high estimate in which he was held by all his associates and the people not only of his district but of his State. I shall not show how well this was evidenced in the various ceremonies, not only here at his death, but in Texas, where his remains were removed for interment and now sleep quietly under the shadow of the Alamo. All this has been done, and well done. He acted well his part. Faithful and true to his people, he has passed from the stage of public action, leaving as a legacy to his wife and children an honored name and spotless record.

The PRESIDING OFFICER. The question is on the adoption of the resolutions moved by the Senator from Texas, [Mr. COKE.]

The resolutions were unanimously agreed to.

DEATH OF REPRESENTATIVE TERRENCE J. QUINN.

Mr. KERNAN. I ask that the resolutions of the House of Representatives in regard to the death of TERRENCE J. QUINN be read.

The Secretary read as follows:

Resolved, That this House has heard with deep regret of the death of Hon. TERRENCE J. QUINN, a Representative from the State of New York.

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 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. KERNAN. I send to the Chair resolutions which I ask may be read.

The Secretary read as follows:

Resolved, That the Senate receives with sincere regret the announcement of the death of TERRENCE J. QUINN, late a member of the House of Representatives from the State of New York, and offers to the family and kindred of the deceased the assurance of their sympathy for them under the sad bereavement they have been called upon to sustain.

Resolved, That as a mark of respect for the memory of the deceased the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the Secretary of the Senate is directed to transmit to the family of Mr. QUINN a certified copy of the foregoing resolutions.

Mr. KERNAN. Mr. President, in our country few inherit wealth, and no one can acquire official position or official honors by inheritance—our laws and political institutions afford a fair and equal opportunity to citizens to attain both. By industry, energy, and perseverance he can honestly and honorably accumulate wealth. By intelligence, an upright life, zeal, and services for the public welfare he may successfully aspire to political and military honors. The career of the deceased, TERRENCE J. QUINN, illustrates these marked and admirable characteristics of our country and its political institutions.

He had no peculiar advantages of birth or education. His parents were not natives of this country. They emigrated from Ireland and settled in the city of Albany, in the State of New York. Mr. QUINN was born in that city, October 16, 1836. He resided there until his death, on the 18th of June, 1878. He received an ordinary English education in the schools and academy of the city of Albany. After he left school, he aided his father in the business which the latter had established and carried on. Soon after his majority he engaged in business on his own account, and by his capacity, enterprise, and energy, he became one of the successful business men of the city of his birth. As a business man, he acquired and retained the esteem and confidence of the entire community in which he lived. No one doubted that in all his dealings and transactions he was actuated by honesty, honor, and liberality. He was the friend of the laborer and always ready to aid in enterprises to promote his welfare. The poor and the distressed found in him a warm-hearted sympathizer and a generous friend, to whom they never appealed in vain. In his death they have lost a benefactor, whose kindly, unostentatious charities they will not forget, and whose memory they will cherish.

He was sincerely attached to the political institutions of our country, which gave and secured to his father that civil and religious liberty and equality which he did not enjoy in the land of his birth; and he firmly held that the Union of the States under the Constitution must and should be preserved. When in April, 1861, the President called for troops to maintain the supremacy of the Constitution and defend the Union, he promptly left his business and volunteered and served with a regiment of which he was an officer in the defense of the city of Washington.

The citizens of Albany City and County, among whom he had lived from boyhood and who knew him well, manifested their confidence in his integrity, capacity, and sound judgment by electing him to represent them in the different legislative bodies for the city, the State, and the United States. He was three times elected a member of the common council of the city of Albany. In 1873 he was elected and served as a member of the State Legislature from the county of Albany. In 1876 he was elected a Representative in the Forty-fifth Congress from the sixteenth congressional district of the State of New York. He died during the second session of this Congress.

He discharged the duties of the several official positions which he held with conscientious fidelity and acceptably to his constituents. He was modest, truthful, and brave, a faithful, generous friend, a magnanimous opponent. He leaves hosts of friends in all the walks of life who mourn his untimely death. He has been taken from his family in the meridian of life. To his widowed wife and orphaned children the loss is irreparable. Time alone can assuage their grief. They have, however, the consolation that he leaves them a spotless name; that his many charities and good works will long live in the memory of his neighbors and friends; and they may well hope and believe that by these charities and good works he laid up an imperishable treasure beyond the grave, where we may hope his spirit is at peace.

Mr. CONKLING. Mr. President, I rise to second the resolutions to which the Senate has listened.

It was not my fortune to possess intimate personal acquaintance with Mr. QUINN. Those who knew him well, and they were many, hold him in pleasant and respectful memory.

His life and his works, unaided save by himself, earned the confidence and regard of his fellow-men. This is not scanty eulogy for any man.

Born the child not of affluence and ease, but of want and toil, he rose to influence and prominence among his neighbors by the vigor of his nature. His character was actual, and upright and downright; his manhood was genuine and sturdy, without pretension and without self-righteousness.

He was earnest and sincere. It was not his way to smile when he was not pleased, or to shake hands when he was not friendly. Whatsoever his hand found to do, that did he even with his might.

He wrought in the field of things to be done, not in the meditations of things to be written and said.

He was generous and brave. He was the steadfast friend of the poor, and works of quiet charity beautified his life.

When rebellion raised its hand against the Government he volunteered as a soldier. He became a lieutenant, and it is said captured the first prisoner taken in the war, and this on the day on which Ellsworth was slain. His military service, if not conspicuous, was faithful and creditable, and he returned to his home to receive new proofs of the esteem of his fellow-citizens.

For several years he was a member of the local legislature of the city in which he lived—the capital city of the State; and later on, he was chosen to the State Legislature. Afterward he became a Representative in Congress.

Nowhere did he forget his duty, nowhere did stain or soil attach to him.

His death was startling, and more than most deaths an impressive admonition of the brevity and uncertainty of life. He was young, and noticeable wherever he appeared for his elastic, stalwart, intrepid physique.

Did he sit here to-day, we should select him as one of the last to enter the dark and narrow house.

He is gone, and we are left to linger for yet a brief hour before we join the vanished procession of men who were.

The origin and career of Mr. QUINN illustrate one of the gifts and attributes which American institutions alone in the world display to the children of other lands. His parents were subjects of a distant realm; they were poor and untaught in our ways. Beyond hands willing to work, they brought nothing with them; but our customs and traditions held out to them and their children free and equal permission to enter the battle of life.

One of their children so fought that battle as to achieve distinction, and win a name which the American Senate pauses to inscribe on its Journal as tenderly and respectfully as if he who bore it had been in lineage as he was in heart and in deed wholly an American.

The resolutions were unanimously agreed to.

Mr. CONKLING. Now, Mr. President, as a further mark of respect to the memory of Mr. QUINN, I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 18, 1879.

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

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BEALE. I ask unanimous consent to take from the Speaker's table——

Mr. WOOD. I demand the regular order, and will yield to the gentleman from Virginia, [Mr. BEALE.]

Mr. COX, of New York. The gentleman has no right to claim the floor for the regular order.

Mr. BEALE. I ask unanimous consent of the House to take from the Speaker's table for consideration at this time the bill (S. No. 61) for the relief of the Richmond Female Institute, of Richmond, Virginia.

Mr. ATKINS. I want to hear the bill read before I give my consent to it.

Mr. COX, of New York. I object to anything that requires unanimous consent.

The SPEAKER. The Chair supposes there will be no objection to hearing the bill read.

Mr. COX, of New York. I desire to call up the regular order, which I have been trying to do for three or four weeks past.

Mr. WOOD. I call up the regular order, and yield to the gentleman from Virginia, [Mr. BEALE.]

Mr. COX, of New York. The Chair has not recognized the gentleman from New York, [Mr. WOOD.]

The SPEAKER. The Chair will recognize the gentleman from New York.

Mr. COX, of New York. Which gentleman from New York?

The SPEAKER. The gentleman from New York, chairman of the Committee of Ways and Means, reports from which committee were made the special order for to-day. The census bill was made a special order for the 11th of February, and has the quality of being a continuing order, and will not be hurt by the consideration of other business to-day. But reports from the Committee of Ways and Means have been specially assigned for to-day, and for to-day only.

Mr. COX, of New York. I am perfectly familiar with the order of the House. Four weeks ago the census bill was made a special order, a continuing order after the reading of the Journal, and was postponed first because of the death of Mr. Hartridge, and then by another order in regard to the Committee of Ways and Means. The Speaker said that he would submit the question of consideration to the House before he would allow the census bill to be disturbed.

The SPEAKER. It is really a matter of perplexities. The reports from the Committee of Ways and Means are set for to-day only, and if the committee is barred from reporting to-day it will lose its rights; whereas the census bill was first fixed for the 11th of February, and has not lost any of its rights as a special order at all.

Mr. COX, of New York. That is what I claim; the Chair is right about that.

Mr. BEALE. Allow me to say to the gentleman from New York [Mr. COX] that the consideration of this bill will not consume fifteen minutes of time.

Mr. COX, of New York. I do not believe I would be fulfilling my duty to this House to yield to anybody, even to the new member from Virginia.

Mr. WOOD. My colleague has no right to yield, because he is not in possession of the floor.

The SPEAKER. The Chair has recognized the gentleman from Virginia, [Mr. BEALE,] and the bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and are hereby, directed to pay to the treasurer of the Richmond Female Institute, of the city of Richmond, in the State of Virginia, the sum of $4,933.33, in full payment and satisfaction for the rent, use, and occupation of its buildings by the Army of the United States, from October 1, 1865, to October 10, 1866, all claims for injuries or damages being satisfied by the acceptance of said sum; and to enable such payment to be made, the said sum is hereby appropriated for that purpose.

Mr. KEIFER. I object to the consideration of that bill.

Mr. WOOD. I call for the regular order.

Some time subsequently,

Mr. KEIFER said: I withdraw my objection to the bill of the gentleman from Virginia, [Mr. BEALE,] as it refers to a matter subsequent to the war.

Mr. STONE, of Michigan. I renew the objection.

PERSONAL EXPLANATION.

Mr. DAVIS, of North Carolina. I desire one moment to make a personal explanation with regard to some remarks which I submitted to the House when the legislative, executive, and judicial appropriation bill was under discussion. While that bill was being considered I submitted some remarks upon the subject of appropriations for the detective service. My attention has been called to a report of those remarks telegraphed to some public journals which make me reflect personally upon the collectors of Chicago and Saint Louis. The remarks which I made and which will be found in the RECORD were as follows:

The matter of complaint with us is that the law is sought to be enforced against the poor distillers of the country, while it is a dead letter in Cincinnati, Saint Louis, and Chicago. When men were indicted and convicted in Saint Louis and sent to the penitentiary, they were pardoned out.

In this I had reference to the conviction of officials in Saint Louis. It is just to the collectors of Saint Louis and Chicago, as well as to myself, that I should say that in referring to the fact that while whisky was taxed 90 cents a gallon it was sold at the price of $1.03 per gallon, from which I deduced the conclusion that the large distillers who sold it thus cheaply did not pay their full tax and that this resulted from the fact that they were able to control or own revenue officials, I did not have in my mind the collectors of Chicago and Saint Louis, or as to that matter any particular official. I am informed by Mr. ALDRICH, one of the Representatives from Chicago, that Mr. Harvey, the present collector in that city, is an attentive and faithful officer and that he has inaugurated salutary reforms in his office.

I am also informed by my friend [Mr. CRITTENDEN] who sits near me that the present collector at Saint Louis, Mr. Sturgeon, is a gentleman of excellent character, and that he is a faithful officer. I would not designedly do injustice to any one, and I am glad to correct any injurious impression that my remarks may have produced in regard to the present collectors at Chicago and Saint Louis. I shall be glad if these and other faithful officers can make such reforms as will put an end to frauds upon the revenue, which, I repeat, as is shown by facts, have resulted largely from the incompetence or the corruption of revenue officials.

ORDER OF BUSINESS.

Mr. TUCKER. I desire to appeal to gentlemen on the other side to withdraw their objection to the bill which my colleague [Mr. BEALE] desired to bring up.

Mr. WHITE, of Pennsylvania. I have examined that bill very carefully, and I am in favor of it, but I want to submit an amendment. The bill proposes to pay rent for the buildings of the Richmond Female Institute. My amendment proposes that rent shall be paid from April 2, 1866, (the date of the proclamation of the President declaring the war terminated,) until October 1, 1866, making the amount $2,509. This question was passed upon by the Quartermaster-General in connection with numberless cases similar to this. This is a good claim for rent from April 2, 1866, to October 1, 1866.

Mr. BOYD. I rise to a point of order. Is this bill before the House?

The SPEAKER. The Chair is trying to find out whether it is before the House.

Mr. BOYD. I understood that objection had been made and had not been withdrawn.

The SPEAKER. The Chair will recognize the gentleman from Virginia [Mr. BEALE] later in the day.

Mr. ATKINS. The gentleman from New York yields to me a moment; and I ask unanimous consent that the House take a recess to-morrow at half past four o'clock till half past seven o'clock, the object being to consider the legislative, executive, and judicial appropriation bill.

Mr. HALE. Why not have a session to-night for that bill instead of to-morrow night?

Mr. ATKINS. The gentleman from Kentucky, [Mr. BLACKBURN,] who has been acting as chairman of the Committee of the Whole on this bill, requested me to fix to-morrow evening.

Mr. HALE. It will not be possible to finish up the election case to-morrow without the consumption of very considerable time. In the afternoon it is understood there will be eulogies on a deceased member; and I believe, according to the invariable practice, proceedings of that nature are always followed by an adjournment.

The SPEAKER. The Chair thinks that the gentleman from Tennessee had better name to-night.

Mr. COX, of New York. I rise to a question of privilege.

The SPEAKER. The Chair wants to provide for the facilitation of business, and he recognizes the gentleman from Tennessee [Mr. ATKINS] in order to give the House an opportunity to reach that result.

Mr. COX, of New York. I have no objection to fixing a time for the consideration of the legislative bill, but I want to be heard.

Mr. ATKINS. I think the legislative bill has occupied as little time as such a bill ever did in this House. This is a bill of ninety pages.

The SPEAKER. What evening does the gentleman desire to have fixed?

Mr. ATKINS. This evening.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] asks consent that an order be made by the House for a recess at half past four o'clock this afternoon until half past seven o'clock this evening.

Mr. WOOD. I suggest that the gentleman name five o'clock for the recess. We may desire that much time for reports from the Committee of Ways and Means.

Mr. ATKINS. I have no objection to that.

The SPEAKER. The gentleman from Tennessee asks that an order be made for a recess at five o'clock this afternoon, and that the House meet this evening for the consideration of the legislative, executive, and judicial appropriation bill. Is there objection?

There being no objection, it was ordered accordingly.

Mr. ATKINS moved to reconsider the vote by which the order was made, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. WOOD] is recognized.

Mr. COX, of New York. I rise to a question of privilege. I am authorized by a rule of this House to report the census bill at any time. This bill was fixed as a special order on the 30th of January, and was to continue from day to day. The business of my colleague [Mr. WOOD] was fixed since that time.

The SPEAKER. The Chair thinks the gentleman is not authorized by any rule, but by an order of the House, to report the bill at any time. But the House has set aside to-day, and to-day only, for the consideration of reports from the Committee of Ways and Means; and the Chair recognizes this as a superior order to one that was fixed for the 11th of February and was to continue from day to day. This question has heretofore been decided. In the Forty-third Congress

in reference to the drawing of seats it was decided that nothing could interfere with a specific order of the House for a particular day. It was then decided, if the Chair recollects correctly, that an order for a particular day could not be interfered with by an order running from day to day. But to the mind of the Chair it seems to be plain propriety that an order fixing a particular day shall have first recognition on said day, so that as in this instance the order for the consideration of bills from the Ways and Means Committee for this one day shall not be interfered with by an order of the House fixing a day passed with a running order from day to day.

Mr. MILLS. But cannot the House determine which it shall take up?

Mr. COX, of New York. The Speaker has said so again and again. When the point of order was made the Speaker has decided I could raise the question of consideration—again and again the Speaker has said so.

The SPEAKER. If the House wishes to vacate its order it can refuse to proceed to the consideration of reports from the Committee of Ways and Means.

Mr. COX, of New York. Then I raise the question of consideration as the Speaker said I might against any special order that might be set down.

Mr. HALE. Let us have the question settled.

Mr. WOOD. My colleague has no right——

The SPEAKER. The Chair submits the question to the House.

Mr. COX, of New York. I rise to a point of order. Will not the question first come up on taking up the census bill as a prior order of the House?

The SPEAKER. It will not, because the Chair recognizes the special order for this particular day in preference to a general order fixing a past day—a day which is now past—but has the quality of running from day to day.

Mr. COX, of New York. But this was a special order running from day to day after the reading of the Journal. I am sure the Speaker is wrong.

The SPEAKER. The Chair is never sure of anything, but is quite settled in his mind that he is not wrong.

Mr. MILLS. If it was a special order from day to day and prior in time to the order for the Ways and Means Committee, then it is a special order for the first day, and a special order for the second day, and it is a special order for every day prior in time to the business of the Ways and Means Committee.

The SPEAKER. The Chair thinks it is nothing more than common sense where the House fixed a particular day and only that day under the suspension of the rules that such order should not be interfered with.

Mr. COX, of New York. I put the sense of the rules against the ruling of the Speaker. I ask my motion be first put.

Mr. HOOKER. I ask for the reading of the order of the House.

The SPEAKER. The Clerk will read from the Journal the order of the House.

The Clerk read as follows:

Mr. WOOD, the rules having been suspended for that purpose, reported from the Committee of Ways and Means the following resolution, which was read, considered, and agreed to, to wit, two-thirds voting in favor thereof:

Resolved, That Tuesday, February 18, be set aside for the consideration of reports and bills from the Committee of Ways and Means, to commence immediately after the reading of the Journal, not to interfere with the reports from the Committee on Appropriations.

The SPEAKER. Under that order the Chair is bound to recognize the gentleman from New York to-day. If, however, the House shall determine that they do not want to proceed with the business of the Ways and Means Committee under that order, we can say so by a majority vote.

Mr. GARFIELD. I wish to ask the Speaker what effect the proceeding with Ways and Means matters will have on the order concerning the census bill?

The SPEAKER. It does not hurt the census bill at all, because it is always in order from day to day, but to reverse the order in reference to the Committee of Ways and Means would strip the Ways and Means Committee of any opportunity for submitting its business to the consideration of the House.

Mr. COX, of New York. That order ran from day to day as my order did.

The SPEAKER. The Ways and Means order does not run from day to day, but is fixed for this day and this day only.

Mr. COX, of New York. Then the gentleman was not specific in his order.

The SPEAKER. The question before the House is whether under the order just read the House will proceed to the reception of the reports of the Committee of Ways and Means.

Mr. MILLS. I demand a division.

The House divided; and there were—ayes 82, noes 69.

Mr. COX, of New York, called for tellers.

Tellers were ordered; and Mr. WOOD and Mr. COX of New York, were appointed.

The House again divided; and the tellers reported—ayes 89, noes 93.

Mr. WOOD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 91, nays 135, not voting 64; as follows:

YEAS—91.

Acklen,	Covert,	Henderson,	Reed,
Aldrich,	Cox, Jacob D.	Hewitt, G. W.	Robbins,
Bacon,	Crapo,	Humphrey,	Robinson, G. D.
Banks,	Cravens,	Jones, John S.	Robinson, M. S.
Beale,	Cummings,	Keifer,	Sapp,
Bicknell,	Cutler,	Kelley,	Sexton,
Bisbee,	Deering,	Kimmel,	Shallenberger,
Blair,	Denison,	Lindsey,	Sinnickson,
Boyd,	Eames,	Loring,	Starin,
Bridges,	Eden,	Lynde,	Stephens,
Briggs,	Errett,	Monroe,	Stone, John W.
Browne,	Felton,	Oliver,	Swann,
Buckner,	Fleming,	O'Neill,	Thompson,
Burchard,	Foster,	Page,	Tucker,
Butler,	Fuller,	Patterson, G. W.	Wait,
Calkins,	Gause,	Patterson, T. M.	Ward,
Camp,	Hanna,	Phelps,	Williams, James
Caswell,	Harmer,	Phillips,	Willis, Benj. A.
Chittenden,	Harris, Benj. W.	Potter,	Willits,
Claflin,	Harris, Henry R.	Pound,	Wood,
Clark, Alvah A.	Harris, John T.	Powers,	Wren,
Cobb,	Harrison,	Price,	Young, John S.
Cook,	Hazelton,	Rea,	

NAYS—135.

Aiken,	Danford,	Hunter,	Randolph,
Bailey,	Davidson,	Ittner,	Reagan,
Baker, John H.	Davis, Horace	Jones, Frank	Reilly,
Banning,	Davis, Joseph J.	Jones, James T.	Roberts,
Bayne,	Dibrell,	Joyce,	Ryan,
Bell,	Dunnell,	Keightley,	Sampson,
Benedict,	Durham,	Ketcham,	Scales,
Blackburn,	Dwight,	Killinger,	Shelley,
Blount,	Elam,	Knapp,	Singleton,
Boone,	Ellis,	Landers,	Smalls,
Bouck,	Ellsworth,	Lapham,	Southard,
Bragg,	Evans, James L.	Lathrop,	Steele,
Brewer,	Evins, John H.	Ligon,	Stewart,
Bright,	Ewing,	Lockwood,	Stone, Joseph C.
Brogden,	Finley,	Luttrell,	Strait,
Bundy,	Forney,	Mackey,	Thornburgh.
Burdick,	Franklin,	Maish,	Throckmorton,
Cabell,	Garth,	Majors,	Townsend, Amos
Cain,	Giddings,	Manning,	Townshend, R. W.
Caldwell, John W.	Glover,	Marsh,	Turner,
Caldwell, W. P.	Goode,	Martin,	Turney,
Campbell,	Gunter,	Mayham,	Van Vorhes,
Cannon,	Hamilton,	McGowan,	Waddell,
Carlisle,	Hardenbergh,	McKenzie,	Walker,
Chalmers,	Hartzell,	McKinley,	Warner,
Clark of Missouri,	Haskell,	Metcalfe,	Whitthorne,
Clarke of Kentucky,	Hatcher,	Mills,	Wigginton,
Clymer,	Hayes,	Morse,	Williams, Andrew
Cole,	Hendee,	Muldrow,	Williams, C. G.
Collins,	Henkle,	Overton,	Williams, Jere N.
Conger,	Henry,	Peddie,	Williams, Richard
Cox, Samuel S.	Herbert,	Pollard,	Wilson,
Crittenden,	Hooker,	Pridemore,	Yeates.
Culberson,	Hungerford,	Rainey,	

NOT VOTING—64.

Atkins,	Frye,	McMahon,	Smith, A. Herr
Bagley,	Gardner,	Mitchell,	Smith, William E.
Baker, William H.	Garfield,	Money,	Sparks,
Ballou,	Gibson,	Morgan,	Springer,
Beebe,	Hale,	Morrison,	Stenger,
Bland,	Hart,	Muller,	Tipton,
Bliss,	Hewitt, Abram S.	Neal,	Townsend, M. I.
Brentano,	Hiscock,	Norcross,	Vance,
Candler,	House,	Pugh,	Veeder,
Clark, Rush	Hubbell,	Rice, Americus V.	Walsh,
Dean,	Hunton,	Rice, William W.	Watson,
Dickey,	James,	Riddle,	White, Harry
Eickhoff,	Jorgensen,	Robertson,	White, Michael D.
Evans, I. Newton	Kenna,	Ross,	Willis, Albert S.
Fort,	Knott,	Sayler,	Wright,
Freeman,	McCook,	Slemons,	Young, Casey.

So the House refused to receive the reports of the Committee of Ways and Means.

During the roll-call the following announcements were made:

Mr. SPARKS. I am paired with the gentleman from Pennsylvania, Mr. SMITH.

Mr. BRENTANO. I am paired with the gentleman from New York, Mr. MULLER.

Mr. FRYE. I am paired with Mr. KNOTT, who is confined to his room by sickness.

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

Mr. COX, of New York, was recognized.

Mr. HALE. I rise to a privileged motion. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the legislative, &c., appropriation bill.

The SPEAKER. The gentleman from New York [Mr. COX] was recognized, and the gentleman from Maine [Mr. HALE] now raises the question of consideration on the census bill.

Mr. COX, of New York. It was understood by the gentleman who represents the Committee on Appropriations that if the business of the Committee of Ways and Means was deferred I should follow.

Mr. HALE. No, sir; there was no understanding of that kind; it is simply a question for the House to determine. The Committee on Appropriations were under no obligations to yield to anybody, except to a special order, and that having been voted down it is very desirable

that we should go into Committee of the Whole to finish the appropriation bill.

The SPEAKER. The Chair will have read the Journal on that subject.

The Clerk read as follows:

On motion of Mr. Cox, of New York, by unanimous consent,
Ordered, That the bill of the House (No. 6144) to provide for taking the Federal census be made a special order for the second Tuesday of February after the reading of the Journal, and from day to day thereafter until disposed of; not to interfere with general appropriation bills.
January 30. Made the special order for the following Wednesday.

Mr. MILLS. I do not understand that the chairman of the Committee on Appropriations antagonizes the consideration of this bill.

Mr. HALE. Neither does the chairman want that bill considered. I am acting for the Committee on Appropriations, and if the House concludes to go on with the Appropriation bill I pledge myself that every effort will be made to have it finished. The House can very easily settle it.

The SPEAKER. Any member has a right to raise the question of consideration.

Mr. COX, of New York. I had this matter assigned for one day, and then reassigned for another. The chairman of the Committee on Appropriations himself suggested that it be fixed for this day—at least he acquiesced in that motion—and the subsequent order was made.

The SPEAKER. The gentleman from Maine raises the question of consideration upon the census bill.

Mr. DUNNELL. I wish to inquire if we have not set apart this evening for the consideration of the legislative, &c., appropriation bill?

Mr. HALE. We want both the day and the evening session.

Mr. DUNNELL. Well, it is unfair, after a vote has been taken upon that motion and the House has agreed to set apart this evening for the consideration of the appropriation bill, to antagonize the consideration of this bill now.

Mr. HALE. The gentleman may think it is unfair; I do not.

Mr. DUNNELL. We have voted as between taking up the census bill and the business of the Committee of Ways and Means.

Mr. HOOKER. I rise to a point of order. The point of order I make is, that it has been decided by a vote, as between the business of the Committee of Ways and Means and the Committee on the Census, that the House take up the business of the Census Committee, which was ordered for consideration to-day. Now, the gentleman from New York having taken the floor and been recognized by the Chair, how can the gentleman from Maine get the floor?

The SPEAKER. In the first place, the choosing between the Committee of Ways and Means and the Committee on the Census does not debar the question of consideration being raised between the census bill and an appropriation bill. The order under which the gentleman derives his special right to call up the census bill was made subject to the consideration of an appropriation bill; and, in addition to that, the motion to go into Committee of the Whole is a measure of a higher order under the terms than the resolution making the census bill special. The Chair therefore recognizes the right of a gentleman to raise the question of consideration. It is practically raised by the motion of the gentleman from Maine [Mr. HALE] that the House resolve itself into the Committee of the Whole on the state of the Union, the object being the consideration of the legislative, &c., appropriation bill, and the House can now choose between the consideration of that bill and the census bill.

Mr. HALE. Let us have a vote.

The SPEAKER. The Chair thinks the question had better be taken by tellers. It is the shortest way and generally saves time at this period of the session, which is important at this time.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 123, not voting 50; as follows:

YEAS—117.

Acklen,	Cole,	Hunter,	Page,
Aiken,	Conger,	Humphrey,	Patterson, G. W.
Aldrich,	Covert,	Hungerford,	Peddie,
Bacon,	Crapo,	James,	Pollard,
Bagley,	Cummings,	Jones, John S.	Pound,
Bailey,	Cutler,	Joyce,	Powers,
Baker, John H.	Danford,	Keifer,	Price,
Banks,	Davis, Horace	Kelley,	Pugh,
Bicknell,	Deering,	Killinger,	Rainey,
Bisbee,	Denison,	Kimmel,	Randolph,
Blair,	Dwight,	Lapham,	Robinson, G. D.
Brentano,	Eames,	Lathrop,	Robinson, M. S.
Brewer,	Ellsworth,	Lindsey,	Sampson,
Briggs,	Errett,	Loring,	Sapp,
Browne,	Evans, James L.	Majors,	Sexton,
Burchard,	Felton,	Marsh,	Shallenberger,
Burdick,	Foster,	McCook,	Sinnickson,
Butler,	Hale,	McGowan,	Smalls,
Calkins,	Hanna,	McKinley,	Starin,
Camp,	Harmer,	Metcalfe,	Stephens,
Campbell,	Harris, Benj. W.	Mitchell,	Stewart,
Cannon,	Haskell,	Monroe,	Stone, John W.
Caswell,	Hayes,	Neal,	Stone, Joseph C.
Chittenden,	Hazelton,	Oliver,	Strait,
Claflin,	Hendee,	O'Neill,	Swann,
Clymer,	Hiscock,	Overton,	Thompson,
Thornburgh,	Wait,	Williams, Andrew	Wren.
Tipton,	Ward,	Williams, James	
Townsend, Amos	Watson,	Willits,	
Van Vorhes,	White, Michael D.	Wood,	

NAYS—123.

