws of Congress will bear me out in the statement, that during the war and ever since the close of the war it has been the policy of the Government of the United States to pay every loyal citizen for supplies furnished to the Army and Navy of the United States, or supplies taken and used by the Army and Navy of the United States.

The Government of the United States never has taken the position that loyal claimants who had furnished supplies were not entitled to pay, but, on the other hand, by numerous acts of legislation, to which I would refer if I had time, the Government has recognized the right of every loyal claimant, North and South, who furnished supplies to the Army and Navy of the United States. The act of July 4, 1864, which took away from the Court of Claims jurisdiction of all claims arising during the war, expressly conferred upon the Quartermaster-General and the Commissary-General jurisdiction to consider the claims of loyal citizens in States not in rebellion for supplies furnished, and upon report made by the Quartermaster-General and the Commissary-General, approved by the accounting officers of the Treasury, every citizen not living in an insurrectionary State had a right to go before these tribunals, and until June, 1874, upon the report of the accounting officers of the Treasury and the favorable action of these accounting officers, this class of claims was paid without any further legislation.

Now, there is no statute of limitation to-day and there never has been any statute of limitations. Persons living in a State that had not been in rebellion can go there with their claims for supplies furnished during the war, and upon proper proof their claims are reported to Congress for its approval, and Congress approves and pays those claims at each session. But it is said that loyal men in the insurrectionary States have no right to be paid for supplies furnished to the Army during the war.

Such has not been the action of the Government of the United States, but, on the other hand, on the 3d of March, 1871, the Congress of the United States passed an act recognizing the right of every loyal man in the insurrectionary States who had furnished supplies for the Army or Navy or whose property had been taken or used by the Army or Navy to have his claim considered and paid.

Mr. POTTER. The right as given has expired.

Mr. EDEN. The right has not expired, but the remedy has. The right exists. We paid nearly half a million of dollars of these claims last year and we will pay three or four hundred thousand this year. But here come these minors provided for in this bill who had no opportunity to go before the commissioners of claims and assert their rights to compensation, and my distinguished friend from New York pleads the statute of limitations against these minors which is something which I undertake to say you cannot do in any other court in America except this court sitting for the purpose of deciding claims.

Mr. POTTER. If the gentleman will allow me, I do not do any such thing.

Mr. EDEN. If I misunderstood the gentleman I wish to be corrected, but I have very little time to be corrected in. Now, my friend from New York is entirely willing to have a tribunal established for the purpose of examining and considering the claims and ascertaining whether they are good and valid claims, but when it comes to the payment of the claims he backs out, if I understood the speech he made yesterday.

Now, this bill gives to these minors no more right than every other loyal citizen in the Southern States had under the law of 1871. The Court of Claims are to consider and pass upon their loyalty and upon the justice of their claims under this bill in precisely the same way in which the commissioners of claims have proceeded in all such claims in the South.

There need be no apprehension upon the part of the House that the Committee on War Claims are going to open the door to men in the South who willfully neglected to go before this commission within the two years that the statute gave the people of the eleven States to file all their claims, all of them to be filed here in the city of Washington. It was a pretty harsh statute of limitations. Well, this is not a case where a party who had a claim for supplies furnished failed to make that claim within the time prescribed by law. It is the case of parties coming here with a petition who have not had an opportunity of making such application; and when they show that their failure was the result of no laches on their part, I am in favor of letting them go before the Court of Claims and have their claims adjudicated.

Mr. JONES, of Ohio. Mr. Speaker, I do not understand why there appears to be such objection to the application of the statute of limitations to claims against the Government. It is true that this statute which limited the time for the collection of these southern claims (known as the act establishing the southern claims commission) was in one sense of the term a statute of limitation. Statutes of limitations, however, strictly speaking are enacted to cut off legal rights. But in these cases there never was any legal right. This must be conceded by all who understand the law applicable to southern war claims. Therefore the lapse of time does not cut off the legal right of anybody. There never was any legal right to terminate. The policy of the republican party was that if these claims were to be considered, they must be presented before so much time should

elapse that they could not be paid without opening the door to fraud, and thus creating a tenfold greater evil than the one they were trying to remedy.

When the act of 1871 was passed, establishing the southern claims commission, it contained a section which provided absolutely that in no case should ever any of these claims be paid unless presented to this commission. I call attention to section 4 of that statute. It is as follows:

That said commissioners shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration; and all claims within this act and not presented to said board shall be barred, and shall not be entertained by any department of the Government without further authority of Congress.

Further than that, afterward the southern claims commission was continued for four years, and the act contained this section:

That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the 3d day of March, 1873; and all claims not so presented shall be deemed to be barred forever thereafter.

This section was intended to be an absolute bar to any further presentation of southern claims after March 3, 1873. The object of the establishment of the southern claims commission was to sift these claims so as to provide for the payment of such as were proper before so much time should elapse that their justice could not be determined. But does it follow that, because it was the policy of the republican party, at the close of the war, when the facts could be ascertained, when witnesses were alive and could be examined, to pay claims that were not stale, it is wise or safe for Congress to open the door again for claims that have been barred, to provide for readjusting stale claims? Yet that is the proposition now advocated.

If we are to follow the policy that was adopted by the republicans after the close of the war—which was to establish a commission and to provide that no claim should ever be considered by any Department of the Government unless presented to this commission and presented within a certain time, and if not presented within a certain time they should be forever barred—we must keep the door shut by adhering to the limitations that were contained in the law establishing the southern claims commission, placed there by the republican party. Is it not going back upon that policy and turning our backs upon the precedent set by our side of the House to reopen this question now and to undertake to adjust these stale claims years after the parties have died, witnesses scattered, and evidence destroyed?

One thing further, which I think must address itself with force to the other side of the House. At the last session of Congress we had some striking experience in regard to the adjustment of stale claims which illustrated the wisdom and policy of a statute of limitation, to cut off their consideration. I refer to what was known as the southern mail contracts.

Nearly \$400,000 had been appropriated for the payment of what was known as southern mail contract claims by the democratic party in the Forty-fourth Congress, to pay for carrying the mail in the seceded States from the dates between which the States seceded and the date of the proclamation of the president of the confederacy that the confederate government would assume payment. On investigation it was found that of sixteen claims filed by parties to obtain that money fourteen had already been paid by the confederate government, and their receipts were found in the archives of the southern confederacy by the very able and industrious member from Michigan, [Mr. WILLITS.]

We found that notwithstanding these claims had been presented to the confederate government and paid, notwithstanding two written reports had been made by the confederate postmaster-general recommending that the confederate government pay the claims, notwithstanding appropriation after appropriation had been made by the confederate congress to pay them, all had forgotten it. There were eleven States here represented by as honorable gentlemen as ever sat in a legislative assembly, men against whose honor no word of suspicion could be proved or exists; yet all those gentlemen had forgotten all those facts.

Now, does not that illustrate the wisdom and necessity of providing limitations within which claims against the Government should be presented or be barred? If the Government attempts to adjust stale claims, the memories of men are so defective, evidence is so liable to be destroyed or forgotten, that the Treasury will be plundered by fraud. It has always been the settled policy of wise legislators to enact statutes of limitation to apply even against legal claims, if not presented within certain limits, usually six years; this, I think, is the usual limit on contracts not in writing in nearly all the States.

How much more strongly does that doctrine apply to claims against the General Government, where the parties have died, where witnesses have been scattered, and where the evidence in the case cannot be obtained. When these claims were insisted upon by men in the South who claimed to be loyal, we said we would establish the southern claims commission. When we did so we wisely provided that it should be limited to a certain time; and when we subsequently extended it we then provided that all claims which were not presented to the commission by March 3, 1873, should be forever thereafter barred.

Mr. RANDOLPH. Then you think it right for the Government to plead the statute of limitation against loyal men?

Mr. JONES, of Ohio. Certainly I do; the Government should plead it just as much as an individual. I illustrated that by what we witnessed here at the last session of Congress in regard to the southern mail contracts; the result of that proved the correctness of the doctrine. No elementary authority on law can be found anywhere that will not say that the statute of limitations should apply as strongly in regard to claims against the Government as in regard to claims against individuals. In the case of individuals contending with each other they are there face to face and each can meet the evidence presented by the other. But in the case of the Government the evidence is entirely *ex parte*, and the Government is more liable to be imposed upon than is an individual.

But aside from that we are not proposing to apply the statute of limitation. We made an honest effort to adjust these claims while the facts were fresh; we undertook to do justice to these claimants; but it does not follow that it is within our power to do justice now after claims have become stale. This was the position taken by the leader of the democratic party in the last presidential contest. His letter which I sent to the Clerk's desk to be read at the last session is, I will say to the honor of the gentleman who wrote it, one of the most statesman-like documents ever penned upon the subject of southern claims.

Something was said yesterday in regard to the bill introduced at the last session by the gentleman from New York, [Mr. POTTER.] Because he opposed the pending bill the argument *ad hominem*—always a fallacy—was made that he was in favor of paying all claims of this character at the last session. Why, sir, the bill introduced by the gentleman from New York at the last session contained this provision:

That any person who may have a claim against the United States of which the Court of Claims would not have jurisdiction, but founded on equity and justice, and not barred by any statute of limitation provided by any law of the United States.

Now, I would like to ask any gentleman how such a claim as this, or any claim belonging to the class of which this is a representative, could be allowed or paid under the bill of the honorable gentleman from New York? That bill was, I think, a wise measure, and it provided in express terms that no claim should be considered or allowed that was barred by any statute of limitations of the United States, and it provided further that no claim should be considered unless presented within six years after it originated; and in any event, under that bill, the court could only certify the facts, after they were judicially ascertained, to Congress, to be paid or not to be paid as Congress might see proper.

Mr. Speaker, this whole subject is in a nutshell. Shall the policy inaugurated by the republican party, which meant to adjust these claims while the facts were fresh, and meant to bar them after a certain date, be adhered to? In other words, shall this door which was shut by the legislative action of the Government be opened? That is the whole question. If we open it for one, we must open it for all. If we adhere to the policy already established, and decide that the door which has been shut shall remain shut, that ends the matter. So far as I am concerned I am in favor of keeping that door shut. I say now, as I have always said, that this is not simply a party question. We find men on both sides of this House honestly believing that this door ought to be opened; we find men on both sides honestly believing that this door ought to be shut. Those men who believe that the door should be kept shut ought not to vote for such a measure as this, because if passed it will be like the little droppings of water under a dam, which, if not promptly observed and arrested, will finally undermine and break through and become a sweeping and devastating flood.

The ingenious devices resorted to for the purpose of getting this whole subject again opened are perfectly astounding. Nothing but a determination upon the part of Congress to set its face like flint against the opening of this door can prevent mischief that will be beyond calculation.

Mr. RANDOLPH. Does the gentleman think it would stir up mischief for the Government to pay an honest debt?

Mr. JONES, of Ohio. Well, sir, that is begging the question. I say it will stir up mischief for the Government to open this door so that claims may be presented to this House and pushed through without our knowing whether these claims are honest or dishonest, and when by reason of the lapse of time the justice of which it is absolutely beyond the power of the Government to ascertain.

[Here the hammer fell.]

Mr. MARTIN. I propose now to yield to the gentleman from New York, [Mr. COX.]

The SPEAKER. The gentleman from West Virginia has but a minute or two remaining, but the Chair is perfectly willing to recognize the gentleman from New York in his own right.

Mr. COX, of New York. Very well; I will take the floor in my own right.

The gentleman who just sat down said that this question was in a nutshell. So it is; and I wonder that it required so many trip-hammers to open it. I believe that all laws are revocable. The Constitution itself is revocable in the prescribed mode. Congress under the Constitution has no right to establish a statute of limitations which cannot by law be repealed. Who on the other side or on this side proposes to make here a law which shall not be revocable? And when the question is as to repealing any law, whether in the nature of a statute of limitations or otherwise, in order to get at an honest,

equitable claim, my vote is due to the claimant. When it is proposed, as in this case, to refer a claim to a court to decide it—decide it, perhaps, better than we of this body can do—I am in favor of such a reference of an honest claim. I will not prejudice the claim so far as to say that it is honest, but I will send it to a proper tribunal for examination.

This is not a new question in this House; it is an old question. I remember that when I was chairman of the Committee on Revolutionary Claims claims came in here hampered by statutes of limitations—statutes which were proper perhaps in one regard, for it was the intent of those statutes to exclude stale claims and to close the coffers of the Treasury against their payment. But in cases like this, where the claim is fresh, in cases of minors or widows, or where people are beyond the seas, and therefore could not present their claims, I would not throw impediments in the way of honest adjudication and prompt payment. I care not for the letter of Governor Tilden or any other person on this subject. It is my right and my duty here to pass on all just claims. No doubt his letter was wise in many regards, but it is no direction to me in my duty. I will not plead the statute of limitations, sir, to prevent justice or to condone fraud or wrong. There is no rest, we are told, for the wicked, and there should be no rest in pursuit of righteousness. The more we pursue wrong either in politics or in courts of justice, the more we pursue right in our legislation irrespective of these limitations by statute, the better it will be for the country and the more honestly we will act in our relations to Congress.

[Here the hammer fell.]

Mr. BRAGG obtained the floor.

Mr. MARTIN. I cannot yield any further.

The SPEAKER. But the gentleman's time has expired.

Mr. MARTIN. I do not wish to dispute with the Chair, but I have only yielded ten minutes and then two minutes, and I should like to know how my time has expired.

The SPEAKER. Because the gentleman had more than half an hour yesterday. The Chair recognized the gentleman from West Virginia as having control of the bill. There seems to be some misunderstanding. This bill may run for weeks in the morning hour—may occupy many morning hours. The committee is only restricted to two hours in making reports. The bill is in the control of the House.

Mr. BRAGG. Mr. Speaker, I was inquired of yesterday, when I stated my opposition to this bill, whether I had any fears it would be not fairly dealt with in the courts; whether I did not feel assured in a judicial body this bill and claims akin to this would receive a fairer discussion and disposition than in a legislative body. I answer by saying to the gentleman that I have no fears of some judges upon some questions, neither have I any fears of some courts upon some questions; but when there are questions which are not purely judicial but quasi-political, a judge, however pure he may be, and he may be as unbiased as one of the distinguished members of the electoral commission, yet his decision may be such as the honest judgment of mankind cannot approve. Judges are but men. When they are translated from legislative halls or from the forum to the bench they act with precisely the feelings that actuated them when they were legislators. They are men still. They are subject to the same bias and the same prejudice and the same political predilections, and sometimes, unconsciously to themselves, to the feeling of the community which is brought to bear upon them in the shape of public opinion.

This bill seems to be regarded as a proposition which is to give a remedy to certain parties for rights which they have, but which have been cut off by a statute of limitations, that it is in furtherance of some natural or legal right which existed in the party. I say to the gentlemen who make such claim that no right exists in any party who lives in an insurrectionary territory, who is part of the people in insurrection against the Government or who are at war against the Government, to make claim against the conqueror after the war shall have ended for any injury which may have been done while the war was going on.

The argument goes as well against loyal people as disloyal. The war was not against individuals. The war was against the belligerent party, the South, and the difficulty is, although there may be men, there may be women, there may be children who have claims which we feel ought to be paid, yet when we open the door for the payment of such claims it is impossible for the Republic to determine between the good and the bad, and while we are attempting to do what will be a solitary case of good we throw open the door to evil which bids fair, if we take bills introduced into this House as earnest of what is to come, to hasten the hour when bankruptcy shall come upon the Government by reason of the payment of claimants under the guise of loyalty.

This is the proper outcome, perhaps, of the southern claims commission. That commission I always regarded as an evil. That commission I always regarded as a political expedient for the purpose of building up a party in the South in accord with the Administration. Instead of being a judicial court, it was a political court. Instead of being a court where justice was done, it was a court that spread fraud and perjury all over the land.

Mr. EDEN. Will the gentleman let me ask him a question?

Mr. BRAGG. Certainly.

Mr. EDEN. I understand the gentleman to state these parties never had any legal claim on the Government. Under the second section

of the act of March 3, 1871, loyal claimants of the South were authorized to go before the commissioners of claims and prove their claims, and upon proof the commissioners were to report them to Congress, and Congress was to pay them. I ask the gentleman whether they did not under the limitations of that law have the right to go to that commission and recover the value of this property?

Mr. BRAGG. I was just reaching that point. I will give my views on that subject, which will be an answer to the gentleman from Illinois. I said the southern claims commission was an evil. Without it no claim existed on the part of any one. With it a right to a claim was extended upon certain conditions. It was not a claim, a right against the Government, which existed independently of that particular law. Therefore when persons failed to take advantage of the privileges of the law and to bring themselves within the law—which was wrong, I assert, in itself—they cannot now make a claim. They are barred of any legal, natural right. It was a conditional right extended them. They failed to avail themselves of it; and the question now is, among those who thought that commission was an evil and that the reopening of it will be a renewal of the evil, whether it shall be opened with an isolated case which will furnish a precedent for opening it for every other isolated case that may be presented.

But we are told, (and it is a plausible argument,) that we ought to pay for supplies that were furnished to our Army, to our starving soldiery. Is there anything in this report to show that these supplies were actually furnished to the Army?

Mr. EDEN. Unless that is proved, these parties cannot recover a cent under this bill.

Mr. BRAGG. I say that when the committee report a bill to this House and make an argument that this claim for supplies furnished the Army should go to the Court of Claims, that committee ought to have proof before it that those supplies were furnished, by whom they were furnished, for what they were furnished, to whom they were furnished, when they were furnished, and the reason why the parties did not receive a quartermaster's certificate.

Mr. EDEN. We had that identical proof, but as it was *ex parte* we thought it would be better to refer the case to the court, where the other side could be heard.

Mr. BRAGG. I have heard a great deal of *ex parte* testimony. Does not the gentleman from Illinois know that the Court of Claims takes all its testimony by depositions; that A, B, and C, as commissioners, may take depositions in some part of Louisiana from Tom, Dick, and Harry, with no opportunity for rebuttal unless the United States Attorney-General's Department shall make itself a traveling attorney-general's office to hunt up facts as to the character of the witnesses?

Mr. EDEN. That court tries cases from all parts of the United States.

Mr. BRAGG. And it is a most remarkable result that in nineteen cases out of twenty the judgment goes against the Federal Government because there is no sufficient test as to what is the loyalty to be proved by depositions before the court.

Loyalty is a sentiment. There are gentlemen upon this side of the House who served in the confederate army who can furnish more proofs probably that they were loyal to this Government than we could who fought upon the Federal side, because they can prove by witnesses that what they fought for and what they sought to maintain was a government upon the principles of our fathers and that we northern men had seen fit to attempt to tear down the structure that our fathers left us, and they were loyal and we were disloyal. [Laughter.]

Loyalty is a sentiment; and when you undertake to prove by depositions that this man was loyal or that that man was loyal you can bring up one of his field-hands to swear that he heard old massa say when he did not get proper pay for stores that the confederates had taken from him, or when his son was refused furlough, that he would like to see that southern government go down and that such tyrants as old Bragg, who shot down soldiers for visiting their homes when passing on the march, should not be upheld as representatives of the government. You can prove by that negro how he heard massa say that day he was opposed to the confederates. Now that is *ex parte* testimony. The affidavits do not cover the whole ground, and it is not in our power to sift such evidence.