Banning,	Davis, Joseph J.	Hewitt, G. W.	Reagan,
Beale,	Dibrell,	Herbert,	Reilly,
Bell,	Dunnell,	Hooker,	Robbins,
Benedict,	Durham,	House,	Ross,
Blackburn,	Eden,	Hunton,	Ryan,
Bliss,	Elam,	Ittner,	Scales,
Boone,	Ellis,	Jones, Frank	Shelley,
Bouck,	Evins, John H.	Jones, James T.	Singleton,
Boyd,	Ewing,	Kenna,	Smith, William E.
Bragg,	Finley,	Knapp,	Southard,
Bridges,	Fleming,	Landers,	Steele,
Bright,	Forney,	Ligon,	Throckmorton,
Buckner,	Fort,	Lockwood,	Townshend, R. W.
Bundy,	Franklin,	Luttrell,	Turner,
Cabell,	Fuller,	Lynde,	Turney,
Caldwell, John W.	Garth,	Mackey,	Waddell,
Caldwell, W. P.	Gause,	Manning,	Walker,
Candler,	Giddings,	Martin,	Warner,
Carlisle,	Glover,	Mayham,	White, Harry
Chalmers,	Goode,	McKenzie,	Whitthorne,
Clark, Alvah A.	Gunter,	Mills,	Wigginton,
Clarke of Kentucky,	Hamilton,	Money,	Williams, C. G.
Clark of Missouri,	Hardenbergh,	Morgan,	Williams, Jere N.
Cobb,	Harris, Henry R.	Morse,	Williams, Richard
Collins,	Harris, John T.	Muldrow,	Willis, Albert S.
Cook,	Harrison,	Muller,	Willis, Benj. A.
Cox, Samuel S.	Hart,	Patterson, T. M.	Wilson,
Cravens,	Hartzell,	Phelps,	Wright,
Crittenden,	Hatcher,	Phillips,	Yeates,
Culberson,	Henkle,	Pridemore,	Young, John S.
Davidson,	Henry,	Rea,	

NOT VOTING—50.

Atkins,	Eickhoff,	Knott,	Slemons,
Baker, William H.	Evans, I. Newton	Maish,	Smith, A. Herr
Ballou,	Freeman,	McMahon,	Sparks,
Bayne,	Frye,	Morrison,	Springer,
Beebe,	Gardner,	Norcross,	Stenger,
Bland,	Garfield,	Potter,	Townsend, M. I.
Blount,	Gibson,	Reed,	Tucker,
Brogden,	Henderson,	Rice, Americus V.	Vance,
Cain,	Hewitt, Abram S.	Rice, William W.	Veeder,
Clark, Rush	Hubbell,	Riddle,	Walsh,
Cox, Jacob D.	Jorgensen,	Roberts,	Young, Casey.
Dean,	Keightley,	Robertson,	
Dickey,	Ketcham,	Sayler,	

So the motion was not agreed to.

During the roll-call the following announcements were made:

Mr. FRYE. I am paired with the gentleman from Kentucky, Mr. KNOTT, who is absent on account of sickness.

Mr. SPARKS. I am paired with Mr. SMITH, of Pennsylvania.

Mr. EAMES. My colleague, Mr. BALLOU, is absent by leave of the House. He is paired with Mr. RIDDLE.

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

TENTH CENSUS.

Mr. COX, of New York. I am instructed by the select committee on the census to report back to the House the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses, with several amendments.

Mr. HALE. Is this bill subject to a point of order?

Mr. COX, of New York. It is too late for the gentleman to raise the point of order, and I do not yield.

Mr. HALE. I have clearly the right to raise the question of order, when the Chair announces the bill under consideration.

Mr. BANKS. The point of order can take a member off the floor.

The SPEAKER. The Chair will ask the gentleman from Maine [Mr. HALE] what is his point of order?

Mr. HALE. Nobody can tell what point of order can be made against a bill until it is read.

The SPEAKER. The bill will be read.

Mr. COX, of New York. I send to the Clerk's desk the Senate bill, omitting the appropriation.

Mr. CONGER. How can the gentleman omit anything from the Senate bill?

Mr. HALE. There is no such thing as omitting anything from a Senate bill until the House has acted upon it.

The SPEAKER. The Senate bill will be read.

Mr. COX, of New York. I send to the Clerk's desk the original Senate bill, which is reported back from the select committee on the census with sundry amendments.

The SPEAKER. The Senate engrossed bill should be here. The Chair cannot rule on the point of order without the bill is here.

Mr. COX, of New York. The bill which actually passed the Senate is reported back from the committee, and has been sent to the Clerk's desk.

The SPEAKER. If a bill has passed the Senate it comes to the House engrossed, and such bill should be at the Clerk's desk.

Mr. COX, of New York. I have not the engrossed copy at my desk

The SPEAKER. The Chair must ask the gentleman to send to the committee-room for the engrossed copy of the bill, as a point of order has been raised upon it, and the Chair must have the bill before him in order to rule upon the point of order.

Mr. HALE. If the gentleman from New York [Mr. COX] desires

to go on with his speech, I have no objection to reserving the point of order.

The SPEAKER. The Chair supposed that was what the gentleman desired.

Mr. COX, of New York. I did not know that the gentleman wanted the manuscript bill.

Mr. HALE. I wanted the bill of the Senate in order to know what was in it.

Mr. COX, of New York. There is in it an appropriation of $250,000, which makes it subject to a point of order. If the gentleman insists upon his point of order, I will omit the appropriation; I will withdraw it.

The SPEAKER. It is a Senate bill, and the gentleman has no power to withdraw any portion of it.

Mr. COX, of New York. Then, I move to go into Committee of the Whole on the state of the Union.

Mr. HALE. That is right; that will give an opportunity for amendment and discussion.

The SPEAKER. Notwithstanding the motion to go into Committee of the Whole, the Chair will suggest to the gentleman from New York [Mr. COX] to send to his committee-room for the original Senate bill.

Mr. COX, of New York. I have done so.

The motion of Mr. COX, of New York, was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. GOODE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (S. 1685) to provide for taking the tenth and subsequent censuses. The gentleman from New York [Mr. COX] is entitled to the floor.

Mr. HALE. Allow me to make a suggestion. While the gentleman from New York [Mr. COX] is going on with his speech, let the original bill be brought here so that we may have it read by clauses and sections for amendment under the five-minute rule, when we come to that stage of the discussion. That need not interrupt the gentleman in his speech.

Mr. COX, of New York. I have already sent for it, I will say to my friend.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. COX, of New York. Mr. Speaker, a census is no new thing under the sun. It antedates the Christian era. It illustrates the Chinese, Japanese, Hebraic, Grecian, and Roman civilizations.

Its literal meaning is to weigh, to tax, to assess. It does not mean to guess, but to count. It does not mean to compute. It means to gather, collate, and weigh facts, to make an analysis of the country, so that we can weigh or measure the individual elements that make up its collective force.

History and literature are full of statistical observations collected by private and official investigation. It was indispensable in early days, as it is to-day, for the proper conduct of government.

It is well agreed now that that government is wise and just which renders the condition of its people easy and secure; and that country under such a government will always abound most in that which enriches, comforts, and strengthens. A country without a census cannot be well governed; and the more frequent and accurate the census, the better the conduct of affairs in government. The states of antiquity which lasted longest and declined most slowly and gave to the world the impress of their civilization had the most careful system of registration of persons and property.

Were there no reasons other than those prescribed by the Constitution for the enumeration of our people, there is an urgent necessity of an exact and accurate census, for the application of its results to science and to the deductions of values and energies; for these make up the growth, advantage, prosperity, and soul of a nation. They have often another salutary effect; for they allay industrial anxiety and give hope and buoyancy to trade. Only in so far as the census is accurate and complete with respect to agriculture, manufactures, mortality, social conditions, civil relations, population, and industrial interests, is its value to be regarded. A poor census is worse than none, for it constitutes a sophistical premise and leads to bad practical conclusions.

CENSUS IN HISTORY.

Throughout the Middle Ages and the countries of Europe and Asia there was not only a popular but a dynastic demand for a correct understanding of the condition of the people, upon which many nations based their war levies and their tax exactions, and others again their dignities, offices, and polity.

The Jewish census listed the first born and first fruits. This was at first a religious custom. Every man after the census was completed should pay a ransom for his soul. Afterward the Hebrew census was made for fighting purposes. Other countries, as Belgium and our own, made the census the foundation of popular legislatures. In some of the states of Greece, as in Rhode Island now, no inhabitant could vote, though a citizen, whose property was less than $300. Two-thirds of the people of Athens left their country because of this census proscription.

During the last two generations, however, there has been a progressive, rapid, and enlarged development of statistical activity reaching to all the varieties of human employment and resource.

The initiation, however, of a new era of census-taking does not belong to our English race; for although England had her doomsday book, it was but a freak compared with the sedate and systematic statistics of the present generation. The brilliant Gallic mind was restless under the ignorance of the rulers as to the condition of the ruled.

Said Vauban to Louis XIV:

You review and inspect a battalion a dozen times a year. How much greater the importance to enumerate and review the great body of the people from which the king drains all his glory and all his riches.

The king ordered this bold book which held this patriotic sentiment to be publicly burned, and Vauban died of the disgrace. But the sentiment survives in the maxim of Napoleon "that statistics mean an exact account of the nation's affairs, and without such an account there is no safety." It survives in republican France to-day. Her skill in finance and economy is founded on irrefragable data carefully ascertained.

The exhaustive report, No. 3, Forty-first Congress, made by the gentleman from Ohio [Mr. GARFIELD] on the 18th of January, 1870, makes it unnecessary for me to collate the history connected with statistical observation. Even if that report were not in existence, the comprehensive article in Johnson's Encyclopædia by the same distinguished gentleman, would furnish all the information necessary to understand the history of the census from the beginning of civilization down to and including our own country.

THE LAST BRITISH CENSUS.

But since these discussions in this country, Great Britain has made a census, imperial in name and astounding in character. It showed 234,762,593 persons living under her flag. This was done in England and Wales in one day, or on the night of Sunday, April 2, 1871; but not throughout the colonies and possessions. The enumerators were required to be intelligent, trustworthy, and active; to write well and to know arithmetic; to be in good health, of suitable age, and civil in manners. It was a grand opportunity to illustrate the civil service in all its branches, for it enabled the government to place the right man in the right place. It commanded specialists for special work of a most delicate and practical character.

The grand result was achieved by a subdivision of labor. First, England and Wales were taken by the registrar-general, separately from Scotland and Ireland, which were taken under their respective registrars. Those outside of the three kingdoms were taken by the secretaries of foreign affairs, of India and of the colonies, who remitted the duty to the distant provincial administrations.

When the discussion occurred in this House upon the census ten years ago we had not had the results of this admirable census; but the committee have availed themselves of this experience. Many features of our bill are derived from the British census act of 1870, and especially that as to remote parts of the realm and the Channel isles. The subdivision of the territory, where practicable, by well-known boundaries, was mapped with prudent foresight. Experts from six hundred and twenty-seven of the public institutions were called in to aid in critical and technical statistics, as our bill proposes. Schedules were prepared and delivered before the day, a plan which was most successful in Massachusetts in 1875, and which our bill permits; the schedules were prepared with dexterous fullness, without overflowing; this too is in our measure, for we authorize the Superintendent to provide such schedules; the officers of the government were required to assist in the work, as we require them in this bill. Further than our bill goes, the English system used the police to enumerate the houseless. The constabulary in Ireland were called in to help, owing to peculiar conditions of her social life. A place was found in the ample returns for every one of the twenty-three millions of the British realm, with a definiteness that speaks with the emphasis of truth. The whole result was laid before Parliament in less than two months after the enumeration.

It is impossible, here and now, Mr. Speaker, to give the details of this census. Results as to names, age, civil conditions, occupations, birth-place, mortality, health, education, religion, and as to parliamentary boundaries and constituencies, territorial, executive, ecclesiastical, and civil divisions, and all showing precise areas of country, with distinctness as to resources and strength, were returned by the co-operation, under one head in each of the three kingdoms, of an army of registrars, superintendents, and enumerators specially fitted for the peculiar work.

Doubtless the omnipotence of Parliament and the strict administration of an improved law assisted greatly in the success attributed to this imperial census. Our Federal legislature is limited; we cannot do all things. It may be, as it has been said with reference to this very question by those jealous of Federal power, that our Federal Government cannot independently provide for certain registrations of birth, death, and marriage, or for obtaining by a bureau social and industrial statistics for the guidance of science and legislation, as these matters are entirely local. But is it not settled by practice and custom that we may make dependent on the decennial census, many inquiries into matters outside of the mere enumeration of the people? Two provisions of this bill, hereafter noticed, tend to encourage and develop State pride and State authority, so as to supply that wherein the Federal census may be inadequate.

THE CONSTITUTIONAL CLAUSE AS TO CENSUS.

The framers of our Constitution found a difficult task in determin-

ing a rule for the apportionment of representatives and direct taxes. The articles of confederation had proposed to distribute the quotas of the land forces among the several States according to their white population. Out of this question came that of representation and taxation according to population. What should be the basis of representation? How should Indians not taxed be counted? How should the slaves be counted? The result of these queries was the second section of the first article of the Constitution. Its terms are familiar. So it may be said that our Government was the first in the world which, by its organic law, laid the foundation of its structure upon an enumeration of the people, to be legally ascertained.

A French writer eulogized our country as phenomenal beyond all others in history, in this: that we instituted our statistics with our Government, and regulated, by the Constitution that gave us political and civil rights, the census of our people. We organized the scheme to ascertain our growth and resources with our being, unity, and destiny. This eulogium has been sharply criticised by an English writer, who denies that the census was thus organized. He held that it had no other than political meaning; he denied that we had in its institution any philosophical considerations or lofty code of principle. It is praise enough, however, that we fixed in the fundamental law this decennial system. It was the incentive and nucleus, if not the prescript, for a larger authoritative scope of our varied interests. Almost at once after the Constitution, our learned societies, with Thomas Jefferson and Timothy Dwight at their head, urged Congress to take a scientific view of the constitutional requirement and to make that view an important adjunct.

OUR CENSUS LAWS.

In the second session of the first Congress a law was passed to carry this provision into effect. Attempts were made at that time to engage the Government in an attempt to take something beside a mere enumeration of the population. From that time to this there have been various modes in taking the national census. Out of nine censuses six have various schedules. In 1830 and 1840 other than mere population results were ascertained; but the attempt to gather manufacturing and other statistics was unsuccessful.

LAW OF 1850—ITS DEFECTS.

It was not until the law of 1850 that any systematic code was adopted. It is not my purpose to depreciate the law of 1850 and its able execution by Mr. Kennedy, then Superintendent. It answered its purpose better perhaps than its projectors expected. It was devised by a board consisting of the Secretary of State, Attorney-General, and Postmaster-General. It had the counsel and aid of such men as Mr. Vinton, of Ohio, and Mr. Underwood, of Kentucky. At the time it was passed it was perhaps the best possible law that could have been devised. But it may be said with reference to the present emergencies that it will prove an utter failure and that its proportions are stinted; and but for some supplementary legislation in 1870 and an excellent administration of its provisions, it would have been that year practically useless.

NECESSITY OF A NEW LAW.

The law of 1850 will remain, by virtue of its first section, as the law in force in this country, unless another law be adopted by the 1st of January, 1880. By the general concurrence of scientific men and the action of the committees of both Houses of Congress, it is considered indispensable that a new law should be made. It should be adapted to our time and the increasing demands of the country for scientific information. It will be apparent in the course of the discussion on this bill that the defects in the law of 1850 are too serious to be defended. Indeed, it was confessed by those who prepared that bill that it was but a trial. Its framers hoped for larger and more liberal legislation in future. In so far as this House is concerned, they gave that legislation in 1870, and the Senate last week has shown its disposition to substitute another law, not unlike ours, for that of 1850.

It is known to you, Mr. Speaker, and to the members of this House that since 1850 there has been almost as much growth in statistical as in physical science. Whereas thirty or forty years ago scarcely any legislation was based upon carefully prepared data, and very few of the debates were illustrated and adorned by the Verulamium methods of generalizing out of abundant and well-ascertained particulars, yet owing to the enormous advances in commerce, in agriculture, in social and physical science, in sanitary, mortuary, religious, educational, industrial, and manufacturing interests, a new order has arisen requiring prompt and proper fulfillment of its behests. You might as well undertake to grind your flour with the old mill and the maid-servant or the water-wheel of Mithridates, to supply our need for bread; or to go to war against a people who have arms of precision with a Spanish arquebus, which so astonished the Mexican and Peruvian Indians, or with the wooden wonder now used in Spain and Mexico, cultivate our vast prairies, as to use the obsolete methods in vogue years ago for the purpose of a national census. Such methods cannot exhibit our varied civilization and progressive industries. Who thinks of going back to the scythe and the reaper, the flail or the "ox which treadeth out the corn"—for agricultural labor; or to the spinning-wheel now that we have the mule and jenny? Who would dispense with the cotton-gin and return to the handwork of the slave? Who would resume the old Ramage printing-press, when we have the Hoe cylinder? The footman gave away to the coach, the coach to the locomotive, the carrier pigeon even drooped his wing before the telegraph; the wooden sailing-ship is giving way to the iron steamer. The hand-craftsman of the olden time is yielding to this age of machinery, with its steam and lightning, its telegraphs and telephones, and other appliances of chemical force and motion.

As well go back to those obsolete methods of labor and vehicles of transport as return to the law of 1850. As well reinvest the Roman censor with his old power over values and liberties. Would you return to the law of 1790, 1800, or 1810, when six months were allowed for returns, or 1820 or 1830, when it was nine months? As well include slaves in our schedule, which the law of 1850 required. *E pur si muove.* The world does more, and we must not be laggards in legislation.

THE MACHINERY OF THE CENSUS.

The object of this bill is to construct a machine to work up and work off with dispatch and precision, and exhibit in all its varied configurations and colors the tapestry of our unparalleled civilization. We are putting together, and I hope deftly, and for great consequences, a species of refined automatic mechanism, for grand political, economical, and moral results. The great point in its construction is that it may run with as little friction as possible; that it may run as inexpensively as possible without losing its utility. The object is to secure the maximum of statistical results at a minimum of annoyance, delay, and expense. To secure this object our great strength will not hesitate to snap any withes and ropes wherewith we are bound.

LIMITATIONS ON CENSUS-TAKING.

As to the different parts of this machinery, let it be observed that there must necessarily be limitations upon its objects. It must not propose too much. That would be to clog and break the machine. All curious questions need not be answered by a census. It would be interesting to know how many elephants we have in menageries or elsewhere in this country, and the production of ivory; and we might obtain the facts, but when obtained they would not illustrate anything. It would be useful to know the effect of grizzlies and coyotes in deterring production on the Pacific coast, but it would not greatly aid our legislation or conduce to science. Still it might be interesting. It would be curious to know how many of the descendants of the Puritans continue to name their children out of the book of Nehemiah. This may be drawn from the returns by a biblical scholar, and then you might infer how far the early rigidness of a great sect had degenerated.

ALL INFORMATION NOT IN A CENSUS.

We may not be able in returns to show all that gentlemen wish on more serious matters. In Massachusetts in 1875 the question was not, "what can we do?" but "what can we leave undone?" Each locality has its special interest, and with proper pride would display it. What prodigality, corruption, and taxation, commercial prohibitions and restrictions, and other mischievous legislation, war, confiscation, fire, flood, and plague may have done to dislocate business, depress labor, and destroy capital, and how such losses have been repaired by individual exertion, may not all be presented in a census; but an ingenious mind, bent on truth, may from partial statistics or a few facts infer important conclusions with the certainty of a Cuvier constructing an animal out of his interior consciousness with only a little bone for his premise.

MAXIMA E MINIMIS.

A verse of Sir William Petty gives a hint of London's size and population in the time of the second Charles. A page of Pepys, under proper lights, makes a chapter of contemporaneous economy and history. A return of houses for hearth-money—an odious tax—gives a basis for the entire population of England. The pay of a private in the Horse Guards two centuries ago enables the economist to tell the wages of labor beyond the Trent, amidst the coal-fields. By a glance at certain statutes in the time of George II the square miles of tilled land is reasonably conjectured, so that a statist deduces that one-fourth of England in a century is turned from a wild into a garden. Given the fact that females in New England do more labor per day than males, or the other pregnant fact that in Massachusetts alone there are 83,146 more females than males, what a chain of interesting consequences are linked to the premise! It connects itself with energy, enterprise, intellect, morality, and religion, and is not to be despised in making up the characteristics of that remarkable people.

If you would know what statistics may do, as well to instruct the present as to encourage the future, peruse the third chapter of Macaulay's History of the State of England in 1665, when the crown passed from Charles II to his brother. From scanty and dispersed materials what a chapter the historic muse has penned! That chapter teaches that it is best to know our worst condition in order to improve it, and to display our best that others in the future may look back to us for an example. It teaches how from the skeleton of dead facts a photograph of an era may be penciled by the radiance of genius and colored with the richest hues of science. It illustrates how all orders of society were influenced by a peculiar civilization, which mollified manners, instructed men, and degraded or elevated individual and national character. And yet England never had an orderly, regular census until 1801. So that all lessons are not taught by formulated statistics. Hume deduces from the flannel garment common to the ancients, traits of industry, and from one cargo the interest on money, and the populousness of ancient nations.

from the fragments left by classic literature as to war, slavery, trade, charities, and mortality. The very ice then in the Tiber is to him a thermometer, and marks also the condition of its citizens and the abundance of the olive and grape. Yet the material on which the historian projected such splendid contributions was as meager for data as is the tooth from which science infers the prehistoric mastodon. Compared with recent statistics, and especially our own full exhibit, it is as one nugget in a pocket compared to a sierra of gold and silver.

UNTRUSTWORTHY ENUMERATION.

We must specially guard against untrustworthiness. The census must not be loaded down with bad or doubtful statistics. It must not be, as was the census of 1870 with regard to many matters, published under protest from the Superintendent himself; for he tells us that he branded many of the statistics which he was compelled by law to collate. He sent them out to the world as counterfeit, and yet men who had purposes to serve would use them in spite of the warning. Especially in respect to the schedule of real and personal property the results obtained were worthless. They were false, illusory, and absurd. So as to the product of gold and silver; although the results were published in pursuance of the law, the publication would have been unjustified had he not emphatically disclaimed their authority.

But, as we shall presently see, these difficulties in the machinery for achieving valuable results are happily avoided by the law which the committee proposes. The Superintendent tells us that he can take a census under a new law with far less cost than under the law of 1850, notwithstanding the increase in population and other elements that enter into its cost, and with far better results. In other words, the law of 1850 is unfitted to our era and its growth. A new law is needed for our new conditions, especially in view of the vast changes made by our civil war in the elements of industry, values, and life.

In order to show the necessity for a new law, let us compare many features of the present bill with the existing law of 1850. Let us consider the subject—first, as to the subdivisions of the country for the census; second, as to the time in which it should be taken; third, as to the agents to be selected; fourth, with regard to a new class of special agents called experts; fifth, as to the schedules; sixth, as to the cost and compensation; seventh, as to Federal provision in aid of a State census, with other less important points in the bill.

SUBDIVISIONS OF TERRITORY.

I. Under the law of 1850 the marshals arranged the subdivisions and appointed the enumerators, who were assistant marshals. Under that law the enumeration districts for each assistant marshal might contain about twenty thousand inhabitants, although the subdistricts did not average in 1870 over six thousand; the present bill reduces the number to four thousand. The Senate bill is similar, except that it has an amendment that the districts shall not be less than three thousand. This is right, as we do not desire to make too many small districts. The House will agree to it, I think, especially if there is an exception for less in the Territories.

We have, unwittingly perhaps, nearly copied the Massachusetts subdivisions in 1875 as to numbers, when the best census ever taken in this country was returned. Outside of the experts and clerks who did the tabulation, the number of enumerators employed was five hundred and twenty-nine. A half million schedules were the result, with an average work of fifty-one days for each enumerator. The population was 1,651,912; so that the districts were not less than three thousand population. Its cost was $139,159. So accurate on the test did this Massachusetts system appear that when the occupations were tabulated it was found that they only omitted forty-three, which were on the population list. If it had come within five thousand it would have been enough for census purposes. This was a marvelous result. In the Federal census of 1860 there was a discrepancy between occupations and productions of 87 per cent., and in the last census of one half million of dollars.

In framing a law for this purpose this is to be apprehended: that the officials should not be too numerous. By this bill, limiting the subdistricts to not less than three thousand or more than four thousand, there will be about fourteen thousand enumerators as compared with six thousand five hundred and seventy-two in 1870. If that is thought too many it should be remembered that with less enumerators there would be a prolongation of the time involved, which would be a capital defect; and as the census is paid for by the number of names there would no special reduction of the expense.

If it be the patronage that is feared in a presidential year, had we better not have double the enumerators for one-third of the time than half the enumerators at two-thirds time longer, the expense being the same? That is what the bill as amended by the Senate now does. It strikes the mean and avoids objections to a protracted census, and winds up the work in July before the presidential fever is at white heat.

The supervisors to be appointed in place of the marshals are one hundred and fifty in number, which, with forty-eight millions of people, would average about three hundred and twenty thousand to each supervisor. Under the law of 1850 the judicial divisions form the grand divisions. As we now have sixty-four United States marshals for the eighty-two judicial districts of the United States, there would be but sixty-four grand divisions, which is conceded to be too small a number even if they were fitted for the office.

The bill now proposed changes the grand districts so as to increase the number to one hundred and fifty, and authorizes the Secretary of the Interior to fix their boundary. These districts are thereupon to be subdivided for the convenience of enumeration by the Superintendent of Census upon the suggestion of each supervisor.

The formation of judicial districts was for admiralty and other Federal jurisdiction. It is utterly incompatible with the proper boundaries of census districts. It is an obstacle to the correct taking of the census. For instance, Southern Florida with its reefs and keys and smuggling is one judicial district, but it does not follow that it should be a census district. It has only five thousand inhabitants, and there would be no necessity of an assistant marshal or an enumerator with a supervising head over so small a number. On the contrary, Northern New York is a judicial district. It has two and a half millions of inhabitants and it would constitute one census district under the law of 1850. It would have six or seven hundred assistant marshals under the old law, and would be overlooked but by one United States marshal, already fully employed in his own duties. But by the present bill it would have seven supervisors, each having some eighty enumerators to oversee.

Other absurdities will occur if the law of 1850 prevails. Delaware is a judicial district, but so is Maine, so is Nevada and Indiana. It was well said by General Walker that "if superintendence is of any account in census-work that which is provided for by the law of 1850 must be of the least account possible." The present law designates the number and gives to the Secretary of the Interior the appointment of supervisors on the nomination of local authority. There is as good reason why the marshal should not exercise the power to enumerate under the law of 1850, which he now has, as there is for his making the districts by boundaries. He should do neither; and that is sufficient to call upon Congress to make a better law.

TIME FOR THE TAKING OF THE CENSUS.

II. The inadequacy of the law of 1850 is apparent in the time required for the taking of the census. By the law of 1850 the marshals were allowed until the 1st of January following. In 1860 the Secretary of the Interior required the assistants to complete their returns on or before the 15th of August, but the Secretary of the Interior had no authority for this limitation. He could apply no lash to the assistants who might choose to take the whole time allowed under the existing law of 1850. The census of 1850 was not all published until 1859, and that of 1860 not until 1866. By the present measure we give the Secretary of the Interior complete control over his subordinates to the extent of removal without cause, so that he may enforce the returns promptly within the time proposed. The time for making returns under schedule No. 1 was limited to the 10th of September. The Secretary, however, was authorized by a law of 1870 to grant an extension not later than the 1st of October. The limitation, therefore, for the last census was about one hundred days. This, however, was not the practical result. The last returns came in on August 23, 1871. This every one will concede would render the census imperfect.

CAN WE SHORTEN THE TIME?

While it is impossible in this country to adopt the European plan, and take the census as instantaneously as possible, catching them all on one day, in one spot, and photographing them by the aid of previous schedules and division of labor, and by police regulations and aid; yet in the United States it may be possible to prevent a protracted work over a period of one hundred days. We may prevent delay from June 1 to September 10. Especially may this be done in the cities as provided for in the bill, where the time is limited to two weeks.

SHORTER THE TIME, THE MORE COSTLY.

It might still be shortened to one week, if we would only undergo the expense and increase the number of enumerators and sub-districts; or if we were not disposed to be too economical, it might be done in one day in some cities, as is the case in England, Wales, Switzerland, and other populous countries.

Mr. Superintendent Walker did once maintain that "if the formation of subdivisions and the confirmation of assistants were vested in the Department of the Interior, with proper discretion as to the use of special agents, it would be possible to take the census of every city and manufacturing town in the United States in a single day, and to complete the enumeration of all properly agricultural sections in a period not exceeding three days, allowing, if need be, for the completion of the purely mining States and the Territories, and perhaps for some portions of Texas, California, Kansas, and Nebraska a longer period of time, not to exceed thirty days." Such an enumeration, he thought, could be accomplished in the present condition of the settlement of the United States; "and," he adds, "it would cost little if any more than a census taken according to the present methods, and would be inexpressibly more satisfactory."

ONE DAY IN ENGLAND, AND THE COST OF IT.

But I am not so sure as to the cost. Let us examine into that. If it could be assured that it would cost no more, and the districts were less than three thousand persons, the bill might be amended so as to provide for a census in one day in the densely populated States, and a shorter time in sparsely populated States.

We are fortunate in having English experience under the law of 1870

to guide us in this regard. The expense of the forms, instructions, and schedules in England was stupendous, and they amounted to ninety-five tons in weight. The cost of the census incurred at the central office and in payment of local officers in each of the three countries in 1871 was £5 5*s.* 7¾*d.* per 1,000 of the population for England and Wales, £8 1*s.* 4*d.* for Scotland, and £7 2*s.* 7*d.* for Ireland. This census showed that England and Wales had a population on that Sunday night of 22,856,164; Scotland, 3,392,539; Ireland, 5,449,186, making in all 31,697,909. The increase in ten years was but 0.83—Ireland decreasing 0.61. In round figures, therefore, the cost of the British census, not counting her two hundred millions in the colonies and possessions, was over ten and a half millions of dollars; while ours in the year 1870 was about three and a half millions. In other words, it cost more than ours, either because her machinery was run with a cloud of assistants and at high pressure to accomplish results in one day or because she paid higher prices for the work. But it is to be said that her exhibit, her picture of the realm, was imperial, and worthy of the great business energy of her people. Certainly, in such affairs the English are not obnoxious to the French satire, that an Englishman has two left hands.

But in our country I fear it is impossible to take a *de facto* census, from Maine to California, in one day, or in one week. The shortest time possible in which it could be taken is perhaps one month. To shorten that time in a country so extensive as ours, with a population in certain parts so scattered, would result in failure, or at least in such a degree of error in the account of population as would render the census comparatively useless.

The objection therefore to the law of 1850, and which has been made by some of the press, is that the time is too long for the census, even though it is shortened as in the time allowed by the present bill. This objection would apply with greater force against the law of 1850. I can agree with any gentleman that a too protracted census is utterly vicious; but it must be remembered that in our country we do not expect to get a *de facto* enumeration for such a period of time as is proposed. We propose to take the people as of a day certain, to take their residence as of the 1st of June, and not to take it all on that date. It is impossible in a city especially and to some extent in the country to get anything more than an approximation to the real number of inhabitants, owing to the changes in households, changes made under various freaks of fancy or stress of rent.

In the sparsely settled States and Territories almost every man would have to be an enumerator to photograph the census in one day. It is the opinion of the Superintendent of Census that the disadvantage in our system of a protracted enumeration would hardly amount to more than 1 per cent. I am not speaking now of an enumeration of manufacturing, mining, and other industries which require other methods provided for in the bill.

The present bill, therefore, has given great control over the formation of the subdivisions to the Secretary of the Interior Department, so as to secure the work with the least expense and in the briefest time possible. Do what we will, from past experience we know that in the mountain regions and in other inaccessible localities the work will be slow. But surely in our larger cities, and towns over ten thousand inhabitants, as the bill wisely provides, the work of the enumerators might well be done within one or two weeks. If, however, gentlemen wish that New York, Philadelphia, and Chicago, &c., shall be taken in one day or even three days, it might do no harm and much good to try the experiment, but for the cost and risk. No one could expect the same thing to be done in districts in the Blue Ridge or in Nevada. It does not matter so much in rural districts whether the enumeration is protracted or not. Changes from house to house are not so frequent there as in cities, where we may very well limit the time, so as to avoid duplications and omissions.

WHO SHALL BE THE AGENTS?

III. As to the agents to be selected to take the enumeration. Here I approach, perhaps, the salient feature of the bill proposed by the committee. Herein is the only substantial divergence between the Senate bill passed last Thursday and our own bill.

The present law of 1850 authorizes the United States marshals in their judicial districts to take the census. They are to appoint assistant marshals. They arrange the subdivisions. This is done without the surveillance of the Secretary of the Interior, a grave defect, which nullifies accountability and responsibility. Whatever may be proposed instead of this plan; whatever is proposed either by the minority or the majority of the committee, or by the Senate or House bill, must be an improvement on this old plan. It is conceded in the present plan by all, that the marshals are unfit for this duty. The Senate discards them. The objections to the marshals and deputies need not be elaborated.

First, they are not selected for the purpose of census taking. Should not officers for taking the census be selected for the specific purpose? Officers like the marshal, sheriff, or constable, for obvious reasons, beget suspicions and alarm. Does this not impair the fullness and accuracy in the returns? Is there any connection between the execution of process and the arrest of persons with the delicate duties of a supervisor and enumerator? May not the most efficient marshal be the most lax census taker; the most energetic officer of a court have the least clerical capacity and the least aptitude to instruct an enumerator, or define the distinctions necessary to the census schedule? Have not these officers as much labor and responsibility in the discharge of their own functions as they can properly execute?

Another reason against the employment of marshals is the inequality of their districts as well as the time occupied in other duties. It is a sufficient reason against their employment. Besides, should they not be under the control of the Secretary of the Interior and amenable to that Department, which the marshals are not? Then, there would be less of a tendency to job out the business among favorites than by other appointees that might be designated. This would be especially unhappy where the Secretary of the Interior would have no remedy, either by controlling or dismissing them. Moreover many of the districts of marshals, as I have shown, are too large for faithful supervision.

By the bill proposed by the gentleman from Ohio [Mr. GARFIELD] in 1870, it was proposed to divide up the United States into congressional districts and to have the supervisors appointed by the Secretary of the Interior for such districts. But it was found that there was not homogeneity enough in such districts to make that plan feasible, for some districts were both of the city and country, and required different official faculties and knowledge. The plan proposed by the committee is best. It rests, as we think, on sound judgment and fairness. It provides that the Secretary of the Interior, after designating the number of supervisors, whether one or more for each State or Territory, shall notify the governors of each State or Territory of the number of supervisors for and the boundary of each of the districts; and that then the Secretary of the Interior shall appoint the supervisors on the nomination of such governor.

This is the only substantial issue between the majority and the minority of the committee, between the Senate and the House bill. Although the committee of the Senate and the committee of the House are not by resolution a joint committee, they have had the pleasure and privilege to confer. With some exceptions they have substantially agreed upon all the features of the bill which I first introduced here, except this one as to the source of selection.

Ordinarily where new legislation is proposed the burden is upon him who proposes it, but since both the majority and the minority discard the old mode of appointment, and both propose a new mode, there is no logical advantage on either side.

I propose, however, to give reasons why the committee have gone to the chief magistracy of the States as the source of these appointments.

GOVERNORS TO NOMINATE.

On this subject let there be no quibbling or insincerity. Substantially by our bill the governor makes the appointment. What Chancellor Kent says of the second article and second section of the Constitution, as to the nomination by the President and confirmation by the Senate of certain officers, may be said more pertinently of this section: "The power of nomination is for all purposes of restraint equivalent to the power of appointment. It imposes upon the President the same lively sense of responsibility and the same indispensable necessity of meeting the public approbation or censure." (1 Kent, p. 287.)

This may be affirmed of the nomination by the governors under this bill. The idea of the bill is to fix the lively sense of responsibility and the necessity of meeting public approbation or censure upon the governors. This bill makes a "home thrust" for such appointments; yet in this bill we have divided with the "home ruler" the responsibility by giving the Federal Secretary a certain control, even to removal, over the agencies when selected.

Under the act of 1850 the power appointing the assistant marshals to take the enumeration was vested absolutely in the United States marshal. The Interior Department had no power to reject or remove for any cause; but by the bill of the committee, section 23, "the Superintendent of the Census, with the consent of the Secretary of the Interior, has power at any time to remove any supervisor and fill any vacancy thereby caused or otherwise occurring; and the supervisor may, with the consent of the Superintendent, remove any enumerator and fill any vacancy thereby caused or otherwise occurring." So that the objection to the nomination of supervisors by the governors cannot be based on the ground that the Secretary of the Interior or the Superintendent of Census have not ample control to discipline and dismiss the derelict subordinate.

At the threshold, therefore, we meet the objection with emphasis and cogency that there is no attempt in this bill to deprive the Secretary of the Interior of any proper responsibility and supervision.

THE STATES FOUNTAINS OF HONOR AND POWER.

If, Mr. Speaker, you want an affirmative argument in favor of this mode of State nomination, let me say that the census concerns the States and the people thereof far more than it does the Federal Government or its function or patronage. The Constitution requiring the census says that "Representatives and direct taxes shall be apportioned among the several *States* which may be included within this Union, according to their respective numbers." The chief idea is that the States are most concerned in representation and taxation; the States are most concerned in their proper apportionment; the States are the springs whence flow all powers not directly prohibited by the Constitution; the States are the fountains of honor and trust. And wherever the States through their organism can properly subserve their domestic interests and protect their representative and constituent relations without impairing the efficiency of the work, to the States should be given the functions adequate for such purposes.

REPRESENTATION BY STATES.

As representation in Congress is based upon the census, and as certain States are losing and other States are gaining, and as the conflict of sections is not limited to North and South, but is increasing between East and West, and as the individual States themselves are contesting with each other for dominancy and increase of power, is it not wise to guard against jealousies in connection with the foundation of representation in the census? Where, sir, can you lodge this organic power, on which the Government itself reposes, with more safety and contentment than in the States themselves? Are they not the creators of the Constitution? Did they not agree to the clause from which this representation is derived?

BEST MEN SELECTED BY THE STATES.

For the purpose of an exact, complete, and faithful census, can better men be selected than by the chief magistrates of the States? Is it likely that it will be better done at the Federal center? There are few prominent men who come to this capital as Cabinet officers who are not dazzled by the splendors of position. Whatever may be said of their integrity and however powerful public odium and even impeachment might visit their motives for party and patronage aggrandizement, still the practice remains, irrespective of the civil service, that dependents, favorites, and partisans will be preferred. This custom may to some extent obtain in the executive offices of the State. Governors are fallible; but in a year for the election of a Federal Executive and Congress the peril is greater when the power is centrally lodged. Men who are selected at home by officers of high grade and character like our governors may not all be trustworthy, but they are likely to be so. Is it not a law of political science that the nearer you fix the responsibility of such trusts to the place of their execution the better is the assurance that the trust will be well executed? It is not necessary to speak in this connection of one section more than another. Without raising any question of the relative partisanship between the executive powers in the States, and without considering the question of partisanship or patronage at all, is it not reasonable to believe that a better class of men, as to culture, skill, and integrity, can be selected by the States than in any other manner?

Do you want experience to guide you? So good an authority as Dr. Snow, of Rhode Island, urged, in 1870, that we should discard the marshals—

> And that in the several States, and perhaps in districts of the States, an attempt may be made to find persons who have some special qualifications in the work. In this way there will be certainly no risk of obtaining men more poorly qualified than by the past mode of appointing them, and there may be a chance for improvement.—(*Globe*, volume 76, page 1084.)

Is it said that "the bill of the committee takes patronage from the Federal administration and gives it to the States; and that therefore the bill is partisan?" I deny it. The bill is the fairest possible in that respect; it is non-political, non-partisan. True, there may be at the present time a majority of the governors of the States belonging to the party dominant in this House. There are twenty-three democratic and fifteen republican governors; but, so far as we can see into the future, it is not improbable that the country may in 1880 be fairly divided as to governors as they are now by population and States between the two parties of the country. Will any one say that a poorer class of agents may be selected by the governors of Massachusetts and Illinois than by the governors of Virginia and New York? Will Texas and Minnesota appoint corrupt and ignorant men to display their marvelous growth, or Pennsylvania and Tennessee select inferior agents to exhibit their coal, iron, and agriculture? These diverse political magistrates would be recreant if their agents either discredited the returns of their States or diminished or increased wrongfully their representation. Moreover, if this debate should degenerate, which I hope it will not, into a partisan discussion, let it be known that the great bulk of this work, outside of the mere enumeration in the first schedule, is to be done by special experts selected by the Interior Department; and if gentlemen raise the question as to patronage, the answer is: that by this bill they have the larger share in such a division.

PRECEDENTS AND PRACTICES AS TO LOCAL APPOINTMENT.

Is it said that there are no precedents for the selection of Federal agents by other than those connected with our Departments in Washington? This objection is legally obviated by the language of the bill, which says "that the Secretary of the Interior shall appoint on the nomination of the governors." If it be said that the second section of the second article, paragraph 2, of the Constitution forbids such a nomination, which is equivalent to an appointment, then the inquiry arises as to the nature of this census agency and as to the power over it. That section says:

> He shall have power to appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Why, the bill of the Senate itself proposes a nomination by the Superintendent of Census. Is he the head of a department? No more than a governor; so that gentlemen are estopped on the threshold if they say that the nomination is legally the appointment. The bill of the majority proposes the nomination by an officer not named in the constitutional clause, but the appointment is to be by the head of a department. In contemplation of the Constitution, what, then, is an officer? Does the "officer" under this second section comprehend such agents as supervisors of census? The authorities define the function of an officer. He must have some power to appoint and control; to bind and loose. An agent for taking the census is not an officer in contemplation of the law. If he is, then those who stoke the fires and sweep the corridors of this Capitol are officers of this Congress. He is no more an officer than were certain commissioners of the centennial or the commissioners to the Paris exposition who were sent out on the nomination of the governors of the States and by the appointment of the President.

By the law of December 18, 1877, it was enacted that "the governors of the several States may nominate and the President appoint two honorary commissioners from each of the several States." If such an agent, appointed to ascertain certain facts thought to be necessary and useful to our trade abroad could be nominated by the governors and appointed by the President, why not an agent for a similar purpose at home? In no respect can there be any substantial difference shown between the agency in one case and the other. No one ever questioned the right of a member of Congress to nominate cadets or midshipmen, yet the appointments are fixed in the Departments. The law as to midshipmen cadets (section 1514) says that the "nomination of a candidate shall be made on the recommendation of the Member or Delegate;" but if it be not made by a certain time the Secretary of the Navy shall fill the vacancy. Is this cadet an officer? Is it urged that Congress cannot endow other than Federal officers with these functions, admitting them to be Federal? It may be answered that the Supreme Court, in the famous case of Prigg *vs.* The Commonwealth of Pennsylvania, (16 Peters, 539,) has settled that point. They say:

> As to the authority conferred on State magistrates, while a difference of opinion exists and may exist on this point in the different States, whether State magistrates are bound to act under it, none is entertained by the court that State magistrates may, if they choose, exercise the authority, unless prohibited by State legislation.

If this be so as to officers of the State in a case where there was no special grant to Congress to make by law, agents of State officers, what can be said against the case where there is a special power lodged in Congress for census purposes?

CONGRESS HAS AMPLE POWER TO CONFER THE APPOINTING POWER.

There is in reserve an unanswerable argument as to the power claimed by the committee in the nomination of these agents. The Constitution itself regards this census as of such special moment and so essential to the very organism of the Government that it provides that "the actual enumeration should be made within three years after the first meeting of Congress commences, and in every subsequent term of ten years, in *such a manner as they* (the Congress) *shall by law direct.*" This has reference to this very business and no other. Is not this a specific and definite grant of power to this body as to the census? Does it place any restraint or fix any limitation on the *manner* which Congress shall by law direct?

What is the meaning of "manner" as here used? "Manner" is from *manus*, the hand. Webster says it means "handled, the mode in which a thing is handled; a mode of action; way of performing or effecting anything; method; style; form; fashion." The first synonym is "method" and the next "mode."

May not Congress, therefore, direct this business to be put into the hands of any one whom they please? May they not choose the mode and the method—all the means to the end? Is there any hint or command that they may or shall select one method, mode, or manner, to the exclusion of another? Any agency, individual, State or Federal, any person, whether register of a town or director of a mine, any political, social, or scientific agent, may be selected for gathering information. As to no other appointment of Federal agents, is there such a plenary scope of power given to Congress.

Before the Constitution was made, in 1783, the question of apportioning the war debt among the States was discussed by Congress. It was then proposed to have an enumeration every three years. The proposition was almost unanimously supported that the census should be "triennially taken and transmitted to the United States in Congress assembled, in such mode as they (the Congress) shall direct and appoint." The drift of the sentiment then, was afterward embodied in the Constitution. The proposition was that "the mode" should be directed and appointed by Congress. (Journal of Congress, volume 4, page 191.)

But who can controvert so plain an interpretation of a grant so general and sweeping? No general clause of the Constitution with reference to the appointment of inferior officers by a Department, according to the best rule of interpretation, should override this plain prescript, whose intent is expressed in the census clause itself and not inferred by construction or contained in a general grant of power. It only remains, therefore, for us to select what we conceive to be the best mode, method, means, or manner for this end.

Whether on principle or precedent, there is no legal or constitutional objection to the nomination by the governors of these enumerators. Is there any reasonable objection?

PARTY BITTERNESS AND PATRONAGE TO BE AVOIDED.

I would avoid, sir, as I deprecate, in the contest of 1880, which will be one of unusual bitterness, any aggravation of that bitterness. Already the trumpets are sounding to the charge. They give no un-

certain sound as to the nature of the contest. On the one side there is the prestige of officers, the patronage of the Treasury, the power of Army and Navy; on the other, the Senate and House by a narrow majority. The crying curse of such contests is in allowing the Federal patronage to influence such elections. It is the prolific parent of corruption, the bane of our Republic, and I am yet to learn that our body-politic is so Mithridatean as to be poison-proof. It will be a happy day for both President and people when his power of appointment of all such officials as postmasters, census-takers, &c., is limited or abolished.

DANGERS OF EXTENSIVE PATRONAGE.

Judge Story has warned us in his commentaries (2 Story, sec. 1536) of the dangers incident to the "great anomaly" in our system—of this "enormous patronage." The patronage of the Postmaster-General, he says, rivals and exceeds that of the President himself; and he exclaims, with patriotic fervor unfamiliar to such treatises: "How long a power so vast and so accumulating shall remain without any check on the part of any other branch of the Government is a question for statesmen, and not for jurists." He believed that "if ever the people are corrupted or their liberties are to be prostrated, this establishment will furnish the most facile means and be the earliest employed for such a purpose."

Would you know the enormity of this danger and the proportions of this anomaly? By an official table, sent to Congress by the seven Departments, in August, 1876, the number of the civil officers employed by each Department in 1859 and 1875 is given comparatively. I present it here:

	Departments.	1859.	1875.
1	Department of State	367	430
2	Treasury Department	3,778	12,482
3	War Department	339	1,489
4	Navy Department	90	131
5	Post-Office Department	30,817	44,897
6	Interior Department	1,081	2,475
7	Department of Justice	5	523
		36,397	62,427

It is to be understood that the above includes all officers and employés of the Government at Washington and throughout the country, except those in the military and naval service.

These officers of Army and Navy are also dependent on the central power. Shall we add to these 62,427 servitors of the Administration some six thousand more, and in a year so pregnant with events as 1880? All these sixty-three thousand are under one man's appointment! It is indeed an anomaly in republican rule not to be slighted in casting our horoscope as a nation.

It will be many years perhaps before such a reform as we need will be inaugurated; but in a case of this kind there is reason enough and authority sufficient, at least to begin the experiment of restraint and decentralization.

INCREASE OF THE RATIO—IS THERE DANGER?

Objections may be made to the fourth section of the bill, to which I am adverting, that in certain States, if the governors appoint the subordinates, the enumeration will be swelled in order to secure greater representation. I do not lay much stress on this fear; some, however, do. If it be said that there is an obstacle against such aggrandizement, in the direct taxation which may also be apportioned according to respective numbers, it may be answered that political power does not stop at such obstacles and that direct taxation is obsolete. But if there be this tendency, does not the Secretary, with his supervision, and the Superintendent of Census, have great control over the enumeration? May he not, unless properly checked and watched, attempt to abuse his supervision? May not party pressure, political bias, and local interests, not to speak of a great presidential contest on which so much hangs, in purse and sword, have its influence over even the best Cabinet officer in Washington?

WARNING AGAINST TOO MUCH CABINET SUPERVISION.

During the discussion on the census bill in 1869 a member from Massachusetts, now a Senator, (Mr. HOAR,) on the 6th day of April, 1869, (page 553 of the Congressional Globe, first session Forty-first Congress,) called the attention of the House to the fact "that the twenty-fourth section of that bill put the whole distribution of the political power of this House between the States into the hands and under the discretion of one single individual without requiring him to report to the House or to get any indorsement of his action by Congress." He complained that the head of this bureau had the power to ascertain the population of the different States, and that thereupon he could notify the governors of the number of Representatives to which each State was entitled, which should bind the country for the next ten years. It was the warning of a thoughful statesman. Shall we heed it, or shall we pass the Senate bill without this section which divides the responsibility?

Why not divide it between the States and the Federal Government by fixing the nomination of these agents in the one and the appointment and supervision in the other?

MISCHIEF BY FEDERAL CENSUS-TAKERS.

General Walker, in an interview with the Select Committee on the Census, December 16, 1878, said that—

There were two or three cases at the South in 1870 where mischievous and even scandalous results, through notoriously bad appointments, could not be prevented by reason of the absence of all control over the matter by the Department of the Interior, which had to content itself with expressing its entire disapprobation. In the case referred to, persons were appointed whose appointment was disgraceful to the Government and detrimental to the service.

This complaint was well founded; but by the bill of the House do we not avoid it, in the future, by the control we bestow on the Interior Department?

Much controversy and calculation have been indulged in as to the relative voting population of black and white in certain States, notably Louisiana. Such conflicts will find their quietus only in a fair distribution of the census duties between the State and Federal authorities. Why may not this be done in the "manner" provided by this bill? How better can we provide against "disgraceful appointments," party perquisites, and worse results?

LOCAL RESPONSIBILITY.

In countries of large extent, like our own, the system of local census-taking is indispensable to give it value. In the extended domain of the Czar, local authorities themselves take the census, and are made responsible for returns on the printed schedules sent out by the central board. In Switzerland the cantonal governors collect the statistics on a uniform plan and send them to the capital. The census of England was taken in remote places as in the Channel Islands and the Isle of Man in conformity with instructions from the main office, but it was taken by the lieutenant-governors.

In concluding this part of the exposition of this measure, let me add some reflections far and aloof from mere party considerations. The very genius of our polity consists in lodging as much power in local authority as is consistent with security and union. Considering our large area, our people are very thinly scattered; they are living under various skies and conditions of production and life. We are united only for certain common purposes. It follows that each section of so vast a region must be guided for its prosperity by its own wisdom in framing laws. This idea made the Revolution; it made the Constitution; it preserved the Union; it preserved it even when local liberty was driven to martial excess in the clash and clangor of diversified and conflicting interests.

History teaches that all political centers are looked upon with jealousy. When the responsibility of government is distributed, then, by an order as beautiful as it is divine, local governments become as indispensable to the general government as the arches to the bridge which they sustain.

DIVISION OF POWER—SMALLER STATES.

The best governments in our country are those that spring out of home soil and its surroundings. They are found in townships, in towns, in counties, and in States. "Smaller states tend," says Hume, "to equality of fortune; and when the center of the government is near its frontiers, overgrown fortunes are more precarious. Where each man has his little house and field to himself and each country its capital, free and independent, what a happy situation of mankind! How favorable to industry and agriculture, to marriage and propagation!" He commends, therefore, smaller states because of that division of power which tends to the general welfare.

Governor Seymour recently said, in an article in the North American Review, that—

The wisest statesmen living and acting at the city of Washington could not understand political affairs nor conduct them so well as citizens upon the ground, although they may be unlearned men.

Wherever, therefore, our Constitution allows, let us remit the body of our powers to the States and give the remnant of power to the Federal Government, for the expressed purposes of the charter. Therefore I would hold the governors of States responsible for the selection of men who are to do this duty which lies at the foundation of our representative system. Thus, and thus only, will the census be taken so as to give equality to local strength, satisfaction to local pride, aspiration to local ambition, and contentment to the people of all sections.

Thus, and thus only, will our constellation of States become—

> Self-reverent each, and reverencing each,
> Distinct in individuality,
> But like each other, even as those who love.

But the bill, even if amended by the minority as proposed by my friend from Kansas, [Mr. RYAN,] or as the Senate send it to us, is such an advance for social science and such an improvement upon the present law of 1850 that I would not be discouraged altogether if it were adopted without the section now under discussion. I but obey the instructions of the committee and my own judgment as to the best mode of taking the census by proposing this new mode of enumeration.

THE SCHEDULES.

IV. The bill of the committee proposes many amendments of the schedules affixed to the law of 1850. To all students desirous of better statistics, this portion of the bill will be hailed with satisfaction. In regard to the agricultural schedule, we have adopted one addition which was proposed by the gentleman from Ohio [Mr. GARFIELD] to the bill of 1870. By the law of 1850 there were forty-six columns in

reference to agriculture. Under the old schedule there was nothing required as to the acreage of the several crops. This is now provided for with the proviso that the Superintendent may drop from the schedule certain minor crops, the enumeration of which can be better obtained from other sources and for which there is ample provision in the bill. We have also dropped from the first schedule inquiries as to the value of real and personal estate. The Superintendent has told us in his reports of the utter inutility of such inquiries; they caused more vexation and trouble to the enumerators than any six others in the schedule, and the results were worse than worthless; they were false and deceptive. Besides no other inquiries cause so much irritation and annoyance to the masses of the people. Another and better method is provided by which the personal and real property value is obtained, and from more authentic sources. The law of 1850 required two different returns of real and personal property. But one of these was upon the population schedule and one upon the social-statistics schedule, yet he made the best return possible, with the assistance of several hundred of the most competent persons who could be secured for the work. He thus reached the ratio between the assessment of property and its actual market value in each State and Territory. He attached considerable value to this return by experts; but the returns of property made by individuals to the population schedule were ludicrous and worthless.

ALIENAGE, ETC.

An important feature which appeared in the last census, and will appear if this bill passes, is the distinction between native and foreign born in the tables of age and sex. Some interesting results have already been ascertained from this feature. Among them, how natives and foreigners are affected by our climatic and other influences. It is a curious fact developed by the last census that the German and Irish population greatly differ in the diseases to which they are subject. Why should the Germans die more frequently of diseases like the small-pox and the Irish of a type of which Bright's disease is a sample? Besides, the clause as to alienage may add something as to the relation of naturalized citizens to the body of our population. This feature is copied from the example of the New York census of 1875.

Other items may be collected by the Superintendent outside of the population schedule. What effects do the different professions and occupations have on human health at different ages? This knowledge is useful not alone to show the insalubrity of certain occupations, but it has practical deductions as to life insurance. How long on the average will the miner, farmer, lawyer, or clergyman live, and at what rate shall he be insured? Further, from other returns as to the ages of married and unmarried persons, combined with ages at marriage, we may reason as to the probable duration of the joint lives of husband and wife and the annual rate of marriage at different ages, &c.

There are other provisions in relation to the schedules which will be discussed when the bill comes up in detail. Other general observations may, however, be now pertinent. At the request of the Surgeon-General of the Army and the great body of physicians of the United States, the first schedule has special inquiries in relation to disease and injuries. In the last census the returns as to diseases were so imperfect that less than 40 per cent. was correct; as to deaf, dumb, and the afflicted classes, 60 or 70 per cent. only was reliable. We need more heed on these critical matters. We have added to it a discretionary power of limitation vested in the Superintendent of Census, so that the schedule may not be too much loaded.