Only the other day I heard a gentleman, a member of this House from North Carolina, say he knew of a woman from North Carolina who had proved a large claim in the court of commissioners of southern claims and had established her loyalty; while, if they had called upon him, he could have proved to the court conclusively that she and all her family and friends were heart and soul friends of the confederacy.

Mr. WADDELL. You may say that of 95 per cent. of the population of the South.

Mr. BRAGG. I say it of 99 per cent. And the only recommendation that woman had for her loyalty, and which carried her claim through the court, was that her brother-in-law was a member of the convention which nominated a recent President of the United States. [Laughter.]

The gentleman from North Carolina says that 95 per cent. of the population of the South were true to the confederacy. That recalls to my mind the very eloquent remarks made yesterday by the gen-

tleman from Mississippi, [Mr. HOOKER.] I was astonished that a claim so exceedingly loyal as this should find the gentleman from Mississippi as its champion. When did the Vicksburg district before send a man here who represented the loyal people of that district, who should stand here and sing praises and chant pæans in honor of the loyal Southerners. [Laughter.] Ay, when I heard that speech, and saw in my mind's eye the long array of loyal claimants, and thought of their antecedents, I felt like saying to them what the mouse said when it saw the old cat hanging up against the wall: "Oh, you are there, my old friend, are you? You may stay there, for I would not trust you though your skin was stuffed with straw." [Laughter.]

Mr. CHALMERS. I would like to say to the gentleman that my colleague [Mr. HOOKER] is now out. He kept quiet the other day when my colleague was present. I do not think he should assail him behind his back.

Mr. BRAGG. It is not my purpose to assail any man; but if the gentleman says that I say behind his back what I would not say to his face, he mistakes the man whom he calls to order.

I beg pardon of the House if I have improperly alluded to the speech which the gentleman from Mississippi made yesterday in support of this claim; but I have got tired of seeing claims come here in one form, which, when this House expresses its sense upon them, are suddenly diverted into another channel, and of hearing persons talk about judicial examining and making laws fixing the rules of evidence to tie up the court, and then send the matter to accounting officers to determine what the value of the property taken was.

I would like to remind the gentleman from Ohio [Mr. KEIFER] how he quoted in his famous speech against the William and Mary College the well-settled law that no nation is responsible for the torts of its officers or soldiers, for the destruction of property in the course of war in insurrectionary territory; but, as I said, there has been in this House repeatedly a taunt thrown at us, and I regret to say that it comes from Mississippi.

We have been taunted with the \$34,000,000 in the Treasury that belong to some one unknown or to the Government as proceeds of abandoned property and ought to be distributed in the South.

I would ask these gentlemen to take their eyes off from the \$34,000,000 for a moment if they want to appreciate how we feel. Let them turn the glass over and look at another view—a sea of blood—thousands and tens of thousands of the best men in the land, North and South, weltering in their gore. Let them hear the cries of the wounded man from the battle-field as the cold chill of death strikes him, and by the cessation of the groans you knew that one more soul had gone to his final account.

Let them go and hear the piteous moans from the hospitals; let them go to the hill-sides and mountain-tops, and to the valleys where thousands and hundreds of thousands are in mourning.

Then let them look at what is of the least account in the reckoning, the thousands of millions, the billions of money that were spent to put down this war; and when they place all these on the debtor side of the account, I would like to have them strike the balance—show, if they can, that the \$34,000,000 of credit which belongs to somebody, they do not know whom, overcome the entries on the debit side.

I am not willing to sit here as the Representative of my constituents and allow these measures to be brought up in one form or another; from one member and another; from one committee and another, for the purpose of getting money out of the Treasury on the plea of loyalty.

These loyal men of the South are so few that the evil that will be done by leaving them out is nothing in comparison with the great evil that will be done if we open the door and allow the \$17,000,000 for claims upon our Calendar to be passed and appropriations made for the benefit of men on the plea that they were loyal people of the South.

I have here time and again heard a threat thrown to the democracy upon this side of the House which I have thought for a long time needed an answer, and it came from Mississippi. I have heard it said here upon the floor of the House that unless the democracy of the North is more liberal, that unless they would open their hands and give out money more lavishly from the Treasury, the solid South would soon go over to the other side.

I say, as one of the Representatives of the democracy of the North, that if there are any men in the South who propose to belong to the democratic party simply for the reason that the doors of the Treasury are to be opened to them, the sooner they go over the better for them, the better for our party; and when the people of this country see and feel, as they are beginning to do, that they can trust the interests of the country with the democratic party of the North and South, then we can make recruits in the Northern States that will fill up our ranks to the maximum.

We have no need of that class of gentlemen that we can only hold to party allegiance by golden ties, by giving them the promise of everything which they may ask out of the Treasury.

Mr. MARTIN. I must now insist upon the previous question.

Mr. ELLIS. I ask the gentleman to yield to me for five minutes. [Cries of "Yield!" "Yield!"]

Mr. MARTIN. I will yield to the gentleman for that time.

Mr. ELLIS. Upon the general features of this bill I do not know that I desire to say anything now. What I am about to say is called forth by that portion of the extraordinary speech of the gentleman

from Wisconsin [Mr. BRAGG] in which he alluded to certain "taunts" made by southern members in reference to money now in the Treasury collected illegally and unconstitutionally; ay, and he might have well said with the robber's hand. In the course of my speech upon the Mississippi levee bill I did allude to the fact that \$86,000,000 were in the Treasury of the United States collected without the semblance of law or justice from the impoverished South.

Now, I agree with the member from Wisconsin [Mr. BRAGG] that the percentage of "loyalty" in the Southern States during the war was a great deal less than 1 per cent. I undertake to say that the southern man who was born there, who was reared there, and who was identified with the southern people, could only have been loyal when he entered the confederate army and did his full duty as a soldier in the armies of the South. Such men were the only loyal men in the South. They were loyal to their country; they were loyal to their God; they were loyal to the noblest and highest and holiest emotions that ever animated the human heart.

Mr. CONGER. I wish to ask the gentleman— [Cries of "Regular order!"]

The SPEAKER. Does the gentleman from Louisiana [Mr. ELLIS] yield?

Mr. ELLIS. I do not yield.

The SPEAKER, (rapping with his gavel.) The gentleman declines to yield.

Mr. CONGER. The Chair need not rap me down while I am asking the gentleman a question.

The SPEAKER. The Chair wants the gentleman to rap himself down. [Laughter.]

Mr. CONGER. The Chair seems—

The SPEAKER. The Chair is bound to protect the gentleman holding the floor if he declines to yield.

Mr. CONGER. I addressed the Chair, and I addressed the gentleman speaking, and he nodded assent to me.

Mr. ELLIS. I positively decline to yield to the gentleman from Michigan.

Mr. CONGER. I know the gentleman does now, with the assistance of the Chair.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] will be kind enough to take his seat.

Mr. ELLIS. Here and there, scattered over the South, there may have been some individual who from his heart and from his conviction did espouse the cause of the Union, but I do not know in all the limits of my acquaintance in my own State more than three or four men who I believe were loyal to the Union in the proper sense and usual acceptance of that term. Before hostilities began there were in the South thousands and tens of thousands of men who deprecated and deplored the gathering strife and who sought by every means to avert war and disunion, but when war came more than 99 per cent. of the men of the South, every man almost worthy the name of man, forgot individual opinion and entered the ranks and fought the battles and suffered the calamities and death of the confederacy. As regards the claims which are forever being urged by "loyal" claimants and known as war claims, let me say that I for one am willing here and now to vote for a constitutional amendment which shall close the books and forever settle the accounts between those loyal men and the Government. I do not stickle for their allowance or urge their payment. Some few of them are just, no doubt, and ought to be paid. I know, personally, of a few cases of this character; but in order to achieve peace, in order to silence the tongue of slander, in order to ease the hearts and minds of the people of the North who are jealous lest some rebel be paid, I am willing to end all this matter by a constitutional amendment forbidding forever the payment of every claim growing out of the war. In this, at least, am I agreed with the member from Wisconsin.

Now as to the lecture which in questionable taste he has seen fit to read to members of this House, southern democrats, I tell him that it comes with rather a bad grace from him. When I alluded to the fact that there was in the Treasury of the United States \$86,000,000 illegally and unconstitutionally wrung from the products of the South—products singled out for illegal and unconstitutional taxation, so decided by a decree of our highest court—when I alluded to moneys wrung from Southern States and property by means and processes which no man dares now vindicate, I did but allude to these facts by way of appeal for justice from the North to the South. We of the South were claiming a mere pittance, in all some \$5,000,000, for the improvement of the Mississippi River, in which the gentleman from Wisconsin and the people he represents are interested. I cited the fact, hoping perchance that hearts like the members from Wisconsin might be a little softened toward a measure we deemed so just.

Mr. BRAGG rose.

The SPEAKER. The gentleman declines to yield.

Mr. ELLIS. Now, sir, no democrat to my knowledge in the South has proposed to desert the democratic party, or the democrats of the North—

Mr. BRAGG. I simply desire to say—

The SPEAKER. The gentleman declines to yield.

Mr. ELLIS. No southern democrat has intimated a desire to desert the democratic party. [Cries of "Louder!" "Louder!"]

Mr. TOWNSEND, of New York. We want to hear what the gentleman is saying.

The SPEAKER. The Chair hopes the gentleman will not be interrupted.