DANGERS OF ASKING AND EXPECTING TOO MUCH.

Before passing from this subject of schedules let it not be forgotten that there is a vast difference between questions asked by special agents and those asked by the regular enumerators. Amendment after amendment may be suggested providing for inquiries, the answers to which would be of vast value if only asked by special agents, for then there would be an answer worth having; but if asked by regular enumerators it would be impossible to obtain that discrimination necessary to correct answers. However, if such interrogatories be committed to experts, as provided for by certain sections of the bill, when you have secured first-class men for the work, there will be no difficulty in obtaining valuable results.

Nor do you want a specialist for every subject. In these inspections of the inexplicable myriad of interests of our people you cannot use the microscope or the telescope. You want the practiced human eye. You do not want to gratify idle tastes by piling up fountains of flexile columns to see them sparkle, splash, and fall uselessly. A few inquiries for the regular enumerator, so as not to addle his pate or drug his intelligence, and the census will be better. Considering the forty-eight million of people whom he must record, he is in danger of being overweighted. Already I fear that by the act of 1850 too much has been required of him for satisfactory results. Let Congress therefore take heed lest in widening the inquiry by the regular enumerator it does not destroy the desired result.

OTHER IMPEDIMENTS TO A GOOD CENSUS.

Although we have progressed greatly since the old days of the Jewish census, even as late as the eighteenth century, in a colony so intelligent and sensible as New York, the difficulties of taking a correct enumeration were almost insurmountable. Strange to say, it grew out of religious superstition. Among the many enumerations in Judea was one recorded in Samuel and in the Chronicles. It was followed by a three days' pestilence which destroyed seventy thousand persons. This pestilence was credited to David's presumption. It is not clear what David did, although there is a hint in Josephus that his transgression was in not collecting the redemption offering.

This Judean pestilence made an impression even on the oriental imagination. The Mohammedan mind is yet swayed by it. They retain superstitious fears about enumeration which, strange to say, found their counterpart in the sensible folk who peopled the colony of New York in 1712. The governor of the colony excused the imperfection of the census by saying "that the people were deterred by a simple observation that the sickness followed upon the last numbering of the people."

JERSEY YANKEE ENTHUSIASTS.

Nor was New Jersey free from such superstition. Governor Burnett, in 1726, referring to the New York enumeration, said "that he was advised that it might make the people uneasy, they being generally of New England extraction, and thereby enthusiasts, and that they would take it for a repetition of the same sin that David committed in numbering the people, and might bring on the same judgment."

But more difficulties have occurred by reason of the census being taken by marshals, sheriffs, and tax-gatherers, from apprehension of tax-arrest or execution. The spying indispensable to a correct census is a fruitful source of imperfection; and while other statistics have been procured which were valuable, it has generally been observed that the statistics of industry and property have met with the greatest prejudice and opposition. This is the experience of Massachusetts, where tax-assessors were used. (Wright's Comp. Census, 1875, pages 4, 5.) But New England is not alone in being impatient as to interfering with "private rights."

In the last Massachusetts census of 1875 inquiries as to "cards" were inserted. Some took them to mean visiting cards, some wool or animal cards, and some were shocked in their moral sense by thinking of high, low, jack, and the game. In the same census (Comp., 209) the yield of milk puzzled the statists, for it was found that in some towns it was priced as low as six cents a gallon. This was a figure which Mr. Wright naively says must have been too low and calls for special reasons. He hints that sometimes skimmed milk was sold for special purposes, and that the general milk average of the State was reduced by it. Perhaps the better solution may be found in examining the statistics of Massachusetts water-power multiplied by her moral power, which could not allow watered or skimmed milk to be sold for cream! The Federal census is full of whimsical returns; as, for instance, where children born in June, 1870, as being within one year of age. The enumerator forgot that the June, 1869, was the June to be taken. These babes were facetiously called "June bugs." Old men were frequently put down as dying of cholera infantum, and other curious returns were made whose ludicrous nature was ascertained by inspection.

In constructing the machinery for the census let us not hope to learn all we would like to know about our land. Ours is the age of machinery. A friend writes me of a machine invented and used by the United States testing board which is a marvel of art. It has a pulling or crushing power of four hundred thousand pounds, and is so delicate that it weighs the stress that breaks a hair or crushes an egg. We can expect no such refinement and strength to reach our forty-eight millions of people with their miracles of advancement and at the same time take every item "from a thread even to a shoe-latchet."

APPORTIONMENT OF CONGRESSMEN.

Nor must it be forgotten that the primary object of the census is the apportionment of power. In former census bills it has been proposed to fix the ratio of the number of members of Congress and in some cases the number itself in advance of enumeration. There is some reason for this, as after the enumeration there is a tendency to wrangle as to local and sectional strength. The committee, however, was not disposed to embarrass this measure with matter so inflammatory. There will be time enough for that in the next long session. What States may have lost and what States may have gained since 1870; how many members should make up this body; what consequently ought to be the ratio for each member, are questions more interesting than urgent. I append to these remarks a table to be consulted when such a discussion arrives.

Collateral to it is the question which arises under the fourteenth amendment, second section. That section bases the apportionment according to the respective number, counting the whole number of persons in each State, with this exception:

> That if the right to vote is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in each State.

To effectuate this exception, the Committee on the Census in 1870 examined the constitutions and statutory provisions in the several States.

These provisions are to be found in Executive Document Report No. 3, Forty-first Congress, second session. They show an abridgment and denial of suffrage in various States for other causes than rebellion or crime.

During the debate on December 8, 1869, (Globe, page 40,) those States which denied suffrage, and upon whom the penalty of the

fourteenth amendment should fall, were named with the causes of denial. General GARFIELD reckoned them as numbering seventy or eighty. Idiocy, poverty, insanity; want of property, of education, of sufficient residence; service in the Army and Navy, oaths, and what not, appear to abridge representation.

Let me illustrate by again referring to Massachusetts, where the data are so well ascertained. The law of that State forbids from voting, paupers, derelict tax-payers, and those under guardianship, (constitution, 1821, amendment, article iii,) and those who cannot read the constitution in the English language and write their names, (article xx, 1857.) How many are there? The census of that State shows in round numbers at least one hundred thousand non-voters, who are not disfranchised for crime or rebellion. There is no census of rebels. Most of the heroes of the Shay rebellion are only registered on tombstones. Hence, if the fourteenth amendment is to be observed, will not Massachusetts be in danger of losing one of her statesmen from this Hall?

Although the act of 1870 which provided for this enumeration of denied voters did not pass, the leading facts were ascertained through the enterprise of the Superintendent. No practical result in reducing the returns and representation was arrived at, and this constitutional amendment has thus far been a dead-letter. It is for the future to say how far it is to be applied and how; but certainly the facts should be obtained for other reasons, if not for abridging representation.

SPECIAL AGENTS AND EXPERTS.

V. The greatest advance made upon the law of 1850 is that which provides for special agents or experts. Many inquiries, as will be seen by the bill, are withdrawn from the regular schedules. The information required of corporations and companies is full and exact in detail, with such discretion for additional inquiries as the Superintendent may devise; so that all the various relations of manufacturing, railroad, fishing, mining, and other industries—the statistics of telegraph, express, transportation, and insurance companies, with such specifications and particulars as the Superintendent may deem necessary, have peculiar agencies with full authority and compensation to them, in the shape of a *quantum meruit*. The great bulk of special inquiries, therefore, under this bill will be made by men who are selected because of their fitness for the work. Under the census of 1870 the schedule relating to social statistics was not taken by the regular assistant marshals; a special marshal was appointed by the United States marshal for that duty, and with superior results. These results could not have been obtained through the regular enumerator, owing to the peculiar kind of work involved.

EXPERIENCE IN NEW YORK AND MASSACHUSETTS, 1875.

Some of our States have had experience on this head. Mr. Willers, late secretary of state of New York, who took the census of 1875, writes me that in his Preliminary Report to the Legislature of 1876, (New York State senate document No. 6, session of 1876,) he suggested that all inquiry other than that relative to population, &c., be procured through town or county local authorities, either annually or at more frequent intervals of time than by census periods. That feature of our bill authorizing the withdrawal of inquiry as to manufactures, &c., from enumerators and devolving the same upon special experts, he regarded, therefore, as a good one.

In Massachusetts, not only were other censuses examined, but recourse was had to gazetteers, directories, trade-lists, advertisements, standard works on special lines of inquiry. Out of these the names of new industries or products were acquired.

The committee recommend an extension of this service so as to give it the widest possible latitude for technical and delicate investigation. If gentlemen would propose other amendments to this part of the bill there is no disposition to reject them, but let not the bill be overladen even with these schedules. When it comes to these special inquiries there is not so much danger of the overweight of any schedule.

Of course there is a certain class of manufacturing establishments spread over a portion of the country sparsely populated, which, for the sake of economy, must be taken by the regular enumerator; so also with respect to statistics of mortality. But the bill of the committee proposes to give a discretion to the Superintendent to withhold certain schedules from the regular enumerator in certain districts where official and other data are already to be had by the mere inquiry or copying. Even in cities where the manufacturers as well as the population are more compact and numerous it is utterly impossible, unless the officer is especially fitted and charged with the enumeration, to make a complete and thorough report. In all these matters a large discretion is given to the Superintendent of Census.

MINING.

As to the important subject of mining, let me say that the statistics of coal and iron mining can be easily obtained; for these are fixed and known. Take coal alone, in which our country abounds and which in other countries is failing. We are sending it into the heart of the Alps and making money by the exportation. Do we realize its utilities? In 1877 we produced 50,000,000 tons; a pound of it applied to produce the vapor of water exercises a power equal to 500,000 foot-pounds. Two pounds of coal is equal to man's days' work. Assuming our population to be 48,000,000, and apply one-fourth of our coal to manufacturing, and you have the work of our whole population, calling them all able bodied, for a year and more! Coal cuts down our labor bill from fifteen billions to $50,000,000! Do we realize these wonderful resources? But, while we have such results easily ascertained as to coal, as to the mining of our precious metals, there are great obstacles to be surmounted. This will appear from the letter of Professor Whitney, appended to the report of the Superintendent of Census to the Secretary of the Interior in 1878. From it you will see how utterly nonsensical was the attempt to obtain our metallic wealth by the old rickety machinery, even with its special improvements; while in every other country where mining is pursued, and especially in France and Germany, there are provisions specially adequate for returning the interests of mining and metallurgy. But our results in the census of 1870 were supremely ridiculous. To avoid this the advice of Professor Whitney should be pursued. Experts should be employed who can exhibit the wonderful wealth which we have developed in this department of industry. It is not necessary to impress upon this House, engaged as it has been with discussions connected with the precious metals, the importance of an exact knowledge of our mineral resources and our progress in their development.

The same remarks apply to our fishery, lumber, and other industries. These are amply provided for by the bill of the committee. As we are looking forward to a better condition of our industries; as the prospect for our skilled mechanism is growing more brilliant with each passing month; as new markets are being opened for our enterprises; as our very credit, domestic and foreign, is dependent upon our mineral and other resources, no expense can be too great for the collection and exhibit of those industrial facts by which our capabilities as the foremost country in the new hemisphere can be gauged.

PRACTICE OF OTHER GOVERNMENTS AS TO EXPERTS.

Other governments have chosen agencies outside of regular census-takers for securing such statistics as it was impossible for them to take. In France the prefects collect from local registers special branches of statistics. In Scotland, parish schoolmasters, and in Sweden the clergy, reported, from their register of baptism, births, marriages, and other details. Among the Laps and Finns separate and special schedules were sent out by the central bureau for independent action. In England and Wales, although they had in 1871 72,606 enumerators, and subdivided the districts so that there should not be on an average more than one hundred and thirty-one houses and six hundred and ninety-one persons in an area less than two miles square, nevertheless they sought other adjuncts for the census. The school board of London alone supplied information as to 700,000 children between the ages of three and thirteen. It was found in England, as in this country, that the great difficulty with the system was the tendency toward complexity in the returns. Unless the facts were obvious the subordinate was sure to blunder. Hence such schedules as those of occupation and family became so intermixed as to be practically useless. There is only one remedy for these evils, as other nations have found, and that is the use of experts.

For this peculiar work the ordinary enumerator is by no means fitted. The technics which belong to scientific pursuits, the very terminology of materials, products, and machines, prevent the delegation to him of such a function. He may have some experience in one line; he may be as fond as an Arab of dates. Some men have an aptitude for deaths; others for sheep. Another may be an expert officer to take a household enumeration. He may cajole the women and sweeten the children and get his return with civility and certainty. Another may take the agricultural and other simple statistics; but it is a totally different matter when he undertakes to do the work in factories, in railroad offices, in mines, or in hospitals. For these you want an expert who has given the study and perhaps the business of a life-time. I trust, therefore, that the House will have no difficulty in adopting this system of employing experience and skill for the critical part of our statistics.

COST AND COMPENSATION.

VI. As to the cost and compensation of the census, the bill limits the cost to $3,000,000. It is not to overstep that amount. The cost of the seventh census was $1,329,027; cost of the eighth, $1,922,272, an increase of 44 per cent.; cost of the ninth census, 1870, $3,336,511; of this last, $685,000 was compensation paid under three resolutions of Congress passed in view of the advance in prices beween 1860 and 1870. Deducting this amount, the cost of the ninth census was an advance of 38 per cent. over that of 1860. A portion of this increase of cost was due to the advance of the ordinary increase of population; but the census of 1870 was far more elaborate and valuable than that of 1860. But since 1870 there has been a great reduction in the purchasing power of money and in the cost of subsistence as well as in wages. Compensation then ran high; now the agent would be glad to work at less prices.

Whatever may be our increase during the last decade, and notwithstanding this reduction in the cost of subsistence and in wages, still the cost of the census of 1880 may be greater than that of 1870, not counting the extra compensation then; and yet the Superintendent says, in his interview with the select committees, page 18, that—

> A saving could easily be made under a good law of between three and five hundred thousand dollars, and at the same time the value of the statistics could be very much improved.

COPIES USELESS—A GREAT SAVING.

Since that time, in a conference with him, I have suggested that

the copies provided for by the law of 1850 should be dispensed with, and this suggestion has been approved by the committee. There is no necessity for them. The copies contain all the mistakes of the original, besides the mistakes of copying. They are deposited at the county seats and State capitals, where no one sees them, while the original is sent to Washington for revision. Dispensing with these copies will produce a saving of at least $325,000. If any are lost, they can be supplied by a new census. Only one copy was lost in 1870; and it cost only $1,000 to retake.

I make this estimate on the basis of a letter to the Forty-first Congress from Hon. J. D. COX, then Secretary of the Interior, (Ex. Doc. No. 79,) where, after the statement of printing, paper, the copying at eight cents a page, and taking as a basis for his estimate the enumeration of 1860, with an addition of 30 per cent. increase, he ascertained that one copy alone would cost $123,041. This did not exclude the expenditure for the transmission through the mails of nearly two million additional schedules and additional sheets after enumeration. Adding 30 per cent. to this basis for the increase since 1870, and we have a saving of $325,000, without counting the cost of mail matter. This saving might well be added to that which the then Secretary estimated.

In this connection it is well to note that the census for the British Kingdom (not counting the colonies) was three times more than ours, and the utmost economy was exercised there.

LUMP APPROPRIATION.

As to the lump appropriation of three millions, I refer to this statement of the Superintendent; it is unanswerable:

> Precisely what I suggest, is done in authorizing the construction of a post-office, a custom-house, a breakwater, or a light-house. An appropriation is made in a lump sum by Congress without objection, because it is seen to be a necessity of the situation. Yet it would really be much easier to make a detailed estimate in regard to a Government building or a public improvement than in regard to the census. You know just what sort of a building you want, just how large. You have the architect's plans, down to the minutest specifications, and you might figure out the smallest items of expense; yet it is thought best to give an appropriation in the mass, and this, so far as I know, is always done. Congress does not appropriate so much for stone and brick, so much for labor, so much for putty and glass, so much for hardware, &c. But in respect to the census we do not know the facts necessary for anything like precise estimates. The very object of the census is to find out the facts, on which, for instance, the compensation of the enumerators must be based.
>
> If you give a lump sum for all purposes, there need be no fear of extravagant expenditures, because the deficiency at one point would have to be made good at others, and thus, if the total appropriation were not too large, the Department would be bound to economy as securely as if each item of expense were separately provided for. Of course, this implies that if a maximum limit is set for the expense of the census, it should be enforced by Congress and accepted in good faith by the Department.

COMPENSATION.

As to the matter of compensation to the officers, this is a matter most difficult to deal with; but the plan proposed is to allow considerable discretion to the accounting officers in fixing compensation. The bill makes the compensation depend upon the work actually done, and the work actually performed depends very much upon the character of the country in which it is done. For the rugged and inaccessible portions of country the same rule as to *per capita* pay should not obtain as in level valleys or plains with easy roads; and *vice versa*. The rule of the law of 1850 is not fair. It is regulated by the square root of the number of square miles in the subdivision, multiplied by the square root of the number of dwelling-houses in the subdivision, the product being the number of miles traveled. This is the rule which the law of 1850 intended as an equalizing standard to mitigate the inequalities of the *per capita* principle. According to Professor Pierce, who has given his mathematical mind to it, and Professor Walker, who has given us the practical working of this principle, it is unfair.

This rule is simply ridiculous, if the multiple derived from area represents a desert or a submerged surface—a county in a lake as in Ohio, or an alkaline plain as in the far West. They would all be included in the mileage. How did it actually work? The marshal for Florida, who took a couple of counties with small population in a narrow limit, charged and received for 21,981 square miles! In Texas there was a district of 900 square miles, and in it not one house. He could not get his pay, for zero had no square root; but had there been one house, he would have received $3. How? The square root of 900 is 30, and 30 multiplied by 1 is 30; and then the ten cents per mile makes $3. I can well understand the equity of this rule, if the houses were laid out as they were in Utopia, in geometrical regularity; but we have no such Utopian architecture over our millions of square miles. Let me illustrate. Look above you at the squares of glass on which our State escutcheons are painted. They are uniform. Suppose they represent houses, and number 64, the square root of which is 8; the ceiling itself may be 900 square yards, the square root of which is 30. Multiply that into 8, and you have the distance, which is to be multiplied by the rate, and then you may have a fair rule for pay; but our country is not so proportionably divided for houses as is our ceiling into squares, and the rule as to it is absurd.

Massachusetts has two hundred and eleven persons and seventy-eight hundredths of a person to the square mile; Colorado thirty-eight hundredths of a person. The *per capita* should not apply equally to each. The bill endeavors to reconcile all on the *quantum meruit*.

It is sufficient now to show the inequity of the rule; that it makes no distinction between a square mile in the Alleghanies and a square mile on the prairie. We know that to visit ten houses scattered over a square mile in West Virginia may take five times as long and wear out five times as much sole-leather or horse-flesh as to visit ten houses within a square mile in Illinois.

SUBVENTION FOR STATE CENSUSES.

VII. A novel feature of this bill which the committee were encouraged to present for its great utility is that of aiding State censuses. Since we have succeeded in making this bill more economical than the law of 1850 or than the census taken under it in 1870, they propose a subvention to the State of 50 per cent. of the cost of the preceding Federal censuses. This is intended to be an encouragement to the States to take a State census five years after the Federal census. It is conditioned that the schedules used in the States shall be similar to those used in the Federal census. This proposition has met throughout the country a generous reception.

I do not see that there is any better means of reaching what *ought* to be the cost of a State census than by taking the actual cost of the United States census, over the same ground and under the same plan, five years before, making allowance for the probable gains in population by reference to the gain of the ten years preceding. A *per capita* subvention would be altogether unjust, since it costs three cents a head to enumerate the population of one section and perhaps ten cents to enumerate the population of another—as in the grazing and mining States. Of course the Government could not bind itself to pay one-half the cost of the State censuses whatever that should be determined to be. The United States should know in advance the total amount of the subvention to which it was pledged, and the distribution of that amount among the several States and Territories. Suppose State censuses to have been generally taken in 1875 under such a law as is proposed. The population of Arkansas and that of Minnesota did not greatly differ in 1870; Arkansas was 484,471 and Minnesota 437,706. Assume the cost of enumeration to have been $20,000 in each State, as ascertained by adding together the amounts paid both to enumerators and to supervisors. For the purpose of the State censuses of 1875 this amount would have had to be increased in the case of Arkansas by 5.63 per cent., being one-half of the rate of gain in population in that State during the ten years 1860 to 1870; while in the case of Minnesota the amount would have to be increased by 77.80 per cent. The results reached ($21,126 for Arkansas and $35,560 for Minnesota) would fairly approximate the probable cost of enumeration on a similar plan in 1875. Of these amounts the United States Treasury would repay one-half, or $10,563 in the case of Arkansas and $17,780 in the case of Minnesota.

We have already seen that many results of the Federal census heretofore taken have been utterly worthless. The State census which some States are now accustomed to take every five years or less furnishes a check upon and correction of the Federal census.

THE LUSTRUM OF ROME.

The average time for taking the census, at least among the more favored nations, was five years. The word *lustrum* indicates it. It started with the Roman system, which France and Sweden and other nations have followed. Sometimes it has been less than five years, as in Prussia, where it used to be annually, and where it is now triennial. Such intermediate censuses are now taken by many of our States for purposes of representation. I have before me a paper showing the constitutional provisions of States in various years, some of which may have since been repealed, but in all the States such censuses have been ordered at intervals of, some six, seven, and some eight years. Most of them are ten years, and mediate between our Federal decades. Some have used the national census for State representation; some have limited their census merely to population, and some have extended it to other objects. Some, like Massachusetts and New York, have had full and oftentimes excellent and complete returns of industry. Massachusetts has had five State censuses. Her plan has been constantly improving. Under her act of May 21, 1855, the census of 1875 was taken; but even her officials point out five causes of miscarriage by which we may profit in our Federal census. Some of these causes are obviated by the present legislation. She would like to be rid of the assessors as enumerators, for the people feared that underlying the census was a tax scheme. She had little compulsory means to enforce answers and her officers lacked instruction, and so on. If in her census in 1885 she follows our Federal plan, these difficulties will be avoided.

Most of our States have prepared for this intermediate census; but their schedules are by no means like that of the Federal census. Michigan had a census in 1874; Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, South Carolina, and Wisconsin in 1875, and Missouri and Nebraska in 1876. Here are fifteen States with more or less completeness, striving after the system which is inaugurated for all the States by this bill.

How often are we called upon here to use and question the Federal census! Nay, how often must we anticipate it! How do we who are Federal legislators know that in the item of population the gain in the Western States the past five years is over 16 per cent., from which for valuable purposes we may infer that our population in other States where the gain is less on the 1st of June, 1880, will be over forty-eight millions? Simply by the intermediate State census of 1875. Why should not the State schedules be extended and made like the general census?

UNIFORMITY DESIRED IN SCHEDULES.

The statistical congress which has met frequently at Brussels, in order to give uniformity to census-taking among all nations, has recommended that between them schedules be made as uniform as possible. Thus scientific men are enabled to study and compare the growth and resources of the nations. There is more contrariety in the censuses of different nations than there is among the censuses of our different States. In the twenty nations which I have seen tabulated only one subject, that of sex, is found in them all. Age, birthplace, name, civil condition, and occupation are in nearly all, and the rest quite multifarious. It therefore may be useful, in a universal sense, for large deductions in social science, to have uniformity in a schedule; *a fortiori*, how necessary is it to have uniformity in the thirty-eight States of this Union, where *E pluribus unum* is both a motto and a fact.

IMPORTANCE OF A FREQUENT CENSUS.

Take an illustration: How inestimably important to know whether the figures as to illiteracy are reliable. A bill is pending to divide our public lands among the States for education. How shall such a division be made on the basis of that bill with unreliable data as to reading and writing? Or suppose we enforce the fourteenth amendment and exclude from the ratio those disfranchised for illiteracy, poverty, or any other cause than rebellion or crime. Shall we be told that the data are too loose for such an important buttress in the structure of representation? A State census would discredit or confirm a Federal census.

It is the object of this quinquennial State census to fill up a great gap in our statistical information. No country on the earth has grown or grows like our own. In no other country should there be a more frequent census. A decennial census is not frequent enough for a constantly moving and enterprising population and industry like ours, with our vehement and exultant speculation, our hopes, boasts, and pride, and our wonderful relapses and vicissitudes of fortune.

It is a great reproach or omission that we have no general census of this country taken in 1865 and 1875. Its value cannot be overestimated. What social problems have we not solved growing out of the upheaval of the nation? How infinite are the results? A whole race has been emancipated, gigantic experiments going to the very root of society have been made; but who can tell what the first five years after the war has accomplished, or the first five years after reconstruction? Who can tell what the population was at the close of the war; to what was attributable the comparative falling off in population between 1860 and 1870, and 1860 and 1865, compared with other periods? Where, how, and when have we recuperated, if we have indeed recovered?

Outside of this most interesting social problem, it may be said without exaggeration that our decennial census was almost useless for certain scientific and legislative deductions. Our mining statistics to which I have referred, so important in view of commercial and currency questions—what an impulse and incentive it would have been to our mining States if in the fifth year after the Federal census they could have been encouraged and somewhat aided in giving us valuable information as to our metallic development. Such a return would have been worth its weight in gold and silver.

If this bill passes, this and other elements of neglected wealth will be photographed as nearly as possible, not once in ten years but every fifth year, showing the wonderful resources which are the basis of our credit, our contentment, and our national standing in the world.

DISADVANTAGES OF INFREQUENT STATISTICS.

Perhaps the greatest disappointment which the legislator or the debater feels here in promoting just laws is that which grows out of the infrequency of our statistics. We have been undergoing a period of great business depression. The country has been expecting Congress to remedy our evils; but have we not failed, or have we succeeded as we should? For lack of proper medicine we have failed to heal the sores on the body-politic. Whence their origin? Is it because classes are favored? Is it not time for us to inquire into the inequality of our wealth and its burdens? In view of the fact that in New York, when the income tax was existing, 19,019 men paid tax on $84,000,000 of income, and one-tenth of 19,019 men paid on $54,000,000, and one-fourth of the whole number of income tax-payers paid tax on $40,000,000, might we not inquire whether our revenue systems, banking and currency systems, are not producing such sores? Is capital being favored to the detriment of labor? If so, how and why? When, therefore, we have the resources of the masses of the people, from wages, salary, profession, and trade, may we not suggest conclusions indispensable for proper social discussion and just legislation? Will we not if we pass the bill before us, and thus aid each State in taking a quinquennial census, prepare timely responses to inquiries by which to heal the political, social, and economical wounds kept bleeding and open by partial and unwise laws?

How many questions require authentic answer before we have our olden prosperity with renewed hopefulness! Why should such a land as ours have enforced idleness, with its ailings, discontents, and crimes, or its small wages for growing wants? Why should so many have sinecures in office and wasteful excesses without being taxed out of their plenty, without laboring for the wealth they consume and the comforts they deny to others who suffer? Why should those most able escape the burdens of Government and those less able sweat and toil under the weary load? No inquiry can be too minute, too inquisitive, nor too frequent which thus inquires. Such queries include those as to the indebtedness of cities, counties, towns, and population, and the ownership of the public debt, or those which would elicit data of value regarding pauperism, crime, wages, and labor; or which would draw from corporations and companies valuable statistics as to extortionate agreements and insidious contracts, and from parasitic organizations which hide beneath their skin to consume legitimate profits, so as to pay high dividends to a few and none to the fleeced stockholder. No information can be too searching and prompt which would gratify the interest and curiosity of stockholders and policy-holders and squeeze reluctant facts from directors who defy the courts as well as the Legislature which created them.

No information can be too frequent or extensive which would show us the grand resources and development of our agriculture, unrivaled in the history of nations, feeding and clothing the outside world. Nor can we, in the interest of humanity, fail to record those terrible scourges with which mankind are punished, and from which our land is not exempt, and for the prevention and cure of which statistics are as necessary as learning, skill, and courage. Not less should we require, as important, the causes of that immigration which bring the wealth, muscle, and mind of other nations to our shores to mingle their fortunes with our composite magnificence.

OUR FUTURE.

With seed-time and harvest, with birth and death, with growth and decay, with idleness, pauperism, and crime, all that make up the glory and shame of a nation thus portrayed, the great picture of our social and political freedom is displayed for the judgment of mankind! Our physical, charitable, scientific, educational, moral, industrial, and political phases, thus written in letters of light, so that our development and forces upon this continent can be justly appreciated, will not only draw to us the commerce and trade of the world, but its people and their industry with the attractive forces of a superior civilization.

Geologists tell us that this is not the new world, but the old one; yet our fathers found it fallow and fresh. Through three hundred years of toil and moil our people have conquered nature and overcome themselves and their passions. They have survived the perils of the Republic in the greatest civil struggle known to history. They live to-day to fulfill the prophecy of Berkeley as to the course of empire, the dreams of Bacon as to a new Atlantis, and the raphsody of Cowley, who sung what he but dimly understood—of that physical and scientific progress when men should go to the last verge of the globe and view the ocean lean upon the sky.

Where in all time has there been advancement equal to that of our favored land? To compare it, let us span the past two thousand years and survey the contrast.

A COMPARISON BETWEEN THE ROMAN CENSUS AND OUR OWN.

I have referred to the census, or rather to the word, as of Roman origin. In fact it was in that ancient capital of the known world as it was in Greece—a registration of persons, classes, and property; but it was more. Its officer was not only *censor morum*, but *censor rerum*. It was an office so high that kings exercised its functions in person; finally it fell to the lot of magistrates, only second to the dictators. They could degrade or dismiss senators at will. They were not only, as an old English writer says, "cessors of the people and the muster-masters," but delivered to slavery or death those under their ban. They determined the burdens as well as rights and duties of the citizen. They held the exchequer and the public works in trust. They classified as well as punished and honored the people. Their list was both a register and a roster. They noted all connected with Rome by isopolity. On the completion of the Roman census a religious ceremony was held for the purification of the people. What a scene was that in the Campus Martius on the closing of the lustrum—the fifth yearly lustration! Expiatory sacrifices give solemnity to the scene. The day is one of unusual import. The city goes without the walls to observe it. Upon this famous day there are no armies encamped on the martial field awaiting the honors of the triumph. Around are the monuments of the illustrious dead. The throngs wander amidst yonder edifices. The verdure of the campus gives its pastoral picturesqueness. It is now trodden by groups more eager and anxious than those who come to practice their warlike and athletic games. Its wooden horses for exercise are unsought by the gymnast. The baths along the contiguous Tiber are emptied of their gossips and bathers. No horse-racing or other sports detract from this momentous occasion.

Along the Via Lata and Via Flaminia on the north, the Via Recta on the south, and over the bridge of the yellow Tiber on the west, and around the gardens of Agrippa on the east, are rich and poor, patrician and plebeian, moving with curious eye and eager step from the imperial city to hear the words of the Roman doomsday. The curule chairs are placed. The heralds proclaim the approach of the censors. Lo! they come, with all the dignity of consuls, and invested in their scarlet robes.

The cited citizen is summoned. "Thou! oh senator! Strip off thy dishonored toga! Thou! Sir Eques, less noble than thy horse, dismount! Thou, a Roman citizen, for thy extravagance, for thy personal baseness and family neglect and degrading avocations, art tainted with judicial turpitude, and thee we enslave!" There is only one appeal from this supreme and terrible edict, and that is to the

people. Notaries record the fatal decree. Then oaths are administered, taxes are assessed, and estates enumerated. The price of articles is fixed, and contracts for public works concluded; and the power greater than that of emperor, patrician, and plebeian combined commands the purification of the people for five years of sinfulness. Sacrifices of sheep and bullock are offered in expiation to the immortal gods; and the spectacle is dissolved!

The census of other nations like Rome, and even of the Hebrews, which was the nearest to a democratic basis, recognized orders and wealth, and gave to those thus classified peculiar privileges, offices, and dignities. But our census recognizes no class. It appoints no censors of morals; it inflicts no penalties. It recognizes the supreme value of man! It is an analysis of individual life; whether dependent infancy or helpless old age, stalwart strength or intellectual energy, which form the units in the grand totality of the state. It is founded upon the equality of each and all before the law. It allows no partial edict or terrible decree. It enumerates the toilers of our land—their tiny and titanic instruments and elements of civilization. It shows the value, beauty, and glory of a new and better civilization; and before these elements pale all the splendors of imperial Rome!

CONCLUSION.

Rome, by her martial prowess and civic genius, ruled the Old World. She comes down to us "with the noise of chariots and a noise of horses, even the noise of a great host;" but her ancient tradition was not verified. The god Terminus yielded to Jupiter, and her boundaries receded. Her career is but a lesson on the decline and fall of empire.

An empire of a new order and polity has arisen upon this hemisphere. Statesmen of our mother country like Derby and Gladstone point to it as a refuge for her deliverance from industrial dangers and a power to surpass Great Britain in the grandeur of her future. This is not the oversanguine fancy of an American patriot; for is not this horoscope displayed even to the eye by our census? Cease to thread your labyrinth of figures; avert your gaze from your colonnade of statistics; for our census rests upon an Atlas of different make and mold from him who bore up the ancient world. It is the product of the refined art and ingenious mind of our people, the illuminated missal of our patriotic faith. Here it is! A marvel of art, resplendent and rich in the infinite variety of our resources. In outline and color it gives the changeful views of our extended area. A miraculous picture! It makes graphic our very calamities. Rocks and hills their silence break to tell us in line and hue of their riches. Rivers flow amidst woodlands, subject to heat and cold, rain and storm, which are all gathered with scientific analysis. Plateaus and basins, with various soils and crops, alternate with mountain peaks, standing like Shasta in solitary grandeur, or in Alpine ranges shine in snow along the horizon. Beneath them in the sunless chambers of the earth are innumerable fields of coal and deposits of iron, and a more precious fruitage—apples of gold in pictures of silver. In light and shade, in red, white, and blue, in shades of color even, and speaking to the mind's eye as well, are those sentient beings who inform the whole. Race, sex, age, from birth to death, in every relation to industry and society, give to these material elements their grace and glory; while moving westward on one line of latitude is the star of empire now shining down upon the center of population in the beautiful valley of the Ohio.

We may say of such an empire with pardonable hyperbole, and at the end of our score of lustra, and standing upon the threshold of a new century—when our expiation shall have been made by the sacrifice of old feuds and sectional asperities, and the balm of healing is poured into all our wounds—and when our census is completed and illuminated with all the facts of our marvelous growth, as the great Napoleon once said to the British embassador who was reluctant to recognize the French Republic: "Our republic is like the sun in heaven; the misfortune lies with those who are so blind as to be ignorant of the splendors of the one in the sky, or of the power of the other on the earth."

EXHIBIT A.—*Apportionment of Representatives in Congress and ratio of representation by the Constitution and at each census.*

States	Admitted to the Union.	Representatives to which each State was entitled by— Constitution, 1789—ratio 30,000.	First census from Mar. 4, 1793—ratio 33,000.	Second census from Mar. 4, 1803—ratio 33,000.	Third census from Mar. 4, 1813—ratio 35,000.	Fourth census from Mar. 4, 1823—ratio 40,000.	Fifth census from Mar. 4, 1833—ratio 47,700.	Sixth census from Mar. 4, 1843—ratio 70,680.	Sev'th census from Mar. 4, 1853—ratio 93,423.	Eighth census from Mar. 4, 1863—ratio 127,381.	Ninth census from Mar. 4, 1873—ratio 131,425.
Alabama	1819	.....	.....	.....	.....	3	5	7	7	6	8
Arkansas	1836	.....	.....	.....	.....	.....	.....	1	2	3	4
California	1850	.....	.....	.....	.....	.....	.....	.....	2	3	1
Colorado	1876	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1
Connecticut	.....	5	7	7	7	6	6	4	4	4	4

EXHIBIT A.—*Apportionment of Representatives in Congress*—Continued.

States.	Admitted to the Union.	Representatives to which each State was entitled by— Constitution, 1789—ratio 30,000.	First census from Mar. 4, 1793—ratio 33,000.	Second census from Mar. 4, 1803—ratio 33,000.	Third census from Mar. 4, 1813—ratio 35,000.	Fourth census from Mar. 4, 1823—ratio 40,000.	Fifth census from Mar. 4, 1833—ratio 47,700.	Sixth census from Mar. 4, 1843—ratio 70,680.	Sev'th census from Mar. 4, 1853—ratio 93,423.	Eighth census from Mar. 4, 1863—ratio 127,381.	Ninth census from Mar. 4, 1873—ratio 131,425.
Delaware	.....	1	1	1	2	1	1	1	1	1	1
Florida	1845	.....	.....	.....	.....	.....	.....	.....	1	1	2
Georgia	.....	3	2	4	6	7	9	8	8	7	6
Illinois	1818	.....	.....	.....	.....	1	3	7	9	14	19
Indiana	1816	.....	.....	.....	.....	3	7	10	11	11	13
Iowa	1846	.....	.....	.....	.....	.....	.....	.....	2	6	9
Kansas	1861	.....	.....	.....	.....	.....	.....	.....	.....	1	3
Kentucky	1792	.....	2	6	10	12	13	10	10	9	10
Louisiana	1812	.....	.....	.....	.....	3	3	4	4	5	6
Maine	1820	.....	.....	.....	.....	7	8	7	6	5	5
Maryland	.....	6	8	9	9	9	8	6	6	5	6
Massachusetts	.....	8	14	17	20	13	12	10	11	10	11
Michigan	1837	.....	.....	.....	.....	.....	.....	3	4	6	9
Minnesota	1858	.....	.....	.....	.....	.....	.....	.....	2	2	3
Mississippi	1817	.....	.....	.....	.....	1	2	4	5	5	6
Missouri	1821	.....	.....	.....	.....	1	2	5	7	9	13
Nebraska	1867	.....	.....	.....	.....	.....	.....	.....	.....	*1	1
Nevada	1864	.....	.....	.....	.....	.....	.....	.....	.....	*1	1
New Hampshire	.....	3	4	5	6	6	5	4	3	3	3
New Jersey	.....	4	5	6	6	6	6	5	5	5	7
New York	.....	6	10	17	27	34	40	34	33	31	33
North Carolina	.....	5	10	12	13	13	13	9	8	7	8
Ohio	1802	.....	.....	.....	6	14	19	21	21	19	20
Oregon	1859	.....	.....	.....	.....	.....	.....	.....	*1	1	1
Pennsylvania	.....	8	13	18	23	26	28	24	25	24	27
Rhode Island	.....	1	2	2	2	2	2	2	2	2	2
South Carolina	.....	5	6	8	9	9	9	7	6	4	5
Tennessee	1796	.....	.....	3	6	9	13	11	10	8	10
Texas	1845	.....	.....	.....	.....	.....	.....	.....	2	4	6
Vermont	1791	.....	2	4	6	5	5	4	3	3	3
Virginia	.....	10	19	22	23	22	21	15	13	11	9
West Virginia	1863	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Wisconsin	1848	.....	.....	.....	.....	.....	.....	.....	3	6	8
Whole number	.....	65	105	141	181	213	240	223	234	243	293

* These States admitted subsequently to the apportionment.

[During the delivery of the foregoing remarks the hammer fell.

The CHAIRMAN. The hour has expired.

Mr. BRIGHT. I ask unanimous consent that the time of the gentleman be extended.

Mr. BUTLER. I hope no one will object.

There was no objection, and Mr. COX, of New York, resumed and concluded his remarks as above.]

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE PRESIDENT.

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

An act (H. R. No. 409) for the relief of James Clift, late captain Fifth Tennessee Cavalry;

An act (H. R. No. 3111) granting a pension to Julia Watkins, widow of Thomas H. Watkins, late captain Company B, Purnell Legion, Maryland;

An act (H. R. No. 5180) to abolish the volunteer navy of the United States; and

An act (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.

CENSUS.

The Committee of the Whole resumed its session.

Mr. GARFIELD. I ask the attention of the committee for a few moments only. This bill is a matter of business detail, or rather I would say that its discussion requires a great deal of business detail. As to its general provisions I am afraid the House does not at all recognize the vast importance of this measure.

It will be utterly impossible to take a respectable census under the old law. We have outgrown it. We may as well clothe ourselves in the garments that we wore when we were small boys, and appear in them in public and consider ourselves well dressed, as to go on with the old methods and the old schedules which did very well in their time. The slave schedule, for instance, is in the law to-day, and if it is to be construed strictly, that schedule must be filled up and the inquiries about slaves made.

I consider the old law as thoroughly and fatally defective in this, that it puts into the hands of the marshals the business of taking the census, into the hands of officers who are in the public mind con-

nected with the idea of arrest, seizure, and imprisonment. The idea of a visit to a household by a marshal of the United States carries with it a sort of terror; and it is almost impossible for a marshal or deputy marshal to get a full, free, fair count from the members of families of the facts which they desire to obtain in order to make a census.

Besides all that, there is a certain degree of superstition connected with a great many people in regard to taking the census at all. We have never had a census taken in this country in which more or less they have not refused on religious grounds to be enumerated, citing the days of the Old Testament when David was punished for having numbered the people. And if to the ordinary dislike which people have to having their personal and family affairs inquired into is superadded the apprehension they feel at being visited by an arresting officer, it increases the difficulty fourfold.

Again, under our present law the taking of the census extends through several months, and makes it almost impossible that it can be accurately done. If we had power to photograph the American people in one second all in one picture, and get the conditions that the inquiries of the census could give us all at once as through a telephone, and have it all recorded, it would be the ideal perfect census. But in a nation scattered as we are over such vast areas we cannot hope to do better than to take it in the one month provided by this bill.

I therefore believe that as to the machinery for enumerating, taking it away from the marshals and having special persons appointed for the purpose, and as to the time for taking it, and as to the schedule of inquries proposed in this bill, it is a vast improvement over the present law. I hope for every reason that this House will insist upon finishing this bill and help to make it a law before we adjourn.

Not that I agree to all that is in the bill. I want to call the attention of gentlemen, just in passing, to what has been to me a matter of great curiosity and of not a little national pride. When our fathers formed our Constitution there was no government on this earth that provided in its fundamental law for taking a census. Among the many new things and many innovations in the direction of intelligence and broad statesmanship was this: that they quietly set it down in our original compact of government that there should be an enumeration of the people once in every ten years.

They seemed to have realized what Macaulay wrote many, many years ago in his third chapter of his great history of England, that up to his time the world had been busy in attending to the history of kings, princes, and dynasties; that the historian of the future would be a man who should write, not the history of wars and jarring dynasties, but the history of the people themselves. And our fathers laid a foundation for that in providing that the great central instrument of our Government should require a perpetual recurrence to the people themselves to enumerate and find what and who they were. I think this is a glory of our Government that we ought to be proud of.

Now, our census ought to be taken in an honest way, as much higher than party politics than the Constitution itself is higher than party politics. I know that partisan politics is forming at this moment in the minds of a great many men on this floor, and perhaps on both sides, an idea that is governing them in their judgment of this bill. I wish we could expel that demon altogether from our next census. I am glad to see embodied in this bill as it comes from the Senate a provision that the persons appointed to take the census shall be chosen without regard to party politics and with supreme regard as to their fitness and efficiency for this work.

Mr. BUTLER. I would like the gentleman from Ohio to state how that provision is to be enforced.

Mr. GARFIELD. The provision is here. I presume as a matter of course it is a provision that could not be enforced before the courts; I do not see any special means of enforcement; but I am glad to see that the Congress of the United States expresses at least its desire—if it means no more—its desire in the form of a law that the appointments to these places shall be without regard to party considerations, and solely on the ground of fitness.

I have said this much in approval of the general purpose of the bill. I trust the House will bear with me a few moments while I point out two or three defects which I hope will be remedied. The bill contains a clause limiting the size of districts that shall be assigned to one enumerator. It is provided that no district shall be larger than four thousand inhabitants—that I think is right—nor smaller than three thousand. This last limitation would be, I think, almost fatal to a successful taking of the census in the West. In some of our Territories there are congressional districts as large almost as the State of New York, and where perhaps the enumerator would have to travel over five thousand square miles before he could find three thousand people. It would be impossible under such circumstances for any one man to enumerate all the inhabitants in one month. I hope, therefore, that when we come to that section, the gentleman in charge of the bill will consent to an amendment providing that districts may embrace as small a number as one thousand, or providing that this limitation of three thousand shall not apply to the sparsely settled districts of the West. Or perhaps it might be well to have no minimum at all, and to leave the matter to the discretion of the Superintendent of the Census.

I call attention to a single other point of detail. I fear that the amendment found on pages 14, 15, 16, 17, and 18 provides for too much detail in the inquiries in regard to railroads and insurance companies. I fear that in this respect the bill is overloaded with too much detail. It seems to me it would be wiser to embrace in the bill simply the general power to make inquiries concerning railroads, insurance companies, and other corporate institutions, with such schedules as the Superintendent of the Census, with the approval of the Secretary of the Interior, may prepare. If you load down the schedules of inquiry with so many subjects you make them cumbrous, and in proportion as they become cumbrous they will probably be inaccurate and valueless.

I have said all I desire to say on the details of the bill, except one thing to which I ask attention, and I hope in no partisan spirit. On the third page of the bill I find a provision which I believe if retained will be entirely fatal to the bill. Much as I desire to see the bill pass, calamitous as I would regard the failure to have any census bill pass at the present session, I should rather see the whole measure fail than see the fourth section of the Senate bill struck out and the substitute for that section as reported by the committee become a law.

This substitute for the fourth section substantially takes the appointing power out of the hands of the Secretary of the Interior and places it with the governors of the States. In terms, it gives to the governors the power of nominating the enumerators of the census, allowing the Secretary of the Interior merely to appoint those persons whom the governors of the States may nominate.

My friend from New York [Mr. COX] intimates (and to me it was a new suggestion) that the Constitution justifies a provision of this kind because the clause empowering Congress to take a census says that a census shall be taken once in ten years "in such manner as the Congress may direct." The gentleman intimates that this provision confers upon Congress all power as to the manner of taking the census, including the authority to prescribe without restriction the method of appointments; and that the usual constitutional regulations in regard to the making of appointments by the President or the heads of Departments do not apply to this case. Hence he argues that we do not violate the Constitution when we provide that in taking the census the power of virtual appointment may be given to officers of the States. This argument is ingenious, but I do not think it sound. It is true the Constitution provides that the census shall be taken in such manner as Congress—that is, the law-making power—may direct. Congress is, of course, to direct by law. Now let us see what happens when it directs by law.

Speaking of the President, in article 2, section 2, the Constitution provides that he—

> Shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Now, if in pursuance of that power to take the census once in ten years we by law direct that there shall be any officer empowered to do the work, then this clause provides that the officer thus provided for by law shall be nominated and appointed by the President, or by the heads of Departments, or by the courts; but nowhere in the instrument is it provided that any officer provided for by our law may be appointed by the governor of a State. I make the point against this section that in the first place it is clearly and squarely in violation of the Constitution of the United States.

Mr. CARLISLE. The gentleman will allow me to call his attention to the fourth section of the bill as it passed the Senate, which provides that—

> The Secretary of the Interior shall, on or before the 1st of April, 1880, upon the nomination of the Superintendent of the Census, appoint one or more supervisors of census, &c.

Now, the Superintendent of the Census is not the head of a department or court, and does not the gentlemen's argument therefore apply as well to the bill as it passed the Senate as to the amendments proposed by the committee?

Mr. GARFIELD. Quite likely it may, but that does not meet my argument. If it does, and if the gentleman finds another clause in the bill where the Constitution is violated, he has added to the merits of the discussion by pointing it out.

If there was no constitutional question in the way, Mr. Chairman, I make this further point on the merits, and I do it without any regard to partisan politics whatever. If there be any business in this world which wants to be systematized, that ought to be concentrated under one superintending head, it is the taking of the census. To say that the machinery and agency to be employed in taking it shall not be under one head, but under thirty-eight, yes thirty-eight plus nine; that forty-seven men shall be able to tinker away at making up a list of gentlemen who should take this census, is simply to say that you will have Babel and not unity. There is not a business man in this world who would undertake to conduct a great industrial enterprise with so many managers.

Furthermore, we have no power to enforce that authority. Suppose a governor will say he will not do it; what are you going to do about it? He does not nominate and the Secretary of the Interior cannot appoint. There is a dead stand-still. You make a law that is *brutum fulmen*. It rests with any governor of a State to snap his fingers at you, and you can do nothing about it. I cannot assert they

will, but I do not think we ought to pass a law which will leave it in the hands of people who are not obliged to obey it.

If the gentleman is preaching against doctrines of centralism and in favor of the doctrines of State rights, I should like him to show by what doctrine of State rights he proposes to draft thirty-eight governors of States into the Federal service and make them obey a law of Congress? That looks to me a little more like centralism than anything the gentleman is afraid of. I believe, sir, there are but two statutes in the United States where they ever undertook to lay a duty on the State officers. Way back in 1792, in regard to the presidential election, our law of Congress does require the executive of a State shall certify who are elected as electors and to send the list on to Washington; but everybody knew that was a matter of courtesy and convenience. The governor could obey it or not as he chose. And in a more recent law it is provided that the governor and secretary of state shall certify who is elected a Senator of the United States. I believe, with the exception of these two laws, which are mere conveniences, with no power to enforce them, nobody has ever thought of imposing a duty by law upon the officers of a State.

Mr. BUTLER. Will the gentleman allow me to call his attention to the provision of the first fugitive-slave law?

Mr. GARFIELD. I had forgotten that relic of barbarism. We have had a little experience quite lately in a matter of courtesy which involved no legal power. In getting up our centennial exposition, after agreeing we would appoint a number of people or have the President appoint them it was also suggested we should compliment the States by letting the governors appoint a number of people, and when they had done so the President of the United States might give them a sort of certificate that they had been appointed. That was rather as a matter of compliment; but a gentleman, this morning, who was one of the commissioners told me that of all the motley crowd of people ever gotten together to do any good, to do any good, effective work, was that crowd of people appointed in this mongrel way by thirty-eight governors of States and getting the President's certificate; that they were the least efficient, the least able to do any good work, of any body of men he had ever known.

First, then, on the score of the Constitution and its imperative demands upon us to obey it, and, second, on the score of making this work one, with one responsible head, with power to nominate and with power to appoint by the same hand, with power also to remove at any time for cause by the same one who nominates and appoints: if we hope to have a census at all we dismiss from this bill the fourth section as proposed by the committee and follow the bill as it comes to us from the Senate. I hope the gentleman who has done so much good work and deserves so well of the country, having brought this subject up at this early time, will give us a chance to make this a law, and I hope he will abandon that, both for the harmony of the House and the success of the measure. If he abandons that we can without doubt pass the bill this afternoon, with the few amendments which remain, and we shall have the great satisfaction of seeing in this beginning of our second century a census worthy of our Constitution and worthy of our people.

Mr. CRITTENDEN. I desire to call the gentleman's attention to another weak point in the bill, according to my opinion. If the power is left with the governors to appoint deputies to take the census, will not the governors of Territories in some instances appoint men who will enumerate hundreds of thousands of people in their Territories, when in fact there are not so many, in order that they may apply here for admission into the Union as full-fledged States, without the requisite population?

Mr. GARFIELD. The gentleman from Missouri has strengthened all I have said upon the point of danger. This, of course, extends the power to governors of Territories also, and puts the census of the Territories so far under their own control that, so far as we know, there may be a double return, or a return giving a double amount, affecting all our future expenditures and the question of admitting those Territories as States. We would be involved in serious difficulties unless we held in our hands the power of making these nominations.

I ought to say in passing here that not a little fear has been expressed by many gentlemen that the census will be taken inaccurately, and that, as we have known of such things as ballot-box stuffing, there may be census stuffing and false enumerations with a view to increased political power. I trust that we shall hold the parties who take this census responsible, thoroughly and fully responsible; and we can do it if we can lay our hands on the man who nominates and appoints; but you cannot hold a governor responsible to any sort of process of this House or the courts for any action done or omitted to be done under this law. If you want an honest and just census you must have it taken by people whom you can punish if they disobey the law or outrage it in any way.

Mr. MILLS. Mr. Chairman, the central idea, and the one around which all others revolve in taking the census as required by the Constitution, is to obtain a just and faithful enumeration of all the people as a basis of representation in this House. All the other questions which have been discussed so learnedly and so well are matters of mere secondary importance, and are not provided for in the Constitution. It never contemplated the gathering of statistics of the various industries, social statistics and others. Congress have added these from time to time to satisfy a natural desire of the people to know the national strength and learn the rate of the growth and development of all the elements of wealth, power, and prosperity.

The Constitution simply provided for the enumeration of the people that representation of popular power might stand upon the representation of popular numbers. It was a necessary consequence of the doctrine of Thomas Jefferson, written in the Declaration of Independence, that all power is inherent in the people; that all government is by their consent and to be administered for their welfare. Keeping close to the central idea, the question has been presented to us and to all fair-minded men, how may that just and truthful enumeration be taken so that Representatives may be fairly apportioned and all communities fairly represented in the popular branch of the law-making department? The Superintendent of the Census tells us in his very able report that the enumeration made by United States marshals and their deputies under the law of 1850 was unsatisfactory and unreliable, and that the enumeration made by them was not accurate. We may readily satisfy ourselves of the correctness of that statement by a close analysis of the figures.

Taking my own State, that has grown with almost the rapidity of Jonah's gourd-vine, I find twenty-one counties in that State that are returned with fifteen thousand less population in 1870 than in 1860, when every one of them, we all know, had increased its population more than 100 per cent. Texas increased her population all through the war. People who were living in other Southern States were constantly flying before the advancing Federal armies and seeking an asylum of safety for themselves and their negroes in Texas. After the war a tide of immigration poured upon her from States of the North, and that tide, we are glad to say, still continues. The same facts may not have existed in the older States, but it is true of Texas, and we all here know it as we know any other matter of history that transpires under our eyes, and that that State has been growing in its population at an enormous rate. Yet we see a large number of counties returned with less people in 1870 than in 1860. The county in which my colleague [Mr. REAGAN] from the first district resides is one of them. The city of Galveston was returned as having fifteen thousand people, when a year or two after a census was taken by the authorities of the city and showed thirty-five thousand. The same complaints were made of Houston, San Antonio, Austin, and other cities, and the same dereliction of duty characterized the whole work in Texas. If her population had been taken accurately, as it should have been done, she would at least have had one more Representative on this floor.

Now, how may this thing be obviated in the future? The Senate have agreed with the Superintendent of the Census and have passed a bill, which we are now considering, dispensing with the services of the United States marshals, and the gentleman from Ohio [Mr. GARFIELD] agrees with it. The committee of the House think the Senate have taken a step in the right direction but have not gone far enough. They hold that a further advance should be made to promote the object sought to be obtained by taking the census. They think that object can best be reached by giving to those who are most directly interested the selection of the men by whom the enumeration is to be made. It is upon the same principle that our fathers in building up this immense fabric of government distributed the power through all the communities that made up the sum of government, State and national. Power was to come from the different communities, to be exercised in their presence and under their inspection and control, that it should only be felt in the promotion of their welfare and happiness.

The same argument that is made against the selection of these subordinate officers by the governors of the States may be made with equal force against local self-government in the States, counties, and municipalities. It is a fundamental principle, always has been, and I hope always will be, in American politics that power must be distributed and localized as far as possible among the different communities that constitute the national family. Can there be anything more essential to the public good than that which guards the sacred right of representation and secures it in the letter and spirit of the Constitution? I think not. But my friend from Ohio tells us that this is in the face of the Constitution. He tells us that the second section of the second article gives to the President, or the courts or the heads of departments as Congress may provide, the appointment of all officers of the Federal Government.

There are two answers to that position. One is that these persons designated in the bill to take the census are not officers in the language and meaning of that section; that when the Constitution makes use of the term "officers" it means those persons who are selected to perform a duty esssential to the administration of government at all times, who constitute a part of its administration, either legislative, executive, or judicial, at all times, who are permanent and continuing in their tenure. It does not apply to mere local agents that may be designated only for a temporary duty, to do some specific thing not a part of the general administration. I do not stand alone in that construction of the section. I am following the precedent of the supreme court of Pennsylvania. In construing an article in the constitution of that State, identical in language with that used in the Constitution of the United States, the court held that that clause only referred to the officers of the regular administration of the State government, and that the Legislature of the State had the power in creating offices merely temporary to provide for the appointment otherwise than by

the governor; that it had the power to fill the office in the law creating it and to designate the person by name who should perform the functions of the office. I send to the Clerk's desk and ask to have read the portion of the decision which I have marked, in third volume of Sergeant and Rawle.

The Clerk read as follows:

The word office is of very vague and indefinite import. Everything concerning the administration of justice or the general interests of society may be supposed to be within the meaning of the Constitution, especially if fees or emoluments are annexed to office. But there are matters of temporary and local concern which, although comprehended in the term office, have not been thought to be embraced by the Constitution. And when offices of that kind have been created the Legislature have sometimes made the appointment in the law which created them, sometimes given the appointment to others than the governor, and sometimes given the power of removal to others although the appointment was left to the governor. The officers of whom I am speaking are often described in acts of assembly by the name of commissioners; such, for instance, as are employed in the laying out of roads and canals and other works of a public nature. Yet all these perform a duty, or, in other words, exercise an office. So, likewise, officers within the limits of a corporation are generally appointed by the corporation, unless they concern the administration of justice.