Mr. ELLIS. Mr. Speaker, I hope I will be allowed to proceed and to speak in my own way and manner.

The people of the South believe that they are as democratic and as true to the democratic party as the gentleman from Wisconsin and his constituents. We went to war, it is true; but let the truth be told. It was in obedience to what we conceived to be the teachings of democracy that we accepted the call to war. From Jefferson and Calhoun we had learned that the States were sovereign. Believing this, a majority of our people believed that under the Constitution the States had a right to secede. We exercised the right; war was the result. At last, then, the war was one for the construction and application of the Constitution. We were defeated, and our theory, which we sought to vindicate by arms, was swept away. We now recognize as the result of war a great and radical change in the spirit of our Government. Especially is this so with regard to the question of internal improvements. Originally southern democracy held that the States being sovereign and the powers of the General Government limited and specified, the power of the Government to aid in works of internal improvement was narrow and limited.

The doctrine that opposed works of internal improvement by the General Government rested upon the doctrine of State sovereignty; in other words, of the right of secession. We of the South sought to vindicate that theory by arms. Democrats of the North like the gentleman from Wisconsin took up arms to destroy it. They succeeded. And now having destroyed by the bayonet the basis, the foundation upon which rested the old democratic doctrine of non-internal improvement by the General Government, they contend that the superstructure still exists, and constantly and bitterly oppose Government aid to internal improvements which the crying needs and wants of the impoverished South demand. To our demand for aid they respond, "The Constitution does not allow Congress to aid you;" and we who warred and were overthrown in our attempt to vindicate and maintain that view of the Constitution are told by the men whose swords and bayonets defeated us that the construction of the Constitution which we fought for, and which they overthrew, still prevails. What nonsense!

[Here the hammer fell.]

Mr. MARTIN. I now insist upon the demand for the previous question.

Mr. POTTER. I desire to offer an amendment to the bill.

Mr. MILLS. Southern members have been reflected upon, and I appeal to the House to give us a little more time.

The previous question was not seconded.

Mr. MILLS obtained the floor.

Mr. EDEN. Has not the morning hour expired?

The SPEAKER. It has.

Mr. EDEN. Then I call for the regular order.

Mr. MILLS. Can the gentleman take me from the floor?

The SPEAKER. The regular order being called for, the Chair must announce the close of the morning hour.

Mr. MILLS. I ask for five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to occupy the floor for five minutes.

Mr. MILLS. If I can have the floor to-morrow, I do not press the request.

The SPEAKER. The gentleman will be entitled to the floor in the next morning hour.

Mr. HOOKER. I rise to make a parliamentary inquiry. As debate is now cut off after allusions have been made to me during my absence, which I wish and intend to reply to, allow me to inquire whether this question will be the first thing in regular order to-morrow?

The SPEAKER. The morning hour, if called for, will be the first business in order immediately after the reading of the Journal.

Mr. HOOKER. And this bill will be the unfinished business, I understand?

Mr. CONGER. Has not this committee now had its two days?

The SPEAKER. It has had its two days to make reports, but this bill, not being yet disposed of, must remain in the morning hour until finally acted on. Under the rules of the House a single bill may thus run in the morning hour for weeks.

Mr. CHALMERS. I rise to a question of privilege. I understand that the remarks made by the gentleman from Wisconsin [Mr. BRAGG] were intended directly for me, and not for the gentleman from Louisiana, [Mr. ELLIS.]

The SPEAKER. The Chair thinks this is not a question of privilege. The gentleman in the due course of the business of the House will no doubt obtain the floor.

Mr. CHALMERS. Very well, sir; I am ready whenever the time comes.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 613) subjecting the Fort Wayne military reservation in the State of Arkansas to entry as other public lands in said State;

An act (S. No. 1374) authorizing the chancellor of the Smithsonian Institution to appoint an acting secretary in certain cases; and
An act (S. No. 1297) for the protection of dairymen, and to prevent deception in sales of butter and cheese in the District of Columbia.

MISSISSIPPI LEVEE BILL.

The SPEAKER. This evening was set apart by consent of the House, amounting practically to a suspension of the rules, for the consideration of what is known as the Mississippi levee bill; but the memorial services of Mr. DOUGLAS, late a Representative from Virginia, are about to take place, according to the notice given by the gentleman from Virginia, [Mr. GOODE;] and as these will be followed by the customary adjournment of the House, the session of to-night will necessarily be dispensed with. The Chair therefore asks that next Tuesday evening be assigned for the consideration of the Mississippi levee bill. If there be no objection, this bill will be in order next Tuesday evening, at half-past seven o'clock, with all the rights that would appertain to its consideration this evening.

There was no objection, and it was ordered accordingly.

DEATH OF HON. B. B. DOUGLAS.

Mr. GOODE. Mr. Speaker, on the 8th of the present month my colleague [Mr. HUNTON] announced that he would to-day submit for the action of the House appropriate resolutions of respect to the memory of our late colleague, Hon. B. B. DOUGLAS. Mr. HUNTON is unavoidably absent to-day, and by his request I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with deep regret of the death of Hon. BEVERLY B. DOUGLAS, a Representative from the State of Virginia.

Resolved, That the House do now suspend the consideration of all other business in order to pay appropriate respect to the memory of the lamented deceased.

Resolved, That in token of regret the members of this House do wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. GOODE. Mr. Speaker, after the adjournment of the two Houses of Congress on Friday, the 20th of December, and while the members were busily engaged in making preparations to return to their families and their homes to enjoy the Christmas holiday, the friends of Hon. BEVERLY B. DOUGLAS, of Virginia, were startled by the announcement that he was lying at the National Hotel, in this city, in a very critical condition. Hastening to his bedside, his colleagues found him completely prostrated, and it was painfully apparent that his days upon earth were numbered and that he could not long survive. His family and friends were immediately summoned from Virginia by telegraph and arrived in this city on Saturday evening. If the faithful ministrations of a skillful physician, or the constant attention of sympathizing friends, or the tender nursing of a fond and affectionate daughter could have availed to stay the hand of the destroyer, our deceased friend would have still lived; but, alas, at such a time how vain is the help of man! He lingered through the night, and at an early hour on Sunday morning, the 22d of December, while the city was still wrapped in repose, his spirit left its earthly tabernacle and ascended to the God who gave it. His mortal remains were placed in charge of a congressional committee and conveyed to the family burial-place in the county of King William, in Virginia, where, on Monday afternoon, in the presence of his sorrowing and grief-stricken family and friends, they were committed to their final resting-place, and the solemn words, "earth to earth, ashes to ashes, dust to dust," were pronounced over his grave by a venerable clergyman of the Episcopal church.

BEVERLY B. DOUGLAS was, in many respects, a very remarkable man, and it is eminently proper that the Representatives of the people upon this floor should pause for a time in their customary avocations to review the history of his life, to recount his private virtues and public services, and to render a proper tribute of respect to his memory. He was born at Providence Forge, in New Kent County, Virginia, on the 21st of December, 1822. He received a liberal collegiate education at William and Mary College and the famous University of Edinburgh. He was graduated from the law school of Judge Beverly Tucker in 1843, and having been admitted to the bar in 1844 he practiced his profession for a short time in the county of New Kent and also in the city of Norfolk. Having married the daughter of Robin Pollard, a prominent citizen of King William, he located in that county in 1846 with as flattering prospects of success in life as any young man could reasonably desire. He rose rapidly to distinction in his profession, and soon occupied the front rank as an able practitioner and eloquent advocate. He was thoroughly versed in all the intricacies of the law, and enjoyed an enviable reputation as a safe, reliable counselor; but it was in the trial of causes before the jury that his great talents shone most resplendently. His power over the juries in the circuit where he practiced was truly wonderful. He was engaged in many important and exciting trials, and however eminent the counsel associated with or arrayed against him, it was always conceded that his was the speech of the occasion. Such was his acknowledged ability and so extensive was his popularity that when the convention to remodel the constitution of the State was

called in 1850 he was chosen with great unanimity a member of that body from the district composed of the counties of King William, Hanover, Spotsylvania, and Caroline. His colleagues were Francis W. Scott, Corbin Braxton, Eustace Conway, and Edward Morris. After the ratification by the people of the new constitution, in the formation of which he had borne a conspicuous part, he was elected a member of the senate of Virginia in 1852, and served continuously in that body until 1865.

Among his colleagues in the General Assembly during that period were such men as A. H. H. Stuart, Robert A. Coghill, Joseph Christian, Henry W. Thomas, James Nelson, James F. Johnson, Alexander Rives, Robert Saunders, R. T. L. Beale, Frederick W. Coleman, George W. Randolph, John Robertson, Benjamin Rush Floyd, Hugh W. Sheffey, Allen T. Caperton, James L. Kemper, James Barbour, John Seddon, John B. Floyd, Muscoe R. H. Garnett, John C. Marrye, and others not less prominent. Amid that galaxy of distinguished names, whose fame is not confined to the Commonwealth of Virginia but is coextensive with the limits of the American Union, it is no exaggeration to say that BEVERLY B. DOUGLAS was regarded as a "bright, particular star." He was not only esteemed as a worthy associate of those great men who had reflected so much luster upon the State which gave them birth, but he was an acknowledged leader, as is evidenced by the fact that from 1853 to 1858 he served as chairman of the committee on finance in the senate, and as chairman of the committee on military affairs from 1861 to 1865—four memorable years in the history of the Commonwealth, during which she was swept throughout all her borders by the besom of destruction and every foot of her soil was trampled by the red, fiery hoof of war.