Mr. MILLS. The language of the constitution of Pennsylvania which the court construed in making its decision says "that the governor shall appoint all officers whose offices are established by this constitution or shall be established by law." That is the same language precisely used in the Federal Constitution, and upon which the gentleman from Ohio [Mr. GARFIELD] placed so much emphasis.

Now, here is the opinion of Mr. Henry Stansbery, certainly one of the ablest lawyers in the United States and Attorney-General of the United States under President Johnson. In an opinion given to the President on the reconstruction acts he quotes that decision and indorses it, and he construed the same language in the Federal Constitution to mean what the supreme court of Pennsylvania construed it to mean in the State constitution. I send it to the Clerk's desk and ask him to read the part I have marked.

The Clerk read as follows:

I deem it proper here, in reference to that class of officers, judicial or executive, who are by the rule I have laid down brought within the operation of disfranchisement to distinguish a class whose duties are not localized, who stand in direct relation to the State, and who in my opinion cannot properly be designated as executive or judicial officers of a State.

I mean that class of persons who exercise special public duties rather in the nature of occasional employments than general and continuing official duty.

The distinction between office and employment, and between an officer of a State and an agent of a State, is well established. Chief-Justice Tilghman (in 3 Sargent and Rawle, 149) recognizes it in the case of commissioners appointed to lay out roads and canals and other works of public improvement.

The question arose upon a section in the constitution of Pennsylvania which provided "that the governor shall appoint all officers whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for."

The chief-justice says: "It has never been ascertained nor is it easy to ascertain, to what offices this power of appointment extends. I speak of offices created by law since the making of the constitution.

"The word 'office' is of very vague and indefinite import. Everything concerning the administration of justice, or the general interests of society, may be supposed to be within the meaning of the constitution, especially if fees or emoluments are annexed to the office.

"But there are matters of temporary and local concern which, although comprehended in the term office, have not been thought to be embraced by the constitution. And when offices of that kind have been created the Legislature has sometimes made the appointment in the law which created them, sometimes given the appointment to other than the governor, and sometimes given the power of removal to others, although the appointment was left to the governor. The officers of whom I am speaking are often described in acts of Assembly by the name of commissioners, such for instance as are employed in the laying out of roads and canals and other works of a public nature. Yet all these perform a duty, or in other words exercise an office."

I cannot enumerate all the employments under State authority which in my opinion work no disfranchisement. I will name some by way of illustration, namely, boards of commissioners of public works, directors of State asylums, visitors of State universities, directors of State penitentiaries, State directors of banks or other corporations, special commissioners or agents appointed by the governor or other State authority to perform special duties as examiners of banks, notaries public and commissioners to take acknowledgment of deeds.

Mr. MILLS. It will be seen that the Attorney-General concurred in the opinion of the supreme court of Pennsylvania, and the President of the United States upon his advice followed that construction of the Constitution, and the precedent was established by the highest authority that offices of mere local or temporary existence do not come within the provision of the second section of the second article of the Constitution. The officers or employés provided for in this bill are of that kind. They only hold their official existence for a few weeks, and their services are dispensed with. So it is apparent that the objection raised by the gentleman from Ohio cannot be sustained. There is another answer to the gentleman that is perfectly satisfactory to my mind, and that is that the second section of the first article of the Constitution authorizes Congress "in such manner as they shall by law direct" to have an actual enumeration of the people made. This clause confers upon Congress plenary power over the whole subject. This is a special grant of power for a specific purpose, and not affected by the general authority conferred on the President to appoint officers. It is a principle of construction, both of constitutional and statutory law, that a special provision will control a general provision. It is excepted out of the general provision for the specific subject. This is a rule too well known to lawyers to require any citation of authority.

The power given in the second section of the second article was not intended to apply to such officers as had been provided for in particular instances named in the Constitution. The exception had found emphasis in the very language of that article where the power is confined to those "whose appointments are not herein otherwise provided for and which shall be established by law." It does not mean that he shall appoint members of Congress, for it is "otherwise" provided, that they shall be chosen by the people. It does not mean that he shall appoint Senators, for it is provided that they shall be chosen by the Legislatures of the States. It does not mean that he shall appoint the President *pro tempore* of the Senate, the Speaker of the House, or the officers of either branch of Congress, for they are otherwise provided for. Nor does it mean that he shall appoint such officers as Congress may create and empower to take the census, for they are otherwise provided for just as the others are.

It only means those officers not otherwise provided for in the Constitution, and such as are really "officers" in the true meaning of that term and not merely employés. The authority conferred upon Congress to have the census taken in such manner as they may direct gives them the full, unquestioned power over the whole subject. They may authorize, though they cannot compel the States to take it, and that is provided for, for an intermediate census, in another part of the bill. They may authorize the United States marshals already in office to take it. They may let it out to contract as they do the carrying of the mails. In short, they may do it in any manner they shall by law direct. If they think proper to designate by name in the law such persons as they desire to take it, they can so "by law direct." Who can say that the census shall be taken in any manner that Congress shall not direct? The power is plenary and sovereign; for a wise purpose, its own self-preservation. No conviction was more firmly fixed in the minds of the framers of that instrument than that the preservation of popular liberty depended on the independence of each of the departments of the Government. Neither of them was to have power over the other. If the Executive has full power to appoint the enumerators without the consent of Congress he can destroy representation and supplant it with a rump.

Let us compare this passage with another. One says Congress shall make an enumeration "in such manner as they shall by law direct," the other says the States shall appoint electors "in such manner as the Legislature thereof may direct." Here is a power conferred upon Congress to be exercised "in such manner as they may direct," and a power conferred upon a State Legislature to be exercised "in such manner as they may direct." Now, I want to know why this certain form of words in one place in the Constitution shall not convey the same ideas as the same form of words in another place. One provides for taking the census and the other for choosing electors. Has it not been held that the Legislatures of the States may themselves appoint the electors? And if the Legislature under that same grant of power may appoint the electors, may not Congress under the like grant appoint the enumerators of the census? How can I draw a distinction between them? Do the words mean one thing in one place and quite a different thing in another?

Mr. BUTLER. If it will not interfere with the gentleman let me ask him a question.

Mr. MILLS. Certainly.

Mr. BUTLER. Are not the electors State officers, and does not, therefore, the Constitution give the Legislatures of the States power to select those State officers? Where does the gentleman find that they can select United States officers?

Mr. MILLS. The question does not touch my argument at all. The position of the gentleman from Massachusetts [Mr. BUTLER] is true that in one case there is a grant of power to the State Legislatures to elect State officers, and in the other there is a grant of power to Congress to select officers for the General Government. I am reasoning by analogy, and I am trying to show that if the Legislatures under the grant of power can select electors themselves, that Congress under the same grant, in the very same language, can elect the enumerators. Does not the power reside as fully in Congress to do one thing as it does in the Legislature to do another?

Mr. JONES, of Ohio. Does the gentleman recognize any distinction between a grant to appoint officers and a grant of power to determine the manner in which a thing can be done?

Mr. MILLS. I am simply using the two sentences, identical in language and meaning, found in different places, referring to different subjects, to see if they differ in the power they confer. The power, in the second place, says that the Legislature shall choose the electors in such manner as they may direct, and the sentence in the first place says that Congress shall appoint the enumerators in such manner as it may direct.

Mr. JONES, of Ohio. Not appoint the enumerators.

Mr. MILLS. Oh, it is the same thing.

Mr. JONES, of Ohio. Not at all.

Mr. MILLS. The power is given to Congress to provide that the census shall be taken in such manner as Congress may direct.

Mr. JONES, of Ohio. If the gentleman will allow me to interrupt him, I will say that in our State the supreme court recognizes a distinction between a grant of power to determine the manner in which a thing should be done and a grant of power to appoint officers. The grant of power to appoint or make an officer is one thing; the grant to determine the manner in which a thing shall be done is another thing.

Mr. MILLS. I have no time to go into a consideration of the de-

cisions of the courts of Ohio. I simply find two grants of power, expressed exactly in the same language, in the Constitution of the United States. Now I want to know the distinction between them. What authority has been conferred upon the State Legislatures? We all know the Legislatures have themselves chosen the electors. We know they have conferred it upon the people. They can confer it upon the governors or the supreme judges if they think proper. Suppose that instead of the ballot we had the old-fashioned *viva voce* way of voting that obtained in Kentucky when I was a boy. In those good old days men were not ashamed to let the world know how they voted. No man then was bold enough to assert the virtue in the act of dwarfing and crouching his manhood behind a secret ballot. Men then went boldly to the polls, proclaimed their choice in the hearing of the multitude, and the sheriff cried it aloud, so there should be no mistake. Suppose that instead of doing as we do now we appointed enumerators of electors to go through the election precincts, hunt up the electors, spread out his election schedules, and require the elector to answer which of the candidates he voted for? Do you not know that that would be legal? Have not the Legislatures the power to prescribe that manner of choosing electors? Certainly they have plenary power over the whole subject. And have they not the power to name the persons in the act who shall enumerate the electors? Certainly their power is without limit over the subject. And their power is just the same, no more, no less than the power of Congress to prescribe the manner of taking the census and the appointment of those who are to take it.

Again, another grant of power is made to Congress, or the Legislatures, to prescribe the manner of holding elections for members of Congress. May they not prescribe the same manner of voting as for electors, and did they not do so? Neither the President nor the courts nor the heads of Departments nor the governors of the States have any control whatever over that election except such as is given by Congress, and Congress alone. If Congress has similar power under a similar grant to take the census in the manner it may direct, why may it not send out its officers with its schedules and enumerate the people at their homes? Answer me that question if any of you can do it. If you can you can prove that language means one thing in one place and a different thing in another place. You can prove that it has force and meaning in one place that it does not have in another. I think the gentleman from Ohio is answered.

I shall not discuss any other feature of the bill. I hold that it is essential to a fair representation of the people that the enumeration on which it is based shall be made in the best possible manner, and that the people themselves who are most interested in having that enumeration correctly made are the best sources from which the appointments of the enumerators can come.

The gentleman from Ohio [Mr. GARFIELD] asks: What are you going to do if the governors do not appoint? That may be a just criticism on the bill, but the committee have an amendment now pending to cover that supposed defect. If the governors do not avail themselves of the privilege conferred upon them within a given time, then the Secretary of the Interior is to appoint without his nomination. The bill intended to give the governors the privilege of nominating the persons to take the census—a privilege I am sure none of them would fail to exercise, a privilege to guard the most sacred interests of the people who had chosen them their chief magistrates. None of us supposed we could devolve a duty upon one of them and compel him to perform it. Congress may provide for the exercise by the citizen of his right to vote, but it cannot compel him to vote. They may provide courts where he may have the privilege of recovering his rights to property, but it cannot compel him to use them. Let me in turn ask the gentleman, suppose the President or the Secretary of the Interior should fail to make these appointments. No law is potent enough to enforce such a requirement. You must repose power somewhere, and it may be rightfully used or it may be abused.

How can you compel the President to make appointments? If he does not make these appointments—and I have no doubt that he would, just as I have no doubt that the governors would make them if authorized to do so—if the President does not make the appointments, what are you going to do about it? If the President or the Secretary of the Interior, after having been empowered to make them, shall fail to do so, we might impeach them; but the time for taking the census might pass before they could be brought to trial, and the people would be without remedy, their great right of representation lost.

The argument amounts to nothing. In all governments power must be intrusted somewhere. Suppose when the people elect us to Congress we do not come here to perform our duties; we will come as a matter of course, but suppose we do not come, are the people going to get out an injunction to compel us to come? Suppose we go to Europe instead of coming here to attend to the business of our constituents, how can they compel our attendance? They have intrusted us with power; we may abuse it and they may punish us by keeping us at home the next time. But I know no law by which our constituents may compel us to come here and discharge the duties we have assumed. Suppose when we come we do not attend to the public business, or we do not represent them properly; we vote against their interests willfully and wrongfully; what relief have they? What security have they against such a thing happening? Absolutely none. I say, then, that the argument of the gentleman from Ohio [Mr. GARFIELD] amounts to nothing. The whole difficulty suggested can be obviated by providing that the governors shall have the privilege of nominating these officers to the Secretary of the Interior or the President, and that, if any governor refuses to make nominations within the prescribed time, the Secretary of the Interior or the President may make appointments without such nominations.

Mr. BUTLER. Mr. Chairman, I desire with the leave of the House to speak for a few moments upon what I regard as a matter of very great concern as establishing a precedent, and also upon another topic in regard to which I see great danger of an incorrect census. What is desirable in a census is that it should be as near absolutely correct as possible; that the taking of it should be and be believed to be free from all partisan influences; that the power authorized to select the officers taking it should have no other desire than to obtain men who will make correct returns—should have no other end to gain than to exempt the officers doing this duty from any possible local, political, or pecuniary interest in the result; to do other than ascertain the exact number of the people and their condition. This being so desirable, the question is, how can this result be attained? This bill, in substance, makes provision, first, that the officers making the enumeration shall be appointed by the governors of the States and Territories. Every State is anxious to get its largest possible share of representation in Congress, which is dependent on the numbers fixed by the census; every Territory is anxious to get itself admitted as a State, to be affected in the same way. Whatever abuses may arise from these motives influencing the appointments by the governors there will be no possible way of correcting. The governor of every Territory who may look forward to being made a Senator as soon as his Territory can be admitted as a State will be anxious to have everybody in the State, and perhaps a few more, enumerated.

My friend from Texas [Mr. MILLS] says that there were certain counties in his State which in 1850 returned more population by fifteen thousand than in 1860. There were two causes for that. When the census of 1850 was taken Texas had just come into the Union, and was very anxious to get as large a representation as possible.

Mr. MILLS. My friend misunderstood me; I said there were twenty-one counties in 1870 which showed fifteen thousand less population than in 1860.

Mr. BUTLER. The same thing: the dates of 1860 and 1870 instead of 1850 and 1860 show the same census operating, although Texas was attempting to get back again into the Union along about that time with as large a representation as possible. But I do not put that discrepancy to the desire of Texas to get representation alone. That comes under another head which I will soon call to your attention.

Your bill provides that a set of men who have interests to subserve shall appoint the census-takers. There cannot be any interest in a high officer of the United States to make appointments in the same regard, so far as I can see. He may have political interests, which I will deal with in a moment. Therefore upon the merits of the question I should be diametrically opposed to the appointment by the governors if it were constitutionally possible. But I had supposed that the power of Congress to impose any duty by law upon a State officer had been judicially settled years ago, and therefore I called the attention of my friend from Ohio [Mr. GARFIELD] to the first fugitive-slave law, which put duties upon State magistrates to execute. In Prigg's case it was very early decided Congress could put no duty upon any State officer, any civil State officer. Militia officers——

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Yes, if you wait until I finish this sentence. Militia officers stand upon different ground. They are officers of the militia of the United States. Now I will hear the gentleman from Kentucky.

Mr. CARLISLE. Did not the Supreme Court of the United States decide that, although it was not competent for Congress to compel a State officer to execute a Federal duty, yet if such officer did execute it, it was valid and binding?

Mr. BUTLER. Yes, sir. That is to say, that if the officer did the thing under the law—volunteered to do it—if it were well done it was done. But that is not the point. The point is whether we can put this duty upon governors of States and compel them to do it by any penalty whatever. We clearly would not put power and duties where we cannot have the control over them in the execution of those duties and compel the execution of the powers and punish a dereliction of duty. That would be against the first principles of legislation. From the enunciation of this principle by the courts arose all the personal-liberty laws which controlled the officers of States in regard to the liberty of a slave, and we never have since undertaken to vest such officers with power. That first experiment was not so successful as to invite repetition. There is the difference which I see between our bill and the case decided by Mr. Justice Tilghman of the supreme court of the State of Pennsylvania, caused to be read by my friend from Texas. That case was where a physician employed by a board of health claimed he could not be turned out by that board because he was an officer; and the court held, and rightly under correlative provisions of the State constitution, that he was not an officer at all within the purview of the constitution any more than our employés in the Departments are officers of the United States, or any more than our tide-waiters in the custom-houses are officers of the United States. They are appointed by the collectors;

they are appointed by anybody; they are not appointed at all; they are employés only.

My friend, passing this point, claimed another proposition of the Constitution empowering Congress to take the census in such a manner as it shall direct gave us this right. My friend from New York [Mr. COX] well argued "manner" means manipulation; the mode of doing the thing. Does he not with his acumen and does not my friend from Texas see a difference between the *manner* in which a thing is done and the *agent* by which it is done? I agree we cannot have the census taken in this way and that way and the other way as we direct, but I insist we cannot, under the Constitution, have it done by United States officers appointed according to the requirements of the Constitution. The definition of an "officer," as I would make it, although definitions are always perilous, would be an agent empowered to do a thing and receive an emolument for doing that thing. Mere *duty* would not characterize the officer in all cases; mere *appointment* would not do in all cases; but when the appointment is to do a duty, and the emolument follows from doing that duty, then the agent becomes an officer.

Now, an argument is made upon the extent of the word "manner," because the Constitution says that "the electors of President may be appointed in the manner which the Legislatures of the States may direct." The power is granted to appoint first and then the manner is left to the discretion of the Legislature. So we are to hold elections in the several States for the choice of Representatives. When those Representatives shall be chosen Congress can regulate the manner in which they are to be chosen; but was it ever held under the Constitution, and will my friends on the other side ask it to be held, that Congress can come in under the word "manner" and decide *who* shall be elected? That is what is claimed you may do now under the "manner." You are deciding who shall be appointed. If you give this extent to the word "manner" Representatives to Congress may be chosen by the people of the States, but Congress shall regulate the time and manner of choosing them. If manner means the full grant of power to cover the whole subject, then Congress can regulate who shall be chosen, what men shall be picked out, and by whom.

Mr. MILLS. Let me ask my friend from Massachusetts a question if it will not disturb him.

Mr. BUTLER. Not at all.

Mr. MILLS. Can Congress, as a part of that "manner" of choosing Representatives, select supervisors to guard the polls, judges, clerks, &c.? Have we the right to prescribe that in reference to the election of members of Congress?

Mr. BUTLER. I have no doubt we have.

Mr. MILLS. Then have we not the same power, in prescribing the "manner" in which the census is to be taken, to say who shall take it?

Mr. BUTLER. Not at all. The difference is a very wide one. Congress has the power to supervise the election of members, the "manner" in which they shall be elected, but has no right to say who shall be elected. Again, Congress has the power to take the census in any manner it chooses, but it cannot make the officer or agent by whom the census is to be taken except under the grant of power for appointing those officers.

Mr. MILLS. Now, will the gentleman answer this question? Under the power of electing members of this House, has not Congress the power to select the men who are to go and take the votes of the people?

Mr. BUTLER. Yes, sir.

Mr. MILLS. Then that settles the whole question.

Mr. BUTLER. Not at all. The difference is a very wide one, as broad as heaven, as it seems to me. Congress has the right to select the men who shall see how the member of Congress is elected, the manner in which he is elected. But the difference is that it has no right to select the man who is to be elected. So here you have a right to prescribe how the census shall be taken, but you have no right to select a man to take it unless you obey the Constitution and have him appointed under the law.

Mr. MAYHAM. Will the gentleman from Massachusetts allow me a question?

Mr. BUTLER. Certainly; I am trying to get at the right in this matter. It is not my object to make a speech.

Mr. MAYHAM. If Congress provides that the census shall be taken and provides all the machinery, all the rules and regulations, except the mere appointment of the officer who shall appoint the enumerators, has the President or any officer under him authority, without authority from Congress, to make that appointment?

Mr. BUTLER. No, sir; not at all. That is to say, the census-taker is not an officer known to the Constitution, and therefore the office must be established by law. But you cannot establish an officer by law, but you can establish an office by law, and then the Constitution steps in and says who shall fill that office. That is the difference.

Mr. FRYE. Will the gentleman yield to me for one moment?

Mr. BUTLER. Yes, sir.

Mr. FRYE. I wish to recall to the recollection of the gentleman from Massachusetts this: We had a bankrupt law. The opposition to the bankrupt law came from excessive fees and the great distances to which men were necessarily, under the law, dragged for the adjudication of their cases. Now, I offered a bill providing that, under the bankrupt law to obviate the complaints on account of the expense and the distance, the judges of probate of the several States should have jurisdiction in the premises to adjudicate cases. You will remember that bill went before the Judiciary Committee and was discussed; and this very point was raised; and the Judiciary Committee unanimously agreed that it could not be done under the Constitution. I simply desire to recall that fact to the gentleman's attention.

Mr. BUTLER. I remember it very well, and I am giving the House the benefit of a portion of the learning I got at the time of that discussion. I never made any claim to know everything; I only know what I have studied. The question was fully discussed before us, as the gentleman has stated. I ask you to point to any legislation during nearly a century where anything has been done since the Prigg case in this direction, and you will agree that it did not work so under the Prigg case as to afford a good precedent which you would want to carry out.

Mr. MILLS. I do not want to differ from the gentleman as to the imposition of duty on State officers, but I want to draw a distinction between imposing an obligatory duty on a State officer and giving him a privilege.

Mr. BUTLER. Then suppose you pass a census bill in which you give a privilege to every State to take the census according to its own notion. That would not do. You must have responsible officers, and they must be responsible to one head. But I cannot spend so much of my time in discussing this matter. It appears to me to be too plain to require discussion.

I now come to the non-partisan aspect of this question and agree there must be a terrible pressure on any officer like the Superintendent of the Census who shall have a strong partisan feeling and who will be under a strong partisan feeling to appoint all his supervisors and enumerators of one political party. And I do not want to leave it to "moral considerations;" and I shall ask the learned chairman who has this bill in charge to allow me to offer an amendment which I will sketch.

Give me the appointment of the census-takers in my State in 1880, one census-taker to every three thousand of population as colporteurs of my campaign literature; and although they shall not open their mouths, I promise there will be a more lively campaign in Massachusetts than there was last year. [Laughter.] And so, if in every district containing three thousand population I can have the census enumerator go around and distribute the literature which my campaign committee will think fit to give him, unless he has a district where they cannot read and write, I am quite certain that I will carry that.

Mr. FRYE. The gentleman forgets that they might be amenable to the laws against distributing bad literature. [Laughter.]

Mr. BUTLER. If they carry my friend's speeches I have no doubt they would, judging from the specimens I had of them in my last campaign. [Laughter.]

Now let us go on. I think there is a perfectly plain and easy way in which these officers can be made substantially non-partisan, and that is by following the precedents set in the case of the supervisors of elections, and have one of each party not in the same district, but in each alternate district, so that there shall be half of the supervisors in all the districts in each State, and in each subdivision larger than a district, of different parties, so that you will have a republican colporteur in one district and a democratic colporteur in the other.

A MEMBER. What will become of the greenback party? [Laughter.]

Mr. BUTLER. There is no occasion for this emotion, gentlemen. [Laughter.] If I can get a republican to watch a democrat and a democrat to watch a republican the success of the nationals is assured. [Laughter.] I want to get the rogues to look after each other and honest men will get their dues. [Laughter.] We do not need any watching. [Laughter.] I propose, then, to put this forward as the means by which non-partisanship in our census-takers can be obtained.

It would be a better way, I think, to have two supervisors, one of each party, to go over every district together as a check on each other in all things. To be sure there is difficulty on account of expense, but it is an expense which we ought to incur, in order to have an exact census, which could not well cost too much if exact.

My friend from New York [Mr. COX] left out one great reason why the people of Rome were enumerated by the census, and I take leave to call his attention to it, as his speech deserves a large circulation for its ability and apparent industry of preparation, and I ask him to append it to his speech in a note.

The Roman census was a financial matter. It was to determine how much money should be in circulation among the Roman people. The Roman money was stamped on brass, which passed for the value of a sheep or ox, as the stamp indicated, and one primary object of the census was to determine how many pieces of money of this kind should be in circulation in Rome. They became greenbacks, being brass, when they got a little rusty. The senate desired to determine how much money should be issued each decennial period. They found out what was the growth of the population and decided the amount of increase upon that basis.

But, sir, I do not desire to drag in anything like a financial discussion in this case, although it could hardly be kept out of a funeral

last night. [Laughter.] I desire further to say that I have only asked the House to settle this matter on the basis of fairness and impartiality. If the governors of some States are democratic they will appoint democratic enumerators; if the governors of other States are republican they will appoint repubublican enumerators, and both will have ulterior objects other than the duty of getting at what we want to get at, an exact census. And even if we have a President of the United States who should appoint the Superintendent of the Census by examination under civil-service competition, I do not think he would become a hybrid, but would still be a partisan. He would be likely to have some leaning one way or the other; therefore he would appoint republicans or democrats, one side or the other, as his own politics inclined.

I desire, therefore, that this bill shall require of him as an official duty that he shall appoint every other supervisor of the census, in each one of the districts, either a republican or a democrat, and certify the fact to his superior, and the neighbors of the appointees would very soon find out which the officer was and make that fact known, and so we should have the census-taking wholly non-partisan. I will endeavor to draft a provision to that effect, for I desire only that we shall get as exact a census as can be taken without any ulterior wish or desire by any one engaged in the matter.

Now, the gentleman from Texas [Mr. MILLS] has told us that twenty-one counties in his State had a much larger population in 1860 than they had ten years afterward, although they had great growth in the decade. So in relation to New York City. She was five years after 1860 in growing up to her census of that date. Why, sir? For the very reason that we paid deputy marshals so much a head for the number of inhabitants they found; and the only wonder is that our census shows a population short of one hundred millions. [Laughter.]

It is exactly like some cases where I have known a man to get up a petition and intrust it to some man and offer to pay two cents apiece for all the names he got upon it. In such a case the man goes immediately and copies all the names from the grave-stones. [Laughter.]

I do not say that the "square-root system" is the best method of fixing the compensation of the census-taker, because I can well conceive that where the square roots are multiplied or divided by the square root of the number of buildings in a district to get at the amount as a test for payment, there may be a district where there might be no buildings at all, and, there being no square root, the man would not get any pay whatever. I think that system is cumbersome.

But it seems to me the way to arrange compensation is this: in the first place, we know pretty nearly what the increase of population ought to be, and we should fix the compensation of parties taking the census by the day, limiting to so many days, and requiring that the Chief Supervisor of the Census shall be satisfied with their returns before they shall receive any pay. I think that a limit made in some such way as that——

Mr. COX, of New York. That is in the bill.

Mr. BUTLER. Very well; have it very carefully limited.

Mr. COX, of New York. It is limited very carefully.

Mr. BUTLER. I have seen in days gone by—in 1850, 1860, and 1870—the temptation put upon men in this regard. I have always felt that our census was to a great extent unreliable. I agree fully that the matter had better be taken out of the hands of the United States marshals; it does not belong to them. It should be put in the hands of some high officer of the Government, and he should be held by law to divide the enumerators between the several political parties, so that there can be substantially no difference made between the parties. The moment that happens and any party shall undertake to make the census agent a recruiting agent for its side, then the other party will make the agent in the other district a recruiting agent for its side. Districts of three thousand inhabitants will be so small that utter confusion will result if anything of that sort is attempted in the several representative congressional districts. In that way I think we shall get as nearly fair play as it is the lot of humanity to obtain.

Having indicated all the defects that strike me in this bill, I think I have said all that I care to say.

Mr. CARLISLE. I move that the committee now rise for the purpose of limiting general debate on this bill.

The motion was agreed to.

The committee accordingly rose; and Mr. EDEN having taken the chair as Speaker *pro tempore*, Mr. GOODE reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses, and had come to no resolution thereon.

Mr. CARLISLE. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the census bill; and pending that motion I move that all general debate be limited to thirty minutes.

Mr. CALKINS. Why so short a time?

Mr. CARLISLE. My motion applies only to general debate. Debate under the five-minute rule will still be open.

Mr. CALKINS. No one can properly discuss this bill under the five-minute rule.

The motion to limit debate was agreed to.

The motion of Mr. CARLISLE was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. GOODE in the chair.

The CHAIRMAN. By order of the House all general debate upon the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses has been limited to thirty minutes.

Mr. RYAN. I do not rise for the purpose of engaging in a thorough discussion of this measure. But as a member of the Committee on the Census I deem it proper to state the relations which the minority sustain to such amendments as have been proposed to this bill by the majority of the committee.