Although a member of the General Assembly and therefore exempt from military service in the field, Mr. DOUGLAS was not content to serve his State only in her legislative halls during that trying ordeal through which she was called to pass. He loved his native State and all her traditions. He had been reared in the State-rights school which taught him to believe that his paramount allegiance as a citizen was due to her. When, therefore, her soil was invaded by hostile armies and Virginia called upon her sons to come to her defense, BEVERLY B. DOUGLAS responded to her call with a heart as unflinching and a courage as lofty and unflinching as ever animated the breast of his illustrious progenitor in the Highlands of Scotland, whose crest was the lion's head, and whose family motto was "Do or die." He entered the army as first lieutenant of "Lee's rangers," a company commanded by W. H. F. Lee. He became the captain of his company, and was afterward promoted to be major of the Fifth Virginia Cavalry, in which capacity he served until the close of the war. He was an ardent, enthusiastic, and consistent democrat, and for the last thirty years has rendered valuable and conspicuous service in all the political conflicts which have occurred in Virginia. He was chosen by a State convention of his party a presidential elector on the ticket of Breckinridge and Lane in 1860; a delegate to the democratic national convention which assembled in New York and nominated Seymour and Blair in 1868, and canvasser for the State at large in the celebrated campaign which resulted in the election of Gilbert C. Walker as governor of Virginia in 1869.

No man of his day excelled Mr. DOUGLAS in the discussion of political questions before the people. As a popular debater he was pre-eminently distinguished for his extensive, accurate information, his logical, compact argument, his keen, pungent wit, his scathing, withering invective, and his burning, impassioned oratory. Whenever it was announced that DOUGLAS was to speak the people would come together in great crowds to hear him, and the many brilliant triumphs which he achieved on the hustings will long be remembered with pride and pleasure by his political friends and admirers. In November, 1874, Mr. DOUGLAS was elected from the first congressional district of Virginia a member of the Forty-fourth Congress, and again in November, 1876, he was elected a member of the Forty-fifth Congress. He did not take an active part in the proceedings of the House, and very rarely participated in its debates. Hence it may not be inappropriate to remark that the members of this body who have only known him here can form no proper conception of the forensic powers and intellectual vigor which have rendered his name a household word in Virginia. The most valuable service which he rendered here was as chairman of the select committee of nine in the Forty-fourth Congress to investigate the affairs of the Freedman's Savings-Bank, to ascertain all matters relating to its management, the causes of its failure, and the names of the parties responsible therefor. He undertook this work with a determined purpose and prosecuted it with commendable industry. His report, submitted on the 19th of May, 1876, is a valuable contribution to the history of the times, showing clearly the origin and structure of the Freedman's Bank, how grossly it was mismanaged, how its funds were misapplied by the officers and agents, and how the poor freedman was deceived and betrayed by those to whom he confided the investment of his small, hard-earned savings.

I have thus, Mr. Speaker, given a very imperfect sketch of the life and public services of my departed colleague and friend. No man of his generation in Virginia had a more vigorous intellect, a more courageous temper, or a more generous disposition. That he had his faults and frailties it would be uncandid to deny. These were known to the public generally; but his intimate friends and associates only

knew how to appreciate properly those rare magnetic qualities of the heart which drew around him and attached to him so warmly all who came within the circle of his personal acquaintance. I know that I utter a sentiment which will touch a responsive chord in the breasts of those who knew him best when I say that as a citizen no man was more patriotic and public spirited; as a friend no man was ever more unselfish and true; as a husband and father no man was ever more tender and devoted. That mother Commonwealth which he loved so well and upon whose bosom his mortal remains now calmly repose will long mourn him as one of the noblest and brightest of her sons, and among her people the name of BEVERLY B. DOUGLAS will long be held in grateful and affectionate remembrance. It is not for me, Mr. Speaker, to teach the moral lesson to be drawn from this sad and afflictive bereavement. In the presence of such a solemn event I feel that silence would be more eloquent than words.

Since the organization of the Forty-fifth Congress seven members of the House of Representatives have been stricken down by the hand of death. As these notes of warning are ever and anon falling upon our ears it would be well for us all to pause in the midst of these busy and exciting scenes to reflect upon the shortness and uncertainty of human life, and to remember "what shadows we are and what shadows we pursue."

Mr. POLLARD. Mr. Speaker:

I come to bury Caesar, not to praise him.

Shakspeare in his day recognized the fact that in delivering the funeral orations of men their unrestricted praise was common. From his day to ours this practice has not changed. It is indeed a pleasant task to recount the kind acts and good qualities of our departed friends, but duty to the living and justice to the dead require that a man's eulogist truthfully narrates his prominent characteristics; for no man in this life is all good—none perfect—and the biographer who only writes of his hero's merits is set down a failure and his works unread.

I come to bury Mr. DOUGLAS. "He was my friend, faithful and just to me." A friend was he indeed in all that the word means, although we never met till the Forty-fifth Congress assembled in October, 1877; but then, being on the same committee and hence often together, strong ties of friendship rapidly formed. He was warm-hearted, generous, hospitable, brilliant as a conversationalist, eloquent, ardent in his friendships, and eager to resent any affront offered his friends. He was an earnest advocate for what he believed to be right, and his errors were always toward the weak and erring. On our committee work, where so many cases came from poor broken-down patentees for an extension of their patents, he was always in sympathy with those who had been peculiarly unfortunate in their inventions, and was always ready to bend the rigid rules of the committee to assist them out of their misfortunes, and on more than one occasion did he eloquently and vehemently urge his fellow-committeemen to but that once give the poor applicant the benefit of another term of his patent.

What nobler quality can a man possess—a mind constantly on the alert to alleviate the miseries of the unfortunate? Such qualities of the heart bring hosts of friends and admirers. Mr. DOUGLAS was loved and admired by all who knew him well.

He was a liberal-minded man, as are all men of education and travel.

It is he who thinks all Christendom is bounded by his horizon, that the whole boundless universe is inclosed within his immediate neighborhood, who is your narrow-minded fellow who *knows* he is right and who cannot be convinced that he, his family, or party ever did or ever could do wrong. He it is who always strictly follows the bidding of his party leaders and never concedes any good by the opposition.

Such was not Mr. DOUGLAS. He was a staunch democrat, but felt always that there were many good men in the republican party and that that party had done much good.

I remember the last conversation I had with him. It was in walking from his hotel to the Capitol but a few days before he died. In that conversation he referred to Virginia and the progress made in those localities where immigration had come since the war, and said the old State needed new blood; in fact that whole conversation showed the breadth of his views and the liberality of his mind. The world needs more men of his ideas and we should cultivate them.

Thinking men have come to the conclusion that a country has more to fear from the ignorance of its own people than the assaults of its outward foes; and to-day, if our Government has special ground to fear, it is because our citizens do not familiarize themselves with the people, their manners and customs, the habits, thoughts, and wishes of portions of our country remote from where they reside.

A man who, like Mr. DOUGLAS was, is a leader in his neighborhood and who shapes its tone and feeling is of more service in this direction than scores of those who follow. Mr. DOUGLAS had one other quality for which he was noted—truthfulness—and whatever faults a man may have if he possess the jewel truth they sink into insignificance. If we can implicitly rely upon every word a man utters we instinctively admire him, and in this regard at least we bid our boys to pattern after him; but let a man be untruthful, and the world shrinks from him; and though he have the brain of a Web-

ster, the logic of a Calhoun, or the eloquence of a Clay, he is nothing; his life is a waste, and strive he never so hard, he cannot rise.

Truth is in each flower,
As well as in the solemnest things of God.
Truth is the voice of nature and of time;
Truth is the startling monitor within us.
Naught is without it; it comes from the stars,
The golden sun, and every breeze that blows.
Truth! It is God, and God is everywhere.

Still, Mr. DOUGLAS had faults, and what man possessing such strong social qualities has not? Yet no man who knew him would for once think of him other than as a brilliant, noble, kind, generous man, thoroughly well-bred and hospitable, with a large, warm heart, always on the alert to do some good to poor, suffering humanity. *Requiescat in pace.*

Mr. HOOKER addressed the House. [His remarks will appear in the Appendix.]

Mr. WALKER. Mr. Speaker, again are we called upon to mourn the death of an honored member of this House. It should admonish us all that "in the midst of life we are in death."

The exemplifications of this solemn truth have been fearfully frequent in this body during the past few weeks. Four of its members have gone down to the tomb, and the tomb never received within its somber walls four nobler or braver spirits. Each possessed all those high and commanding attributes of both head and heart which combine to form that noblest work of God, an honest man.

Him whose memory and merits we to-day commemorate by these public and appropriate proceedings I first met in Virginia in the gubernatorial campaign of 1869. The acquaintance then begun in the midst of the heat and excitement of that memorable struggle soon ripened into a warm and devoted friendship, which continued to the day of his death unabated and unmarred by a single estrangement. In that contest he acted a conspicuous part. Clearly comprehending the perils which environed his native State, he abandoned a lucrative business and the comforts of home, and, entering the political arena, by his sturdy eloquence and unanswerable logic contributed much to the achievements of that grand triumph which restored civil government to his beloved State and placed her once more in harmony with the Federal Union. But his patriotic services to the Commonwealth were not confined to this one great struggle. Years before and in his early manhood, by the force and vigor of his intellect and his unswerving integrity of character and purpose, he rose rapidly in public confidence and esteem, until he came to be regarded as one of the foremost men of the State and among the ablest debaters who ever graced the halls of the Virginia General Assembly.