I believe that in regard to every amendment there was unanimity on the part of the House committee, with the exception of that amendment which provides for the selection of the persons to take the enumeration. But before I proceed to make any remarks upon that point I wish to say a word in regard to a provision in section 11 of the bill to which attention was called by the gentleman from Ohio, [Mr. GARFIELD.]

He seemed to think that the minimum of three thousand population would operate unjustly in regard to sparsely settled districts. I wish to call the attention of the Committee of the Whole to the fact that the section obviates largely the objection which was urged against it. It is as follows:

SEC. 11. The subdivision assigned to any enumerator shall not exceed four thousand inhabitants, according to the census of 1870, nor shall any such subdivision contain less than three thousand inhabitants in any case where the last preceding census shows the number of inhabitants thereof. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

With that qualification I do not think the objection is well founded. Where the census ten years ago showed that there was a population of three thousand in any district, that district at this time cannot be termed a sparsely settled district.

Mr. PATTERSON, of Colorado. Although such a district may not in the true sense of the term be a sparsely settled district, may there not be found obstacles in some districts which would render such a limitation injurious? For instance, take my own State, with a main range of the Rocky Mountains running directly through the center of it; with a population scattered in all the valleys and cañons and in parts of the mountains; with immense ranges of mountains to be crossed. In many instances travelers are compelled to take long detours. For instance, if there was a way of crossing directly a certain point might be reached in traveling ten miles, but on account of the difficulties of traveling detours of from twenty to thirty miles are required to be made in order to reach a given place. It seems to me that the provision of the bill to which the gentleman has referred is not calculated to meet the wants of a section of country similar to the one to which I allude. Hence I think there will have to be some modification.

Mr. RYAN. The difficulty with the gentleman is, I think, that he will hardly find any district of that sort reported in the census of ten years ago. Such districts may exist to-day, but they did not exist then, and hence this provision of the bill does not apply to any such region. There is no minimum that is applicable to such district. If I am mistaken in that then my argument does not hold good; but I think I am not.

The gentleman from Ohio [Mr. GARFIELD] also thought there was too much detail in one of the amendments reported by the House committee to the census bill. That remark of his applied to the section which relates to corporations, railroad and other corporations. They are quasi-public corporations, and the information which is sought to be obtained by that amendment is such as the Congress of the United States ought to have to enable it to legislate intelligently regarding these corporations.

It ought to be the duty, the imperative obligation, of the census-taker to take those statistics. This seems to me to be of almost vital importance to this country in the relations which it shall sustain to the legislation of the country during the next ten years; and therefore I think it is highly proper and ought not to be objected to.

One word in regard to the other amendment, to which I do not agree. It is proposed by a majority of the committee that the selection of the agents to execute this law, a great national measure, shall be relegated to State authority. It is proposed here to take a census which shall disclose the true condition of this country. Every man upon the floor of this House, I presume, wants nothing except a true, correct, and honest census. Any other census must have a pernicious influence upon the material and political interest of the people of this country in the legislation which may follow during the next ten years. The only question that ought to agitate the mind of any fair man here is, how can that best be obtained? So far as regards myself and those acting with me on the committee, we desired to eradicate from this bill as far as practicable everything like partisan feeling or partisan prejudice and to obtain, if possible, a census that should be fair, unbiased by anything like partisan influence. I believe it practically impossible to select any officer in this country to execute this law who shall be entirely free from political bias; but

I believe the Senate came as near doing so as possible when it provided for intrusting this power to the officer who is responsible alone for taking the census. He can have no other motive under heaven than to secure a just and accurate census, one that shall be an honor and a credit to him for all time. He is not a partisan or a politician in the offensive sense of that term. He has the confidence of every man who knows him, and especially of the distinguished chairman of the Census Committee of this House, [Mr. COX, of New York.]

But the mode of selection provided for in the amendment, independently of the legal objections which have been raised, is to my mind one of the most pernicious that could be adopted. It amounts practically to putting the States in rivalry with each other as to which shall have the greatest possible power, or rather the broadest foundation upon which to base power in the future. It puts section against section in this respect. And the mode suggested by the gentleman from Massachusetts is in no wise an improvement. It begets the same rivalry within the State. If the difficulty which has been suggested by the gentleman from Massachusetts is to be avoided, it is not by the means he suggests. His mode simply puts a republican in one part of the field and a democrat in another, with the avowed and implied understanding that one must resort to all sorts of means of a partisan character to defeat the dirty work he fears the other may do. That is what it implies. It seems to me that we ought rather, in reaching a conclusion upon this matter, to act with a view to securing a just and correct census as free as possible from partisan bias or partisan considerations, and not ingraft upon a great national measure like this anything which will have a tendency to bring about an unfair result.

Mr. HARRIS, of Virginia. I would like to ask one question. Do you honestly believe that if the appointments are left discretionary with the President or the Secretary of the Interior, democrats and republicans will be appointed indiscriminately? Do you not believe that either of those officers will appoint republicans in all cases?

Mr. RYAN. I do not know whether he will or not, and I do not care.

Mr. HARRIS, of Virginia. I asked you what you believed about it.

Mr. RYAN. My opinion is that he will, and that he ought.

Mr. HARRIS, of Virginia. Then the appointees will be partisans.

Mr. RYAN. My opinion is that we shall thereby get as perfect and correct a census as we would by making a mongrel affair of it, getting democratic sections to bid against republican sections for a foundation for supremacy in the future.

Mr. HARRIS, of Virginia. If my friend believes that the President or the Secretary of the Interior will appoint republicans, I hope he will stop preaching non-partisanism in these appointments. To preach one doctrine and practice another will not do before this country.

Mr. RYAN. The gentleman does not understand me. The theory of the majority of this committee is that the appointments must be strictly a partisan affair. The theory is that here is one locality which is republican, and there is one which is democratic, and they must be pitted against each other in an unseemly struggle for future supremacy.

Mr. HARRIS, of Virginia. But my friend took the high ground that this question should be above party; that the census should be taken in a non-partisan spirit. That is the meaning of his whole speech. But when he is interrogated he affirms that the work ought to be done by republicans in a party spirit.

Mr. RYAN. Not in a party spirit. But will the gentleman pretend that if a democrat were appointed there would be less partisan feeling than if a republican were appointed?

Mr. HARRIS, of Virginia. We are not preaching up the high position of the gentleman that there is no partisanism in the country. We are trying to counterbalance the influence of partisanism by providing for an equality of parties upon this question.

Mr. RYAN. I do not know what you are trying to do; but I maintain that the effect of what you are doing is that where a State is under the influence of democratic rule and you place this matter within the power of the State, the probable effect will be to inspire on the part of the authorities there an effort of a partisan nature to exaggerate the census to offset anticipated frauds in a republican State. Such a system will give us not only worthless but disgraceful results.

[Here the hammer fell.]

Mr. MANNING. Mr. Chairman, I was much gratified at the language used by the gentleman from Ohio [Mr. GARFIELD] when he expressed the hope that no political feeling would be permitted to enter into the discussion of this most interesting question. I agree with him entirely on this point, and therefore regretted the more to observe that the gentleman from Kansas [Mr. RYAN] had not attained to the position of his friend.

For myself, I propose, without to any great extent going into the details of the bill, to discuss what are in my estimation the great overshadowing questions involved. These I esteem to be the constitutional issues presented. I have watched with deep interest the progress of the inquiry, the result of which was the reporting in both the Senate and the House of bills providing for an alteration in the existing system. To perfect the system which has been maintained for so long a time, in fact ever since the year 1790, is certainly as meritorious a labor as it is a necessary one. The accomplishment of such a design is a work of so high a character, that it should stimulate to the utmost the energies of legislators. It is with this view of the importance of the issues presented that I have felt so keen an interest in the result of the deliberations of the committees respectively of the Senate and the House of Representatives.

These committees have, after careful research and deliberation, arrived at a result, which, in their opinion respectively, marks out the line of legislation which should be adopted. For a very considerable distance they have traveled together, side by side and hand in hand, but at a certain point their path diverges, and at the end of their journey they stand as far apart as the antipodes.

Let us see now in what they have agreed. Since both recommend that radical changes be made in the existing system—changes so great as to amount to revolution—it follows that neither committee feels embarrassed in recommending the adoption of a measure which virtually declares that the precedents of near a century do not stand in the way of the establishment of a system demanded by the growth of the country and the necessities of the people. On this all parties are agreed. They are further in accord, in declaring that the present system is defective. This is the natural and inevitable inference to be drawn from the respective recommendations of the committees of the two Houses. Their agreement on these issues is, in my opinion, of the last importance, and I imagine that a brief reference to our present system will illustrate why I attach so much importance to it.

From the year 1790, when the census law of the United States was first adopted, up to the present time, no radical change has been made in the system. The United States marshals have always had this matter in charge, and the gentleman from Ohio, [Mr. GARFIELD,] referring to them, said that there was one objection to their taking the census. He might have added that there were many. I concur with him that census-takers ought not to scare the population—ought not to make women and children afraid—ought not to make the negroes get out of the way for fear they are to be arrested. It is a notorious fact that we cannot take a census of the Indians because they are afraid of the census-takers. A more important objection still is the want of good faith with which they discharge their duties. The law of 1850 merely reaffirmed the principles of the existing system—made changes with regard to some of the minor details, but left to us as a heritage that which had been left to the people by the early fathers of the Republic. As a part of our heritage, as a relic of the past, as a system doubtless, admirably adapted to the condition of the country at the time it was established, it is to be cherished and preserved as should be all mementoes of a revered past, whose day of usefulness is over; not that it would be ineffective if the purity which at that day existed among those who held positions of trust and honor was still found among those of our own day and generation to whom is confided the charge of the interests of the Republic.

If the same spirit of patriotism still lived; if the same devotion which characterized those who were honored with a public trust was still manifested, the law which was adapted to our condition in the earlier days of our history would be equally adapted to the necessities of to-day. But this is not the case. The action of the Senate committee and the Senate itself, as well as that of the House committee, has declared this, in emphatic terms, and I feel constrained to admit that their position is rightly taken.

This system, which has been maintained for so many years, is entitled to claim our affections, but this must not be permitted to blind our judgments, so that we shall fail to perceive that it belongs to a dead past, and that our laws must keep pace with the growth of our country, the development of our industries, and the necessities of our people.

It follows as another of the evident results of the determination reached by the two committees that the magnitude of the interests at stake is fully comprehended, and that the comparison made between the condition and wants of the country in the past, when the present system was perhaps a suitable one, and the present needs of the people, which that system is utterly unsuited to relieve, fully establishes the fact that a fitting substitute must be found.

I assert, Mr. Chairman, and I think that the facts will bear me out in the statement, that there is no measure of more vital importance presented to the American people for deliberation and action to-day, than the creation and adoption of a system which shall secure the speedy accumulation, in a concise and reliable form, of all those vast stores of statistical wealth which are so essential to our prosperity and our knowledge of our own resources.

The necessity for a correct and reliable enumeration of the people is so apparent to any one, who reflects upon its intimate connection with our representative system of government, State and national, that it does not require explanation. It lies at the foundation of that system of apportionment by which the representatives of the people are chosen to make laws for the land. Fraudulently and corruptly conducted, not only might sections be deprived of representation, but the will of the majority of the whole country might be defeated.

There is something beyond this. England's great poet, Pope, wrote "Know thyself," and the wisdom of the admonition has never been questioned. This lesson was not meant for the individual alone; it was addressed to all nations and peoples, and no wiser one could be learned by those who make the laws of the country than is contained in these simple words.

Learn what the resources of your country are, and let the world know it. Visit the manufactories which have built up your villages,

towns, and cities, and let it be known how your industries are flourishing. Publish it far and wide, and you will find your reward in the active competition which will spring up—in the flow of capital to your shores—in the rapid increase of a thrifty, skilled laboring population, and in the swift and sure improvement of your financial affairs.

Let us know what is contained within the bowels of the earth; what stores of mineral wealth are annually reclaimed from the womb of Mother Nature to enter and thereafter form a part of the world's riches.

Tell us what the glad earth is yielding from her bosom as a tribute to the skill and energy of the agriculturist. And when these things are done; when accurate, reliable information is placed within the reach of all; when the whole world knows what the resources of America are; knows the extent of her boundless contributions to the support of man, which her willing soil yields up; knows how incalculable are the stores of wealth which are torn from their bed of rocks by the hand of labor; knows how large a share in the world's industries is borne by the citizens of our country, then for the first time will we comprehend these facts ourselves, and attain to that rank in the family of peoples to which we are entitled.

But we will not stop here. There is something more needed to make a people great than the development of their resources, even if they could be developed by the unskilled hand undirected by the cultured brain. There is an intelligence, a moral perception, and a probity, which must enter into and form a part of the existence of our business men, before our tradesmen and our professional men can hope to see their country prosperous and feel a pride in her institutions. Then let us know where our school-houses are and where they are not. Let us know where the spires of our churches point heavenward and where they are needed. Let us know what all of our institutions are doing, and the record will soon be such that we can point to it with pride.

Gather all these things; garner them up in one capacious storehouse of knowledge, and invite, not merely our own people, but those of other countries, to learn what we really are. As the world gazed in astonishment at the millions of armed men who sprung up from what so short a time since was a wilderness, so would they behold with equal surprise the spectacle presented of our greatness in a time of peace.

I have dwelt, Mr. Speaker, somewhat at length on the advantages to result from the adoption of a system calculated to perfect the acquisition of useful statistical knowledge, for the reason that by many, what is known as "taking the census" is regarded as nothing but a mere enumeration, and I might add, that but little confidence is felt in its correctness even to that extent. Moreover, I have been anxious to let it be known that this measure, in my opinion, is of that momentous importance which I attribute to it.

I am glad, then, to be able to say that so far as recognizing the necessity for the work and its magnitude, the bills presented in the Senate and House are in full accord.

And beyond this, it follows that neither House has regarded as a matter at all calculated to embarrass legislation, the fact that in order to perfect our system it was necessary to do away with that system which has, almost without change, prevailed from the time when the first census law was passed up to the present time. It is only when the question is asked, "In what manner shall this alteration or substitution be made," that the roads diverge. I will state as briefly as I can how the Senate bill proposes to answer this question. It provides for the appointment of a Superintendent of the Census who is to have his bureau or department in this city, and he is to recommend, or virtually appoint one hundred and fifty supervisors for taking the census in the States and Territories. These are the main features of the bill which demand our attention, for there is no doubt that it is the intention of that bill to provide for the collection, through these agents, of the statistical data required. And I must say here, Mr. Speaker, that I have specially called attention to this portion of the bill, because it calls for and receives my thorough condemnation.

My first objection to its provisions, because it is my greatest one, is, that it creates a new department and a new office here in Washington, thus taking another step in the direction of that centralization which is held in abhorrence by the democratic party. It would virtually create a new army of many thousand office-holders, dependent for their positions on their compliance with the wishes of their chief in Washington. Aside from the principle itself, which should render the scheme repugnant to every man who has at heart the preservation of that liberty which has been bequeathed to him, it is fraught with danger. To illustrate this: this office in the hands of an unscrupulous partisan politician could be used as a machine to deprive of their representation majorities holding views antagonistic to those of the Superintendent; and, at the same time, it could be used to magnify the number of voters in other localities where the political sentiment was in accord with that of the Superintendent, so as to procure undue representation.

The opportunity to accomplish this would be a standing bid for corruption. Not only would that reliable character be wanting in the report which is so desirable—so entirely the goal to be attained—but there would be so little confidence felt in it, that the merit would not attach to it which so important a measure in our system of representative government demands; and if it were employed to further partisan views, this bureau or department would be held by the people to be another instrument of corruption—another blow at the liberties of the people, and another source of burden to the tax-payer. It is not such a system that the people of this country desire to see foisted upon them, when a better and more available method is within their reach.

But this threatened danger to our institutions and liberties—this opportunity for corruption and fraud, is not the sole objection to such a measure. If I were to assume that an honest, incorruptible man could be found, who would, to the best of his ability, discharge his duties in this position, and have no end in view but to perfect the system and carry out the wishes of Congress, there would still be an insuperable objection to such a plan. This chief, sitting in Washington, far from those charged with the execution of his designs, would be in no position to achieve success. He would have but little personal acquaintance with the great mass of his subordinates; he would have no direct means of acquainting himself with their capacity to discharge their duties; he would want that familiarity which is essential with the various portions of the country, and would be compelled to rely for his information, in many cases, on incompetent men, wholly unfitted for such work.

This consideration should be sufficient to make it manifest that responsibility should attach to a head, who, having the opportunity to inform himself personally of the condition of affairs, through his personal acquaintance with the country under his charge, could properly supervise his allotted work; and who, through his personal acquaintance could select competent and reliable subordinates.

It may be said that it is intended that the one hundred and fifty supervisors are to have the requisites which I have asserted are needed, but there is nothing in the bill to justify this position. The supervisor for the city of New York may be under this bill a native of Colorado, and the inspector of the mineral wealth of Colorado may be a field-hand from the rice swamps of Carolina. There may be a touch of exaggeration in these contrasts, but they will serve to show what such a system may become.

I have heard it said that should the Senate bill be adopted, the charge of this department would be confided to General Walker, so long and favorably known as the chief agent in the preparation of some of our former census reports. I should regret it, not from any personal distrust of him, because that I could not feel. But I should be pained to see him or any man whom I respected, placed in a position where such temptations would assail him, where he could not escape severe criticism—in a position where, if in earnest in his work, he would find his efforts, perhaps, made nugatory because he would not become the tool of a political faction. And I should regret it, because I am satisfied that under such a system he would find it impossible to achieve such a result as would satisfy the desires of a conscientious man, proud of his work and anxious to justify the confidence reposed in him.

I shall pass now to the consideration of the proposed amendments offered in the House, so far as they relate to these two grounds of objection which I have made to the Senate bill. The inquiry first presents itself—referring to my last proposition, whether the features of the bill when amended as proposed, will remedy the evil which I have suggested would flow from the appointment of a chief officer to supervise this work, separated through his surroundings and his position from those who were to execute the law confided to his care. In this connection the prominent feature in the proposed amendments is the appointment of the takers of the census in the respective States and Territories by the governors thereof.

It cannot be denied or disputed that it would be within the power of the governors to make selections from among the people of their States, which would be well adapted to the carrying out in their most comprehensive form of the objects sought to be attained by both the Senate and House committees. Their personal familiarity with the people of their respective States would place them in a position to know who were, and who were not, well suited for the development of such a work; their personal acquaintance with the character, the standing, and the probity of the men whom they should select would insure such appointments as would secure in the appointment of subordinates a like degree of capacity and reliability. The credit, not simply of the incumbent of the gubernatorial chair, but the credit of the Commonwealth over which he presided, would be equally involved in the good or bad results of his supervision, exercised by his selection of a suitable supervisor, and it is fair I think to assume that in no manner would it be possible to make better selections of good and competent officers than by this mode of appointment.

It would insure also the appointment of men to execute this work who were familiar with the entire section under their charge, and thus more properly adapted to their work than men from remote sections of the country called on to perform their labors in a place where they were unacquainted with either the people or their manners and customs; unacquainted with the country itself, its resources, or its wealth; unacquainted with the moral character of the people, their dispositions, and their capacities. It must also be borne in mind that no political advantage to either of the great parties would result from pursuing such a course. While it is true that there are to-day twenty-three democratic governors and but fifteen republican governors; it is equally true that the States which have republican governors have

a population in the aggregate about equal to that of the remaining twenty-three States.

The comparison made between the opportunities for effectiveness which would be respectively enjoyed by a superintendent or a governor is too striking, it occurs to me, to fail to bring conviction to any mind.

But it has been suggested that the legal status of the person charged primarily, in any section of the country, is an uncertain one; that is, as to whether he is or is not an officer, properly speaking, of the United States; and this question is of interest because it involves the further question, whether obedience on his part could be enforced by the Government. It has been a principle generally recognized in the abstract that when an appointment is made to perform a certain duty the acceptance by the party to whom the office was tendered would enable the appointing power to enforce obedience on his part.

I do not hold, however, that the persons charged directly with the enumeration, would be, in the eyes of the law, technically speaking, officers. The only recognized officers of the Government, under the bill, with the proposed amendments, would be those appointed upon the nomination of the governors of the respective States and Territories, and they would receive their appointments not as State officers but as individuals. The governors of the several States and Territories would occupy precisely the relation to these individuals appointed on their recommendation that a member of Congress occupies to the cadet at West Point or Annapolis nominated by him, and appointed by the Secretary of War; and the relation of the officer so appointed to the General Government would, after his acceptance of the office, be precisely the same as that occupied by a supervisor appointed under the proposed amendments of the House.

Mr. WILLIAMS, of Oregon. Will the gentleman allow me to ask him a question?

Mr. MANNING. Yes, sir.

Mr. WILLIAMS, of Oregon. What advantage is to accrue to this service by apportioning this nominating power among the governors of the States?

Mr. MANNING. I will answer that with all freedom, sir. I believe the nearer you get the servants to the people whom they serve the more vigilance and good-faith can be expected. I believe that those who constitute the arm of the law in gathering up this information, comprehended within the range of statistical science, can be more confidently depended upon touching the accuracy of their reports when appointed by the governors of the several States than otherwise. I use the word appointed instead of nominated, and if they may practically be considered the same, be it so. We can, I repeat, more confidently look to the appointees of the governors of the States than to the Superintendent in Washington, who will be from one hundred to many thousands of miles away from the persons whom he will be called upon to appoint.

I call attention to the fact that the republicans, with a unanimity which was remarkable when the bill reported by Mr. MORRILL was under consideration in the Senate, by the position they then took are estopped from asserting that the nomination is the appointment. The gentleman from Kentucky [Mr. CARLISLE] called attention to the fact that under the provision of the census bill the Superintendent created by it to take the census is to nominate all the supervisors not to exceed one hundred and fifty in number, and upon his nomination the appointment is to be made by the Secretary of the Interior.

As to the technical distinction between the status of an officer where his appointment has been a direct one, without the intervention of a nomination, and where there has been such intervention, I find it unnecessary to speak, because any objection on this point which could be made to the proposed House amendments could also be appropriately made against the Senate bill. This issue, therefore, has no place in this controversy. But as the greater objection to the Senate bill is, that its tendency is to further the attempts of a certain class of politicians to centralize the powers of the Government, so the greater merit of the House amendments proposed is, that they indicate the establishment of a system which will decentralize these powers, prevent such an insidious blow at the liberties of the country, and maintain one of the first and most highly cherished principles of the democratic party.

It occurs to me at this point that this comparison which, I have made with regard to the main features of these two bills, is sufficient to demonstrate, in a contest between the two, the superiority of the provisions of the bill as amended in the House, not only to democrats, but as well to those republicans who are able to rise far enough above party to hold their country in the first place.

Assuming this to be true, I take up the consideration of some few questions presented by the opponents of the House bill. I think it would be more correct for me to say consideration of the question, for the chief opposition to the House bill is found in the charge that it is unconstitutional. That I may not be misunderstood, I desire to say here that the only defect in the House bill, in my opinion, is that it does not go far enough. To maintain this proposition I assert what I believe to be a proposition never submitted until the present Congress. At least it is one that has never found expression, as far as my research extends, in past legislation. It is a step in advance of that line which has been hitherto laid down as the boundary between the States and the Federal Government. While it is advance ground, and may be so regarded by those who have never given it but cursory consideration, yet we are comforted with the thought that no adverse judgment has ever been pronounced thereon by any statesman or jurist in the history of this country. I hold that this matter in all justice, as well as for the sake of approaching as near perfection as may be in the adoption of a system for taking the census and performing the labors directly and intimately connected therewith, should be confided to the charge of the States. And I express the hope that thoughtful men generally throughout the country will concur in this view. It involves nothing sectional; it involves simply the exercise of a power by the authority where it may be best exercised, and from which the largest results may be obtained. It is needless then for me to say, that I recognize with pleasure the primary step looking to this end, which will be taken by the passage of the Senate bill amended as proposed.

The first question that presents itself in the consideration of this bill with the proposed amendments is whether the power exists in Congress to pass and enforce such a law.

Section 2 of article 1 of the Constitution of the United States, referring exclusively to the taking of the census, provides for the enumeration of the citizens of the country under the control of the Congress of the United States. And in order that it shall not be said that this power was conferred upon them without a previous consideration of this question—without a full knowledge of the issues presented having been brought directly home to them, I desire to quote from the Journals of Congress for the year 1783, under date of Friday, April 18, of that year, where Congress, having under consideration the report of the Committee on Finance, and with a view to provide for the manner of determining and regulating taxation, made an alteration in the articles of confederation to be submitted to the delegates for ratification, wherein, it provided for the taking of the census; and the clause enacted by them closed with the following words:

Which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.

I quote here section 2 of article 1 of the Constitution, that it may be seen how unreservedly the power of regulating this matter is confided to Congress. This section reads as follows:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

I can imagine no mode of expression through which this power could be more absolutely or unequivocally conferred upon Congress. The words are clear, plain, and unambiguous. There is no limitation of the power therein conferred upon Congress. There is nothing hypothetical embodied in this language which would justify a demand for a forced construction.

Under this provision it is within the power of Congress to absolutely control this entire question as a whole. The minor details, the most insignificant and unimportant features in the system are completely within its control. It has the same power to say who shall make this enumeration and collect these statistics that it has to pass any law regulating it in any way whatever. It may if it chooses designate in the law who shall perform this labor. Nay, more, Congress may by virtue of this section appoint a committee of its own members, and direct them to perform this duty, if it were practicable for this work to be done in this manner.

In what manner, Mr. Chairman, is it sought to qualify or limit this power so positively and unqualifiedly bestowed upon Congress? They attempt to do this by claiming that there is a repugnance between the section of the Constitution which I have quoted, and the second section of the second article of that instrument.

I will read this section last referred to in order that its full scope may be plainly presented.

It reads:

SECTION 2, ARTICLE 2.—He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

By a most extreme rule of construction only would any interpretation of the language of the Second Section of the First Article be admissible. It would be utterly unjustifiable except on one of two theories: either that an ambiguity was created by the language of other clauses or portions of the same instrument, whereby the symmetry of the entire framework would be marred, unless the apparently conflicting portions could be harmonized, or upon the theory that a necessity had arisen for such construction, in order to escape "absurd consequences or to guard against some fatal evil." Chief-Justice Story says on this point:

When its words are plain, clear, and determined, they require no interpretation as a general rule. If, in such a case, interpretation is ever admitted, it is only in some cases of actual neces sity, to escape from absurd consequences or to guard against some fatal evil.

Now I submit, Mr. Chairman, that the necessity for any construction of the clear, plain language of section 2 of article 1 of the Constitution does not exist upon either of these theories. The second section of article 2 of the Constitution provides exclusively for the manner in which

certain officers of the Federal Government shall be appointed. It has no connection, directly or indirectly, with the section which confers upon Congress the power to determine the mode in which the census shall be taken, whereas the section sought to be controlled by it relates exclusively to the taking of the census. The one has a direct application to one thing, about which no dispute can arise; the other confers full power upon Congress to perform a certain duty and exercise the power conveyed in the manner it shall direct. It would be absurd to say that there was such a conflict between the two sections as to justify a forced interpretation which would limit the power expressly conferred.

Section 2 of article 2 of the Constitution provides that appointments to certain offices therein named shall be made through the concurrent action of the Chief Executive and the Senate of the United States, and for the appointment of inferior officers, the manner of whose appointment may be determined by Congress to the extent of conferring the power either upon the President, a head of a Department, or a judge of a court. And the power is further confided by that section to Congress to place the power of appointment of such inferior officers as they think proper in the hands of certain officials named in that section. Here are direct powers conferred upon Congress in reference to the appointing power alone, as in section 2, article 1, is conferred upon Congress the power to determine in all its details the mode of taking the census. The inferior officers who are named in this section providing for appointments are clearly those who held positions at the time of the adoption of that section of the Constitution, and there is not a line or a word in it which would justify the position that Congress cannot appoint directly or through the medium of a nomination at the hand of any one it designates, or cause to be appointed by any designated authority after a nomination has been made, or without a nomination, such persons as it may desire shall carry out the measures it may adopt. It could not relate to the appointments to be made of special officers to perform certain special duties under a law passed by Congress which was intended to carry out the direct power conferred upon them. It is evident from this that there is no conflict between the two sections. It is equally evident that there is nothing in the structure of the entire Constitution which would authorize a forced interpretation, one contrary and opposite to the spirit and language of the second section of the first article of the Constitution; and an effort to make such forced construction would, so far from reconciling conflicting clauses, be an effort to mar the symmetry which was created by the framers of the Government.