Brave and chivalrous in spirit, honest and independent in thought and action, as prompt to resent an insult as to forgive an injury, earnest in his convictions and sincere in his friendships, BEVERLY DOUGLAS commanded alike the confidence of his friends and the respect of his foes. Doubtless he had his faults, but who has them not? From the day when Adam was driven forth from the garden of Eden to the present moment the pages of recorded history, either sacred or profane, are illuminated with the name of but One of spotless humanity. And what a fitting rebuke that One—the despised Nazarine—administered to the Pharisees, (a sect not yet extinct,) who would stone a woman because she had sinned, when he said unto them:

He that is without sin among you, let him first cast a stone at her.

There are faults of the head and there are faults of the heart. The former may sometimes be excused, while the latter may always be atoned. My late colleague possessed few faults of the head and none of the heart. His great heart ever beat responsive to all that was manly, generous, true, and sincere.

But, sir, I did not rise to pronounce a panegyric upon my deceased friend, but rather, in the briefest manner possible, to attest my own appreciation of his noble qualities and rare worth. A careful survey of these would suggest many useful lessons, but none more pointed and expressive, perhaps, than that—

He lives most who feels most, acts the noblest, lives the best.

Mr. SPRINGER. My acquaintance with BEVERLY B. DOUGLAS began with the first session of the Forty-fourth Congress. Of his life previous to that time I know but little, and will leave to his colleagues from Virginia, who have known him from his youth up, the task of speaking appropriately of his earlier years.

An examination of the RECORD of the Forty-fourth Congress, the first of which Mr. DOUGLAS was a member, will reveal the fact that he began his congressional career with a zeal and industry and sustained himself in debate with an ability that gave assurance of a brilliant future. His constituents were not slow to recognize in him a faithful and able representative.

He was the chairman of a special committee for the investigation of the affairs of the Freedman's Bank, and conducted the matter with untiring industry and remarkable success.

He was an earnest advocate of retrenchment of public expenditures and of reform in the civil service of the country. On one occasion, in March, 1876, he moved an amendment to the legislative,

executive, and judicial appropriation bill, reducing the salaries of members. In the course of the debate he said:

In that section of the country which I in part represent, standing in the presence of a diminishing revenue and the paralyzed industries all over the country, with a constant decline in the expense of living, the people did demand, in a voice that must be heard here and elsewhere, that there should be a retrenchment in the expenditures of this Government. My equanimity will not be at all disturbed by any taunts about my sincerity. I will let that question be tested by my acts. I will respond to the demand of my constituents and of the people of this country for retrenchment in this Government, in every branch of it, the legislative as well as the others.

Those who knew Mr. DOUGLAS never for a moment doubted his sincerity. He was not a demagogue; he tried to deceive no one; he was always truthful and sincere. In advocating the reduction of his own salary he evinced his unselfish devotion to the interests of his constituents. He never thought of self, of his own interests or ambition, but moved forward fearlessly in the advocacy of what he believed to be the right. He had a delicate sense of honor; he did not impugn the motives of others, and he resented with indignation the slightest reflection upon himself or his friends. He was broad and liberal in his views, and adhered with unmoved purpose to his principles. He was generous to a fault, kind to friends, loving to his wife during her life-time, and devoted to his children to the hour of his death.

Mr. Speaker, I will not speak of his frailties. *De mortuis nil nisi bonum*; yet he wronged no man but himself. Who of us will be able to claim as much in the last day?

In the death of BEVERLY B. DOUGLAS Virginia has lost a faithful Representative, those who knew him a firm friend, and his children a kind and loving father. Living, he "loved his fellow-men," and dead, his memory is cherished by them. May he rest in peace—

"Let the lifeless body rest!
He is gone who was its guest.
Gone as travelers haste to leave
An inn, nor tarry until eve.

Traveler! In what realms afar,
In what planet, in what star,
In what vast aerial space,
Shines the light upon thy face?

In what gardens of delight
Rest thy weary feet to-night!"

Mr. DUNNELL. Mr. Speaker, we are in session at this hour that we may appropriately honor the memory of a fellow-member of this House. At your request, sir, on the 22d day of last month, with other members, I accompanied the remains of Hon. BEVERLY B. DOUGLAS from this city to their final resting-place, in his native State. Mr. DOUGLAS was born in New Kent County, Virginia, December 21, 1822. King William County, where we saw him buried, was his home, and in it he passed the greater part of his life. Thither he went shortly after he had completed his academic, collegiate and professional training, and a few months subsequent to his admission to the bar in 1844, when he was twenty-two years of age.

He was carefully prepared for his chosen profession. The courses of study to which he was subjected for discipline in the institutions of learning, in Virginia and in the University of Edinburgh, in Scotland, had not failed in their offices. They had thoroughly fitted him for an honorable and useful life. The marked enthusiasm and ability, of which he furnished early and abundant evidence, very soon gave him a foremost place among the best lawyers in King William and the adjoining counties. Many honorable incidents and triumphs in his early and later career as a lawyer, in the scene of their occurrence, are there remembered and fondly cherished. They had their birth in a mind well cultured, in great personal integrity and honor, and in a heart full to overflowing of true kindness. They could not fail, as they did not, to make for him many and steadfast friends. They furnished a reason for the unmistakable regard and esteem in which he was held by his neighbors and friends. They overtopped faults and found expression in tears as his remains reached these friends and his home.

At the age of twenty-eight, Mr. DOUGLAS was a member of the constitutional convention of Virginia. At that early period in his life, he was classed among the number concerning whom the Commonwealth entertained large expectations. Immediately succeeding this public service in the constitutional convention, he commenced one of twelve years' duration in the Senate of the State. He here held an honorable rank among his colleagues. He was a ready and forcible debater.

I refer more especially to the life of Mr. DOUGLAS between the years of 1844 and 1861, because in this time he founded and built up a reputation so honorable to himself and to which his many friends now unite in pointing with just pride. It was during this period that he won for himself, by faithful labor in professional and public life, the strong attachments which remained to him, even to the grave. He had the personal characteristics which made him popular with the people. He was eminently generous. He will long live in the memory of many a humble person in King William County for some act of kindness which will have no record, save in the faithful memory of those upon whom he bestowed his beneficent acts.

As the funeral procession was moving from the church to the grave, a colored man, of middle age, approached me and said: "Will not the

coffin be opened? Mr. DOUGLAS was my friend; I want to see him once more." For what reason this poor citizen thus felt and spoke I cannot tell. He knew the reasons. Beyond doubt he had received some aid, some encouragement, some generous treatment from his lost friend.

Human history, Mr. Speaker, is always at fault because never complete. So the published life of an individual will be at fault, for it will leave out many an act of private beneficence, many a noble deed, many a great effort for the good of others. These acts may have no record save in the books kept by God himself.

Though the life of our friend may teach the truth that—

'Tis wondrous difficult, when once beset,
To struggle through the straits, and break th'
Involving net;

yet it has been my pleasure to find in that life the fruits and achievements of a liberal mental culture, and especially the deeds wrought from the impulses of true kindness, for I remember that

Kind hearts are more than coronets.

Mr. PRIDEMORE. Mr. Speaker, solemn and imposing ceremonies cannot stay the hand of death, nor alleviate the distresses of the living. Yet the common consent of mankind justifies the erection of monuments to the memory and the recording of the deeds of the illustrious dead. Deeply impressed with the sad rite accorded our distinguished and lately departed brothers, I was moved to see as the mournful panorama passed before me men whom the world calls great—grave and reverend Senators, foemen in the ambitious contests for political supremacy—moving down these aisles, arm in arm, like children. There, too, was the President of the United States, and distinguished judges who sit to pass in the last resort upon the most sacred rights of man; all bowed to the triumphs of the conquering hand of death, before whose victories their wisdom was turned into folly, their ambition into humiliation, and their fame into forgetfulness. A moment and they pass on, each to resume his journey in life—a journey that in its turn must end in death. Amid the solemnity of these scenes my eyes fell upon the vacant seat of my distinguished colleague, the late Hon. BEVERLY B. DOUGLAS. Memory recalled the men and the times when, more than a quarter of a century ago, he came first upon the theater of public life. At no period had Virginia presented to the world a greater array of her gifted sons or distinguished men. Major DOUGLAS at an early age contended with these his countrymen for the prize of political and forensic supremacy, and won for himself a name second to no man of the times.

Devoted to the history and traditions of his native land, he worshiped at the shrine of her past glory and rising greatness. While yet in the prime of life and advancing fortune war sounded her dread trumpet, and called to arms. Differing with many of his countrymen, but sharing the views of his own people he joined them in the conflict, and asserted amid the sulphuric flames of battle what he and they believed to be the constitutional rights and sacred honor of Virginia. He bore without spot or blemish the colors committed to his hands, and won from strife and death distinguished honors as a soldier. He had seen and served the old State in the pomp and power of her prosperity. He now followed her fortunes in the dangers and perils of adversity; beheld her devastated fields, desolated homes, and fatherless children; ay, more, he saw the triumphs of war blot her from the galaxy of States, and himself and comrades disrobed of the sacred rights of citizenship; saw strangers giving laws and claiming dominion over the land of the Berkleys, Henrys, and Randolphs. To this common fate he bowed in silence and awaited—it may be impatiently—the hour of her redemption. The shackles at last cleft from his hands, his comrades and countrymen again crowned him with honors and clothed him with the powers of a Representative upon this floor.

But of his services here others can more fittingly speak. With a mind more than ordinarily gifted by nature, strengthened by a classical education, humorous and genial, he lent a charm to social life that made him the idol of the society in which he moved. Through his long and varied services as a citizen, soldier, and public man no blot or stain ever approached the sacred precincts of his fair name. May the sod rest lightly upon his bosom and Virginia ever hold his distinguished services in grateful remembrance; for of all the great and good now resting in her soil there sleeps not one who loved her more than DOUGLAS.

Mr. CLARK, of Iowa. Mr. Speaker, I rise with some hesitation to speak of our deceased fellow-member, Hon. B. B. DOUGLAS, as I have not had that personal acquaintance which would admit of my speaking of him from a stand-point of acquaintanceship. Although I saw and knew Mr. DOUGLAS frequently upon the floor of this House, I was never brought in contact with him. I knew not of his sickness until I heard of his death.

Death has inexorably added many to his list from this House. Nothing has been so gratifying to the friends of each as the sincere regret for the loss and sympathy for the mourning relatives—as the impressive ceremonies observed by the House.

The entire absence of personal knowledge of Mr. DOUGLAS on my part will compel me to be very brief. Others will have spoken of his life and personal qualities at greater length. I can only speak of him as a member of this House, except as I have learned of him from

others who have known and admired him in earlier years and to the time of his death; and I honor that great heart in human nature which, while it forgets the faults of the dead, remembers the virtues and all good qualities.

I am able to speak of our deceased member with more particularity because of the fact that I was one of the committee appointed by the Speaker of this House to escort the remains to their "last house." I did not feel at liberty to neglect that duty, notwithstanding many other duties.

The immediate friends of Mr. DOUGLAS spoke of him in the highest terms. At his old home his funeral received every evidence of the confidence, not to say devotion, of the community to his name. The love for him and admiration for his memory were manifest everywhere in his district. He was brilliant as a senator of the State and as a lawyer at the bar—called the Nestor of the bar—and his ability was recognized and acknowledged until death claimed him.

In the chilling excursion across the country to the home of Mr. DOUGLAS the committee appointed by the Speaker received every evidence of esteem and honor. No pains were spared to have us understand that we had come as the committee attending the remains of Mr. DOUGLAS and therefore as friends of his people. No higher evidence of the devotion to the deceased or reverence for his services and memory could have been shown than were during the visit of the committee.

At the time expected by the friends we met them at the village of Mr. DOUGLAS's residence and attended his remains to the church. The entire community seemed to be present to attest their respect for his memory. Impressively Mr. DOUGLAS was buried, near his deceased wife, and near his old home, and there "may his ashes rest in peace."

I am told, Mr. Speaker, that Mr. DOUGLAS was brilliant and able, and regarded by his constituents as one of the most promising and really able men of Virginia.

Mr. Speaker, if Mr. DOUGLAS had faults or frailties (and who is free of all our human kind) we cast the mantle of Christian charity over them, after the example of the Great Master. The immediate friends of the deceased member testify also to his goodness of heart and openness of hand. I commend his excellencies and "leave his short-comings to his Saviour."

Not much can be said to remove or alleviate the article of death. There are those who feel this affliction more than we, those who feel that "the silver cord is loosed, and the golden bowl broken." And now when the night and shadow of death have settled upon our brother, and the veil has been dropped between him and us, and when the "mortal has put on immortality," we commend to the guardian care of the all-wise Father the orphan little ones of the household. And, too, nothing which may be said by human tongue can lift the burden which the death of a father rests upon the hearts at the hearthstone. We can only recognize these visitations with that awe which knows no power of resistance.

Mr. TUCKER. Mr. Speaker, the advent of a new member to this Hall is sometimes under circumstances which place him in a relation to public business not congenial to his tastes nor suited to the exhibition of his peculiar powers. It is thus not possible for his associates to appreciate his merits or to estimate the grade of his capacity. Especially is this the case with one from the South, the relations of which to this Government for many years have made southern men much less familiar with the general policy of the administration of public affairs than are gentlemen from the North.

The members of this House from one cause or another have had no adequate opportunity to understand why the people of his district selected my late friend and colleague, Hon. BEVERLY B. DOUGLAS, as eminently worthy to represent them in this House. It is therefore the duty, not only customary but imperative, of his friends to present in its proper light the character of Mr. DOUGLAS and to delineate in truthful lines the noble qualities of his heart and the splendid endowments of his intellect as he was known to us; because he never found the appropriate occasion for manifesting them in the discussions upon this floor.

I knew him in boyhood, for we were schoolmates at the Richmond Academy, an institution well fitted to prepare a student for his collegiate career. Its teachers in the classics and in mathematics were eminent in talents and character and possessed of large acquirements.

I remember him at that early period as distinguished for his talents as a debater—talents which shone so splendidly in his after life. He was educated liberally at William and Mary College and at Harvard. He studied medicine at the University of Edinburgh, Scotland, and afterward the law in the school of William and Mary. He gave rich promise as a collegiate of future eminence.

He was a planter as well as a lawyer, and thus his professional life was developed according to a type so peculiar in Virginia and other parts of the South—that of the country lawyer.

This is a character which is now fast passing away, whom I would fain rescue from oblivion. Such a lawyer lived upon his farm, which he cultivated, and attended the courts, without any strict devotion to business in his office. His library was not measured by the number but by the weight of his books. He read and mastered Bracton, Coke, Hale, and Blackstone. His reports were few—my Lord Coke's, Salkeld, Saunders, Atkyns's, Equity Cases, and the like. He read history much, and studied the human heart profoundly. Amid the moun-

tains, hills, valleys, forests, and fields about his country home, he meditated much upon natural law. The principles of right and justice implanted in the instincts of our nature and deducible from observation and experience, he evolved from his own native intuitions and reason. He wrought out by original thought what law ought to be, without learning much from the decisions of the judges, and thus in ninety-nine cases in a hundred he found what was the law in any special controversy. He was less technical than the city lawyer, skilled by ample practice and full libraries in the infinitely varied phases of social contacts and contracts. He was less scientific, but more philosophic; his views were less astute probably, but more broad and fundamental; and his generalizations less accurate, because deduced from a less number of particulars.

The law he learned was that whose "seat is the bosom of God and whose voice is the harmony of the world:" *Nec enim alia lex Romæ, alia Athenis, alia nunc, alia posthac, sed et omnes gentes, et omni tempore, una lex et sempiterna et immutabile continet.*

It was by this self-discipline, by this evolution of law as a system of real right, of absolute justice, in the political, social, and domestic relations of men, from the profound study of human nature and of the records of human history, that Patrick Henry was enabled, the country lawyer of Hanover, to write upon the fly-leaf of his Coke upon Littleton those resolutions of 1764, proposed in the Virginia house of burgesses, which challenged George III to remember Cæsar's fate and the bloody scaffold of Charles Stuart; to strike the key-note of religious emancipation when he pleaded for the people against the parsons, and to forge the thunderbolt of revolution in the proclamation of his sublime dilemma of "Liberty or Death," to the colonies struggling in the military grasp of British despotism.

I do not doubt that John Marshall, the most illustrious of the Chief-Justices of the United States, under the classic shades of his country-seat at Oak Hill, framed the inexorable logic of his argument in the case of Jonathan Robbins, and constructed those canons of interpretation in that series of marvelous judgments, which laid the foundation of his fame as the greatest expounder of our Federal Constitution.

Time fails me to tell of the judges who were trained in this school of natural law for the science of jurisprudence. Pendleton and Wythe, Jefferson and Madison, John Taylor and Roane, and a host of others, are a galaxy of great men who were thoughtful jurists, though not case lawyers, taught by a profound knowledge of human nature and a large and varied experience in human affairs, to rear the temple of a sound jurisprudence, upon the deep foundations of natural justice and upon the law of God.

In my own life I have known scores of such men whose broad and comprehensive views of right and wrong, and whose acute and powerful minds thus trained, made them the equals and frequently the superiors of other lawyers, learned in cases and trained by the reading of law books and reports without end.

Mr. DOUGLAS was such a lawyer. Far less well read in reports than many of his cotemporaries, but with an acute and powerful mind, analytic in its processes and clear and intuitive in the detection of a fallacy; logical and cogent in reasoning, full of satire, sarcasm, and humor; overwhelming in invective, with literary taste and culture to add grace and ornament to his argument, he was the peer of any of his associates at the bar, and the superior of most of them in his genius as an advocate before the courts and the most intelligent juries of his country.

But there was another arena upon which he attained an excellence even higher than at the bar.

The hustings of Virginia from an early period has been the scene as well as the school for the highest powers of debate.

The county courts of Virginia, meeting every month, have been the occasions for the assembling of the people. On court-day the representatives of opposing political parties met upon the hustings to discuss public affairs. The people heard both sides, quietly and fairly.

The debaters divided time—opened, answered, replied, and rejoined. In the olden time the country people listened in dignified silence. The clap-trap of the demagogue was but little heeded. With sound sense and true eloquence, principles were expounded and facts were arrayed which carried the day. All the resources of reason, oratory, wit, humor, invective, and satire were called into play; misrepresentation was corrected by the adversary, detraction was subjected to censure, and fallacy in reasoning to exposure.

This institution of our society was a discipline to the gladiators and a school of instruction to the people. It begat fairness, candor, and sound reasoning in the debaters, and furnished the people with the materials of a just decision upon the great questions of the day. I may be excused for saying that one of the most memorable debates which authentic tradition has given us occurred upon the hustings at March court, 1799, of Charlotte County. The greatest orator of America made his last, and his successor to the confidence of his people made his first speech; and thus as the sun of Henry sank below the horizon in its evening splendor, that of his youthful friend rose into the firmament in its morning glory.

On the hustings Mr. DOUGLAS had no superior, and few if any equals. He met foemen worthy of his steel, and I have in my possession a letter from one of the present judges of the court of appeals of

Virginia, so long a distinguished party rival and yet warm personal friend of Mr. DOUGLAS, in which he says with generous praise:

I knew him and felt him in the full flush of his intellectual powers and transcendent genius. I have met him at the bar, in the senate and on the hustings, and I can truly say, after no small experience, that he was the equal, if not the superior in these different arenas of any man I ever heard speak.

Mr. DOUGLAS was for many years a member of the senate of Virginia. As a debater in that body he was, if not the first, in the very first line. A distinguished statesman of Virginia, and a political opponent then, has often said that he regarded him as able a man as his great namesake of Illinois, (with whom the narrator had served in Congress,) and a better speaker.

If I may venture to criticise Mr. DOUGLAS's intellect I would say that his powers were rather analytic than synthetic, more able to detect and expose error in an adversary than to build up a theory of his own, more destructive than constructive in its powers. He labored for the truth, which he loved, but he worked with more vigor to destroy falsehood, which he detested in the depths of his soul.

Having thus spoken of the mental power of my friend, it remains to speak of his character. That he had infirmities and faults I do not deny. Let him who has no beam in his own, seek to pluck the mote out of his brother's eye! Let charity and the grave hide them from our view; while his virtues bloom in fragrant memory about his tomb.

He was brave and generous—"A Douglas tender and true." "The Douglas in his hall" was hospitable, kind, and liberal to rich and poor. His nature was benevolent and charitable. Quick to resent a wrong, he was placable and easy to forgive if none was intended; and, when assured he had wronged another, his magnanimity in redressing it was prompt, noble, and conspicuous. Ardent and constant in his affections, he was tenderly devoted as a husband and father; a loyal, liberal, and unselfish friend that did not follow wealth and fame, nor leave the wretch to weep.

As a private citizen and neighbor he was just, kind, and public-spirited. His integrity and honor were beyond question. As a public man he was incorruptible, honest, sincere in his opinions, and broad and catholic in his views.

Can we wonder that his people loved such a man, and trusted him as their Representative, and clung to him with fond admiration of his genius and of the noble qualities of his nature? And will not the Representatives of this great Union join with us of Virginia in mourning the loss of so much of genius, ability, public honor, and private virtue to his family and friends, to his State and to our common country?

Death has of late been busy in laying his icy hand upon our comrades in this Hall. Among them all, I scruple not to say that the grave has closed upon no one whose genius and noble characteristics merit more richly our sympathy and our honorable sorrow than my life-long friend and colleague, BEVERLY DOUGLAS. While we pay our tribute to his mental endowments and moral worth, let us reach out with the warmest sympathy of our hearts to his bereaved and orphan children, whose only solace will be found in human love and in the tender mercies of the God of the fatherless.

The question being taken on the resolutions submitted by Mr. GOODE, they were adopted unanimously; and then, in accordance with the last resolution, (at four o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

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

By Mr. BLAIR: The petition of Angie L. Eastman and 65 other ladies, of Oxford, New Hampshire, for the enforcement of the law against polygamy—to the Committee on the Judiciary.

By Mr. BREWER: The petition of W. H. Moore and 25 others, citizens of Pettysville, Michigan, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

Also, the petition of C. Dunning and 29 others, citizens of Livingston County, Michigan, of similar import—to the same committee.

By Mr. BURCHARD: The petition of Anna Wilson and other women, of Garden Plain, Illinois, for legislation that will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Mrs. J. T. Foster and other women, of Illinois, of similar import—to the same committee.

Also, the petition of Mrs. H. M. Kuhn and other women, of Albany, Illinois, of similar import—to the same committee.

By Mr. CALDWELL, of Kentucky: The petition of J. H. Ewing and others, citizens of Kentucky, for legislation forbidding the adulteration of sweets—to the Committee of Ways and Means.

Also, the petition of Dr. N. P. Allen and others, citizens of Kentucky, of similar import—to the same committee.

By Mr. CANDLER: The petition of Campbell Wallace, Alfred Ansell, R. C. Robson, and others, citizens of Atlanta, Georgia, for the enactment of a law conferring authority upon the United States Court of Claims or some other impartial tribunal to hear and determine the rights of claimants to their respective interest in the fund created by the sale of property taken during the late war by United

State authorities from citizens of the South, under the denomination of captured or abandoned property—to the Committee on War Claims.

By Mr. CARLISLE: The petition of W. W. Hanes, for an extension of patent No. 36295, for improved percussion projectiles—to the Committee on Patents.

By Mr. DEERING: The petition of citizens of Worth County, Iowa, for the amendment of the patent laws—to the same committee.

By Mr. DWIGHT: The petition of Mrs. Marie K. A. Beuchley, for the removal of her political disabilities—to the Committee on the Judiciary.

By Mr. FENN: Papers relating to the public buildings in the Territory of Idaho—to the Committee on Public Buildings and Grounds.

By Mr. FORT: The petition of Mary E. Marsh and others, for the enforcement of the law against polygamy—to the Committee on the Judiciary.

By Mr. HARMER: The petition of Elizabeth McFarland, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of Mrs. James Ross, Mrs. E. R. Stiles, and 120 other ladies, of Hancock and Houghton, Michigan, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. JOYCE: The petition of Loren H. Baker, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. KEIGHTLEY: The petition of Cornelia U. Parrey and 189 others, of Three Oaks, Michigan, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. KELLEY: The petition of William H. Richardson, for a pension—to the Committee on Invalid Pensions.

By Mr. LINDSEY: The petition of Elizabeth F. Chaffee and other women, of Winslow, Maine, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. MCKINLEY: The petition of M. V. B. King and 20 others, citizens of Canfield, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. MCMAHON: The petition of William L. Johnson, for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of the Women's Christian Temperance Union, Rev. B. F. W. Crozier, and 30 others, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. STRAIT: The petition of Mary J. Ward and others, of Minnesota, for legislation to make effective the anti-polygamy law of 1862—to the same committee.

By Mr. WARNER: The petition of Julia M. Benedict and 14 others, of similar import—to the same committee.

IN SENATE.

THURSDAY, January 23, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 6141) making appropriations to enable the Secretary of the Treasury to carry out the provisions of section 254 of the Revised Statutes and to appropriate \$40,000 for the miscellaneous expenses of the House of Representatives—to the Committee on Appropriations.

The bill (H. R. No. 6137) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments—to the Committee on Finance.

The bill (H. R. No. 5655) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878—to the Committee on Printing.

The bill (H. R. No. 6130) for the relief of Elizabeth B. Higgins, Joel Higgins, and Brand Higgins, of Phillips County, Arkansas—to the Committee on Claims.

POWELL'S REPORT ON ARID REGION OF UNITED STATES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 5,000 copies of the report on the lands of the arid region of the United States, by J. W. Powell; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for the use of the Department of the Interior.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 5534) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1880, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. WINDOM, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives and ask a conference with the House 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 Vice-President.

The VICE-PRESIDENT appointed Mr. WINDOM, Mr. ALLISON, and Mr. WITHERS as the conferees on the part of the Senate.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report of Major Godfrey Weitzel, Corps of Engineers, relative to the transfer by the State of Michigan to the United States of the Saint Mary's Falls Canal; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of June 18, 1878, a report from Major W. P. Craighill, Corps of Engineers, on the survey of New River, Virginia; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of June 18, 1878, reports from Captain W. H. H. Benyard, Corps of Engineers, on examinations of the Big Sunflower, Coldwater, and Tallahatchie Rivers, Mississippi, the Upper Red River, Louisiana and Texas, and of the Little River and Fourche la Pêche River, Arkansas; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the bureaus of the War Department on behalf of the United States during the year 1878; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MATTHEWS presented the petition of Mrs. Mary H. Thistle, widow of the late Captain Hezekiah L. Thistle, a soldier in the war of 1812, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Harriet Ross, widow of Thomas R. Ross, praying for a pension on account of services rendered by her late husband during the war of 1812; which was referred to the Committee on Pensions.

Mr. MITCHELL. I present a joint memorial passed by the Legislative Assembly of the State of Oregon, at the tenth regular session, 1878, in which they represent that the Umatilla Indian reservation is one of the most valuable and fertile portions of the State of Oregon; that it contains about five hundred thousand acres, and is now occupied by only about four hundred Indians; that if it were thrown open to settlement by the whites, it could sustain a population a hundred-fold greater than it now does; that the Indians residing on it have lately been acting in a hostile manner toward the whites, and that they are deteriorating by contact with the large white population by which they are now surrounded. Twenty years nearly have expired, during which, by the terms of the treaty made with them, they are to draw annuities from the Government, and the memorialists affirm that the best interests of humanity and civilization demand that the Indians should now be removed to some more secluded portion of the country; wherefore they most respectfully pray that measures may be taken to extinguish the title to the lands, which the Indians now occupy, and to remove them to a suitable place in some Indian Territory. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MITCHELL presented the petition of the mayor and common council of the city of Seattle, Washington Territory, praying for an appropriation for the construction of a steamer for the revenue marine service for service in the Alaska waters, and for the passage of a law providing a civil government for the Territory of Alaska; which was referred to the Committee on Commerce.

He also presented the petition of Robert C. Corbaley and others, citizens of Oregon, praying for an appropriation for the improvement of the entrance to Coos Bay and harbor; which was referred to the Committee on Commerce.

Mr. MAXEY presented the petition of Peter Eldridge, a soldier and pensioner of the war of 1812, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. WITHERS presented the petition of Mrs. Jane Dulany, widow of the late Colonel William Dulany, of the United States Marine Corps, praying for an increase of pension; which was referred to the Committee on Pensions.

WATER SUPPLY OF WASHINGTON.

Mr. DORSEY. I present a communication from Colonel Casey, of the Engineer Corps, in relation to the Washington Aqueduct, which I shall be glad to have read and printed.

The VICE-PRESIDENT. It will be read at length.