With reference to the other ground upon which the right of making a forced interpretation would arise, that is, that absurd consequences and fatal evils would result from giving that section its true interpretation, I can speak in stronger terms. The danger which is to be anticipated, and the fatal evils which are to result are the frauds which might result from a forced and uncalled-for interpretation. On the other hand, what mischiefs, what injuries, can be inflicted by simply adopting the plain construction of the second section of the first article. To attempt to give it a forced interpretation would in reality mar not only the symmetry of the organic law, but, as I have been led to remark before, it would enunciate a principle that the powers which are conferred upon Congress by the Constitution may at all times be modified in one form or another, although these powers are plainly defined in the organic law, by a majority—a partisan majority—at any time determining that there is a conflict between the powers so conferred by one clause and the powers conferred by a different and distinct clause of the Constitution. Chief-Justice Marshall says, in the case of McCulloch *vs.* Maryland, reported in 4 Wheaton, 408–415, that—

> The government which has the right to do and act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means.

How apposite is this language to this present case. It would almost seem as though the words had been inspired, so that, preserved among our juridical history, they might now speak out in loud protest against an assumption which sought to destroy the harmony of that instrument with which his name is so honorably associated. With reference to this question of construction Mr. Justice Story, in his work on the Constitution, says:

> When the words are plain and clear, and the sense distinct and perfect arising on them, there is generally no necessity to have recourse to other means of interpretation. It is only where there is some ambiguity or doubt arising from other sources that interpretation has its proper office. There may be obscurity as to the meaning from the doubtful character of the words used, from other clauses in the same instrument, or from an incongruity or repugnancy between the words, and the apparent intention, from the whole structure of the instrument and its avowed object. In such cases interpretation becomes indispensable.

If this be an accepted rule, and I believe that it is, I am sure that its application to the section under consideration will result in showing that no forced construction of that section would be justifiable. Assuming it to be true, and I do not think that it will be disputed, that the right of Congress to control the means whereby it proposes to carry into effect the powers conferred upon it exists, there remains but one question to be considered, and that is whether there is any principle in our organic law, and especially with regard to the relations under that law between the States and the Federal Government, which would prevent the appointment of a State officer for the purpose of carrying into effect the Federal law which is operative within the States.

I prefer myself, in answering this question, not to argue the question abstractly. I prefer to cite precedents, so long established as to have acquired, in the absence of contradictory legislation, the force of law. I will instance the authority which is conferred by the Government upon the judges of State courts to naturalize former inhabitants of foreign countries who have sought and asked the boon of citizenship at our hands. Here is a direct power conferred by the Federal Government upon officers who hold their offices exclusively from the States, and are exclusively responsible to the States to carry out the provisions of a Federal law of the highest and most important character, and whose acts are unquestionably valid. But it might be proper to cite a more recent example of the recognition of the existence of this power on the part of Congress. I refer to the provisions of a law of Congress which authorized the appointment of commissioners from the respective States of the Union, upon the nomination of the governors of the respective States and Territories to the Paris exposition upon which the gentleman from Ohio touched very lightly. I presume that the gentleman was as prompt and as zealous in his support of the power that enabled governors to make those appointments as any other member on this floor. In this case it will be observed that the authority to appoint these commissioners was conferred upon the governors of the States by Congress. They were authorized to exercise the power of nomination to the President, who thereupon issued their commissions. It occurs to me that this illustration should have at least a highly persuasive effect. It will be borne in mind that in the construction of the Constitution we must be as careful in small as in great matters.

In the celebrated case of Prigg *vs.* The Commonwealth of Pennsylvania, reported in 16 Peters, 542 to 674, which involved the construction of the fugitive-slave law of 1783, the issue was distinctly made upon this question. Chief-Justice Story in this case used the following emphatic language:

> The fundamental principle applicable to all cases of this sort would seem to be that where the end is required the means are given, and where a duty is enjoined the ability to perform is contemplated to exist on the part of the functionaries to whom it is intrusted.

With reference to the power of conferring authority upon a State officer to carry out the Federal law, Judge Story says:

> As to the authority so conferred upon State magistrates, while a difference of opinion has existed and may exist still on the point in different States, whether State magistrates are bound to act, the opinion is entertained by this court that State magistrates may, if they choose, exercise that authority unless prohibited by State legislation.

In the same case Judge Taney used the following language:

> The State officers mentioned in the law are not bound to execute the duties imposed upon them by Congress unless they choose to do so, or are required to do so by the law of the State, and the State Legislature has the power if it thinks proper to prohibit them.

It would seem that the concurrence of these two eminent minds as to the authority to confer the power to execute the Federal law within the respective States upon an officer of the State wherein the law is to be enforced should determine and settle this question beyond controversy. Judge Taney, however, brings into the controversy another issue. While admitting that State officers could be clothed with authority, he does not think that the power to enforce obedience would exist in the Federal Government, and assuming this to be true, we necessarily fall back upon the proposition which I have heretofore made; and as I am satisfied that the intervention of the executive or judicial officers of the Government is unnecessary, I am satisfied that in such a case, looking to the source of this power—the Constitution—the acceptance of such an appointment at the hands of the Federal Government by a citizen of the State designated in the law would *per se* render him answerable for his failure or defalcation to the appointing power for the faithful performance of the duties with which he was charged.

I have considered, Mr. Chairman, as I stated I should, this question mainly with reference to its legal aspects, and I had intended to discuss this thoroughly, with no purpose to consider all the details. The amendments proposed by the House committee do not fully meet my wishes, but I am prepared to accept them as the foundation of a new and better system. While I shall not press upon this House my more advanced views upon this question, I desire to give notice at this time that I shall offer an amendment at the proper time to the effect that upon the completion by each supervisor of his report in his district due advertisement shall be made, by publication in a newspaper for thirty days before his report shall be transmitted to the officer charged with the duty of receiving it, of the fact that such work has been completed and that his books are open to inspection at his office. My object in offering this amendment is to secure an accurate and faithful discharge of the duties which will be allotted to these subordinate officers. No partisan effort can be successfully made in such event to defraud by improper or defective enumeration the people of any community of their rights. It would afford an additional guarantee and inspire confidence in the *bona fides* of the reports. His omissions would be liable to be discovered and his misrepresentations corrected, and a guarantee thus afforded to the Government and the people that the work was what it purported to be.

In conclusion, Mr. Chairman, I desire to state that the adoption of the system recommended in the Senate bill, with proposed amend-

ments, would seem to insure an accurate and complete report of the matters which should be covered by the census report. It will do away with the evils of the existing system, which is through its incompleteness and crudeness little more than a travesty, and it would declare that it is the sentiment of the democratic party that power should be as largely distributed among the people, and not concentrated, as is in harmony with the public law and consistent with the public weal.

It is to the maintenance of such doctrines as this, Mr. Chairman, that the democratic party should ever address itself. It has detected under the specious guise which has been assumed by the republican party their objects and aims. The democratic Senators who voted for the Senate bill doubtless did so because they supposed that it was the greatest improvement on the old plan attainable from a republican Senate, and with the further view of supporting within the next decennial period a law from which the defects of the original Senate bill would be eradicated.

Mr. CALKINS. Will the gentleman allow me to interrupt him for a moment?

Mr. MANNING. Yes, sir.

Mr. CALKINS. Does the gentleman from Mississippi claim that the language "in such manner as they shall by law direct" refers to the appointment or designation of officers to take the census as well as the manner in which it shall be done?

Mr. MANNING. I will answer my friend. I believe the language just read plainly gives plenary power to Congress over this subject.

Mr. CALKINS. Will the gentleman allow me another remark?

Mr. MANNING. Yes, sir.

Mr. CALKINS. I will call his attention to the Seventh Ohio Reports, new series, in which that very question was before the supreme court of Ohio, and Senator THURMAN was one of the attorneys upon that side and took precisely the opposite view to that taken by my friend from Mississippi. The court said:

Directing by law the manner in which an appointment shall be made and making the appointment are two distinct powers, the one prescribing how the act shall be done, being legislative; the other being administrative or executive.

Mr. MANNING. I will say that so far as Judge THURMAN's opinion is concerned——

Mr. CALKINS. He was one of the attorneys.

Mr. MANNING. Anything he would say construing the organic law of Ohio, that at all appertains to this discussion, would be as highly persuasive with me as the utterances of any man within our limits, but I have had no opportunity to examine the case referred to by the gentleman, and as I perceive that the Speaker's hammer is about to fall I am therefore in no position to form or express an opinion in regard to it.

[Here the hammer fell.]

Mr. CALKINS. I hope that by unanimous consent the time of the gentleman will be extended.

Mr. MANNING. I do not desire to detain the House but a few moments more.

Mr. GARFIELD. The gentleman can get the time in the five-minute debate.

The CHAIRMAN. The time limited for general debate upon this bill has expired. The Clerk will now read the bill by sections.

The Clerk read the fourth section of the bill, as follows:

SEC. 4. The Secretary of the Interior shall, on or before the 1st of April, 1880, upon the nomination of the Superintendent of Census, appoint one or more supervisors of census within each State and Territory, who shall be residents of the State or Territory for which they shall be appointed respectively. The total number of such supervisors shall not exceed one hundred and fifty. The Superintendent and the supervisors shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: "I, ——, (Superintendent or supervisor, as the case may be,) do solemnly swear (or affirm) that I will support the Constitution of the United States, and perform and discharge the duties of the office of (superintendent or supervisor, as the case may be) according to law, to the best of my ability;" which oaths shall be filed in the office of the Secretary of the Interior.

The Special Committee on the Census recommended the following amendment:

Strike out section 4 and insert in lieu thereof the following:

SEC. 4. The Secretary of the Interior shall, on or before the 1st day of March, 1880, designate the number, whether one or more, of supervisors of census, to be appointed within each State or Territory, who shall be residents of the State or Territory; and he shall immediately notify the governor of each State or Territory of the number of the supervisors and the boundary of the several districts therein. The supervisors shall be appointed by the Secretary of the Interior, on the nomination of the governors of the respective States or Territories, except that the supervisor for the District of Columbia shall be nominated by the commissioners of said District and appointed by said Secretary. The total number of such supervisors shall not exceed one hundred and fifty. The Superintendent and the supervisors shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: "I, — — ——, (Superintendent or supervisor, as the case may be,) do solemnly swear (or affirm) that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or supervisor, as the case may be) according to law, to the best of my ability; which oaths shall be filed in the office of the Secretary of the Interior.

Mr. CARLISLE. I offer the following amendment to the substitute for the amendment proposed by the committee:

Insert after the word "Secretary," in line 13, the following:

In case the governor of any State or Territory shall fail to make such nomination on or before the 1st day of April, 1880, then the Secretary of the Treasury shall make such appointments.

I agree with the gentleman from Ohio [Mr. GARFIELD] that Congress cannot, authoritatively, impose the duty upon the governors of the States or upon any other official of a State. This amendment is a provision which was contained in the original House bill, and all the committee supposed it was in the substitute until their attention was called to it a few minutes ago. It seems, however, that it has been inadvertently left out in preparing the substitute. Now, while it is true that it is not competent for Congress to compel State officials to perform Federal duties, yet it is equally true that if a State official does perform a duty of that character under an act of Congress, the act is valid and binding upon the Government and all others. The gentleman from Ohio was somewhat mistaken in his history when he stated that there were only two instances in which such legislation had taken place in this country. Two other very notable instances occur to me at this moment: one was the fugitive-slave law of 1793, which conferred jurisdiction upon State courts, and the other was the naturalization act of 1802, conferring jurisdiction upon State courts to grant certificates of naturalization, which, in that respect, is still in force and under which nearly all the naturalization papers are now issued. I do not agree with the gentleman, although I have no time to discuss the question now, that Congress has not the constitutional power to authorize the governors of the States to make the nomination of these supervisors.

I admit that it is very difficult to define precisely what is an office in the constitutional sense of the term. In its broadest and most comprehensive sense it is a public charge or employment, but while that is true, while every office is a public charge or employment, every public charge or employment is not necessarily an office within the meaning of the Constitution.

I think the best definition I have yet seen of what a constitutional office is, is that given by the judges of the supreme court of Maine in response to a question propounded to them by the governor of that State in the year 1822, and I will read a very short extract from it. The judges say:

There is a manifest difference between an office and an employment under the government. We apprehend that the term "office" implies a delegation of a portion of the sovereign power to and possession of it by the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another; still it is a legal power, which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the state.

Again they say:

It appears, then, that every "office," in the constitutional meaning of the term, implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws.

In accordance with this definition it has been held——

[Here the hammer fell.]

Mr. CALKINS. I desire to correct an error into which the gentleman from Mississippi [Mr. MANNING] fell when I called attention to the decision of the State of Ohio. In doing so I was quoting the language of the court and not of the attorneys upon either side. I called attention simply to the case.

I desire, Mr. Chairman, to say a very few words in reference to this question of constitutional power. I cannot discuss it of course in a five-minute debate as I would like to do, but I can give citations and authorities which may some time in the future as well as now be profitable to those who object to this provision of the bill that these supervisors of the United States shall be appointed by the governors of the States under the discretionary power given to the Secretary of the Interior.

Consequently it is tantamount to the appointing power, but when we read the article in the Constitution cited by the gentleman from Ohio we find that the language expressly places the power of these appointments either in the President or in the courts or in the heads of Departments, whichever may be designated by law. We find that the provision of the bill is in direct conflict with the language of the Constitution, because the language of the Constitution is that "the President shall have power to appoint all officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

The right to appoint all officers of the United States whose appointments are not otherwise provided for by law. Now, there is no denying the fact that the bill establishes certain offices. In the language of the Constitution these officers are established by law, and therefore the President is invested by the Constitution with the appointing power. The provision, therefore, is a direct violation of the Constitution; because the appointing power is taken from the hands of the President, or from the Secretary of the Interior, which is the same thing, and placed in the hands of the governors of the States in direct violation of the letter of the Constitution.

The difficulty, it seems to me, has been that gentlemen who have advocated this measure have confounded, as did the gentleman from Mississippi, [Mr. MANNING,] the manner of the appointment with the appointment itself. For the benefit of the gentleman from Kentucky, [Mr. CARLISLE,] who I know reveres the old judges of his own State, I will refer him to an early case in the State of Kentucky, in which this question is thoroughly discussed by Chief-Justice Marshall of the supreme court of Kentucky, on page 401. In that he distinguishes as clearly between the appointment of an officer and the manner of an appointment as does Judge Brinkerhoff, of Ohio, in the case I have just cited. In the syllabus of the case it is stated

that directing by law the manner in which an appointment shall be made is one thing, and making the appointment is another; the one is legislation and the other is administration.

I do not desire to take up the time of the committee in discussing a question which cannot be fully considered in the brief time allowed me. I desire to cite two or three other authorities which have come to my notice since this question has come up. I will cite Cooley on Constitutional Limitations, page 114, where this matter is epitomized in the strongest and tersest language, directly opposed to the theory advanced by gentlemen on the other side.

I will also cite the 66 North Carolina Reports, 59, in which the same question was before the court of North Carolina. Also a case in the Wisconsin Reports, page 513, in which this whole question is gone over. In all these decisions there is no diversity of opinion.

Mr. COX, of New York. I hope we will now have a vote on the amendment.

The question was on the amendment moved by Mr. CARLISLE to the amendment reported from the committee.

Mr. CONGER. I move to strike out the last word of the amendment. Some wise Frenchman said that the object and use of language was to conceal thought. Now I have waited with considerable interest to see whether all the language used by the gentleman from New York [Mr. COX] and by others who advocate this amendment would reveal any thought, any object, any design which could account for this amendment being reported here; or whether their arguments, like language itself, were intended to conceal the real object and purpose of the amendment.

Now, sir, it seems to me that when the Constitution declared that taxation and representation in the States should go together, the object was to prevent States from either diminishing the ratio of their taxation or increasing the ratio of their representation by any means within their power. Hence the General Government was to make an enumeration of the population to determine the number of people within the whole country, to determine the number within any State, so as to put it beyond the power of the States to make their numbers greater or less than the fact, either for purposes of taxation or representation. The General Government was to provide for a national enumeration, through its own machinery alone, and at its own will to determine the population of every State for purposes of representation and for purposes of taxation.

That argument, it seems to me, meets everything that has been said, or that can be said, in favor of giving States the right to take part in this enumeration, or to provide those who shall take this census. To my mind, unless it can be answered, it is a conclusive argument against giving to any State authority and power to make appointments by which the results of the census can be changed for any purpose whatever.

Now, I am not one of those who are sensitive about concealing my view of the object of legislation here. Mouth it as we will, the object of this bill is to give the democracy, in advance of the time when they may have control of this Government, the same power as if the people had confided to them the Government of this country, which is to make this enumeration. The object of this bill is to take away from the properly constituted authority, who should make and provide for this enumeration by the machinery which the Government may establish, the control of the matter and to pass it over in advance to democratic governors and give them a control which they would not otherwise have. Let gentlemen in their arguments say that they mean this for the democracy. Let them say that by giving these appointments to the governors of States they mean to give the democracy a control which they could not have under the General Government; and then we shall know what they mean. Do not smother it up with long arguments about Story on the Constitution. Do not smother up the object by reference to the decisions of the State courts. The world knows what you mean. We know what is meant. The object of this amendment upon which we are about to vote is to give the democratic governors the power to control the national census enumeration.

Mr. TOWNSHEND, of Illinois. Are all the governors democrats?

Mr. CONGER. Some twenty-odd of them are. And the gentleman will not deny that it is very desirable on his side of the House that the democratic governors in those parts of the country where democratic employés can be obtained should nominate and control the appointment of these enumerators. Now I like to meet this thing in this open plain way.

The object is to take away from national control and to give to State control the appointment of enumerators—solely, expressly, absolutely for political purposes—deny it who dare.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. CARLISLE] to the amendment reported from the committee.

The amendment was read, as follows:

After the word "Secretary," in the thirteenth line of the amendment, insert: In case the governor of any State or Territory shall fail to make such nomination on or before the 1st day of April, 1880, then the Secretary of the Interior shall make such appointment.

Mr. COX, of New York. To save time I suggest that this amendment be adopted without a division, and then the question will be on the amendment of the committee as amended.

Mr. BANKS. We do not want either.

The question being taken on agreeing to Mr. CARLISLE's amendment to the amendment, it was agreed to; there being—ayes 90, noes 76.

Mr. CONGER. I move to amend the amendment of the committee by striking out the following words:

On the nomination of the governors of the respective States or Territories, except that the supervisor for the District of Columbia shall be nominated by the commissioners of said District and appointed by said Secretary.

Mr. GARFIELD. I think this amendment ought to be accepted as harmonizing this matter.

The question being taken on the amendment of Mr. CONGER, there were—ayes 88, noes 91.

Mr. CONGER and Mr. GARFIELD called for tellers.

Tellers were ordered; and Mr. CONGER, and Mr. COX of New York, were appointed.

The committee divided; and the tellers reported—ayes 104, noes 111.

So the amendment was not agreed to.

The CHAIRMAN. The question again recurs on the amendment of the committee.

Mr. BUTLER. I offer as a substitute what I send to the desk.

The Clerk read as follows:

SEC. 4. The Secretary of the Interior shall, on or before the 1st day of March, 1880, designate and appoint the number, whether one or more, of supervisors of census, to be appointed within each State or Territory, who shall be residents of the State or Territory. The total number of such supervisors shall not exceed one hundred and fifty. The Superintendent and the supervisors shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: "I, —— ——, (Superintendent or supervisor, as the case may be,) do solemnly swear (or affirm) that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or supervisor, as the case may be) according to law, honestly and correctly, to the best of my ability; which oaths shall be filed in the office of the Secretary of the Interior. And each alternate supervisor so appointed shall be from a different political party, and shall be so certified by the Secretary of the Interior. Each State and Territory shall have an even number of supervisors. And each alternate enumerator to be appointed as herein authorized shall be selected and appointed from different political parties, and shall be certified to have been so selected and appointed. And it shall be unlawful for any enumerator to discuss any political subject, or distribute, or cause to be distributed, any printed matter other than pertains to his office during his term of office. And any violation of this section shall be punished, on conviction of the offender before any competent court, by a fine of not less than $100 or more than $1,000.

Mr. BUTLER. In preparing this amendment I have taken the fourth section and struck out the provision for appointment by the governors. I retain the provision fixing the total number of supervisors at one hundred and fifty, and provide that they shall be appointed alternately from different political parties. I have inserted the same provision as to enumerators. I have also made it penal for any enumerator during his term of office, which is one month, to discuss political topics or to distribute any printed matter other than that which pertains to his office. Of course he will be allowed to distribute schedules with the questions required to be answered. The object is to prevent any political discussion or the exercise of any political influence by the enumerators during their term of office.

Mr. TUCKER. Who is to make the appointments of supervisors and enumerators?

Mr. BUTLER. The Superintendent of the Census and the Secretary of the Interior.

Mr. TUCKER. Are they to make them concurrently or is the nomination to be made by one and the appointment by the other?

Mr. BUTLER. No matter as to that. The supervisors are to be alternately democrats and republicans.

Mr. TUCKER. But who is to select them?

Mr. BUTLER. The Secretary of the Interior.

Mr. TUCKER. Not the Superintendent?

Mr. EDEN. Does the amendment provide that any more than two political parties shall be represented?

Mr. BUTLER. The officers are to be of different political parties.

Mr. EDEN. There may be a dozen political parties at that time.

Mr. BUTLER. Undoubtedly there may be; but it is not likely there will be. Now, here is a non-partisan proposition; let us see both sides of the House vote against it. [Laughter.]

Mr. CONGER. I submit to the gentleman from Massachusetts that if a dispute arises among the supervisors or enumerators whether they shall pay their bills in greenbacks or in coin, that would be discussing a political question.

Mr. BUTLER. They will have no occasion to dispute with each other, for they will be in different districts.

Mr. CONGER. But with their landlord.

Mr. BUTLER. Pardon me, not at all.

Mr. CONGER. I hope the gentleman will be particular to exclude all reference to such subjects.

Mr. SAPP. I wish to move an amendment to the amendment. I move after the words "according to law" to insert "honestly and correctly."

Mr. CARLISLE. Does the gentleman from Massachusetts offer his amendment as a substitute?

Mr. BUTLER. I wish to say that I do not object to the amendment of the gentleman from Iowa, but will accept it as a modification of my proposition.

Mr. COX, of New York. Is this a substitute for the amendment?

The CHAIRMAN. The Chair is of the opinion that the first vote

is to be taken on the amendment of the committee. The committee propose to amend the original text for which the gentleman offers a substitute.

Mr. CARLISLE. But the gentleman from Massachusetts states he now offers his proposition as a substitute for the amendment reported by the committee. That being the case, the vote must be taken first on his amendment to the amendment.

The CHAIRMAN. In that case the vote will first be taken on the amendment of the gentleman from Massachusetts.

Mr. BUTLER. Let the amendment be read.

The amendment was again read.

Mr. RANDOLPH. I desire to ask the gentleman from Massachusetts a question.

Mr. BUTLER. Certainly.

Mr. RANDOLPH. Does the gentleman intend to make it a finable offense for a man to talk politics in this country?

Mr. BUTLER. I want to answer that question. [Cries of "Vote!" "Vote!"] Oh, don't hurry; you won't get through any sooner. [Laughter.]

I wish to answer the question of the gentleman from Tennessee. If a man takes an office which should be non-political, he takes it under the law that he shall not use it for politics, precisely as a man when he takes an office to watch in the silent-system prison over prisoners; he takes it under obligation not to talk with them during his term of services. I wish him to discuss politics everywhere and at all times except when he is in the office.

Let me add one word. Both parties are committed to this principle. When the republican party made supervisors of elections, in order to be fair, they made them from each political party to be appointed by the circuit court. When the democratic party made the electoral commission you remember you made equal numbers from each party in the House and Senate. [Laughter.]

A MEMBER. Not exactly.

Mr. BUTLER. From the House and Senate, didn't you?

Mr. McMAHON. But it was no use. [Laughter.]

Mr. BUTLER. And the question was who should get the balance. The other party—the wrong party you think—got the balance. Now, then, if your judges cannot carry on their business without being governed by politics, is it not best to have the supervisors, the enumerators, delivered from that temptation in attempting to get an honest census?

The Chairman put the vote on Mr. BUTLER'S substitute.

Mr. BUTLER demanded tellers.

Tellers were appointed; and Mr. BUTLER, and Mr. COX of New York, were appointed.

The committee divided; and the tellers reported—ayes 96, noes 97.

So the amendment was rejected.

Mr. COX, of New York. Good-bye, General. [Laughter.]

Mr. BUTLER. Good-bye to your bill. [Renewed laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. SYMPSON, one of its clerks, which announced the passage of a bill (S. No. 1535) for the relief of George Heard; in which concurrence was requested.

It further announced the passage of the following bills, with amendments in which concurrence was requested:

An act (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the re-funding of the public debt; and

An act (H. R. No. 3055) to promote a knowledge of steam-engineering and iron-ship building among students in scientific schools or colleges in the United States.

It further announced the passage of a concurrent resolution, in which concurrence was requested, providing for the printing of 5,000 additional copies of Hall's Second Arctic Expedition.

CENSUS.

The committee resumed its session.

Mr. TUCKER. I move to amend the amendment in lines 8 and 9 by striking out the words "Secretary of the Interior" and inserting in lieu thereof the words "Superintendent of the Census."

Mr. GARFIELD. That is better—it makes it clearer there is a violation of the Constitution.

Mr. SAPP. I move to add the words "honestly and correctly," at the end of the word "law," in the twenty-first line.

The amendment to the amendment was agreed to; and Mr. TUCKER'S amendment was then disagreed to.

Mr. BUTLER. I desire to strike out the words "on the nomination of governors of States" and in lieu thereof to insert the words "on the nomination of the Vice-President of the United States and the Speaker of the House of Representatives."

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

Mr. BUTLER. I wish to say a word upon that. Now, then, I make a tender of the olive branch. The majority of the committee having decided that we can authorize the governors of States, why of course we can authorize constitutionally the Speaker of the House and the Vice-President of the Senate to make these nominations. That will allow all these supervisors to be appointed by these two men together, each having a check on the other. We ought not to put it in the hands of thirty-eight governors of States and nine governors of Territories. It ought to be under some one head. My object in all good faith is to get this thing fair. I do not care anything about the question of politics. The census ought to be beyond dispute and it cannot be while we here are exhibiting a partisan division upon this question.

Mr. ELAM. I wish to ask the gentleman a question. It is whether the term of office of the Speaker of the House of Representatives does not expire on the 4th of March?

Mr. BUTLER. We can designate the person by name.

Mr. ELAM. I ask the gentleman if that is not the fact.

Mr. BUTLER. Undoubtedly. The term of office of the Speaker of the House expires on the 4th of March, but I will put in the word "present;" that makes it plain.

Mr. SPARKS. Put in his name and then you will have it right.

Mr. COX, of New York, addressed the Chair.

Mr. BUTLER. I have not finished yet. I desire to say to you gentlemen on the other side that you will not get anything better than this.

Mr. COX, of New York. I do not know to whom the gentleman is speaking, but I know he wants to kill the bill.

Mr. BUTLER. I suppose any other gentleman but the gentleman from New York would know on which side he was without my telling him.

Mr. COX, of New York. I believe the amendment is impracticable, and I hope it will be voted down.

Mr. GARFIELD. This is the goloid dollar of the census.

Mr. COX, of New York. Have I the right to speak?

The CHAIRMAN. The gentleman from New York [Mr. COX] has the floor, and not the gentleman from Ohio.

Mr. COX, of New York. I ask are we not acting in good faith toward that side of the House. If that side of the House chooses to take the Senate bill as it came to us I believe there will be no difficulty about it. As regards any divergence that may call for a committee of conference I pledge myself that this side of the House will be willing to take the Senate bill and make it a law. Its features are of such value that it ought not to be killed by the amendments now being offered.

Mr. GARFIELD. That is all right.

Mr. STONE, of Michigan. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GOODE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (S. No. 1685) to provide for the taking of the tenth and subsequent censuses and had come to no resolution thereon.

DESTRUCTION OF THE FOREST BELLE.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, dated the 17th instant, in relation to the destruction of the bark Forest Belle in Chinese waters in March last, submitted in compliance with the resolution of the House of Representatives of February 4, 1879.

R. B. HAYES.

WASHINGTON, D. C., *February* 18, 1879.

The message was referred to the Committee on Foreign Affairs, and ordered to be printed.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. BRIDGES. I ask unanimous consent that the evening of Friday, the 21st instant, be assigned for business of the Committee on Foreign Affairs, in accordance with a resolution adopted by that committee, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That in view of the fact that special orders have been assigned for all of the remaining evenings of this Congress, except Friday, the 21st instant, and this committee, unless accorded that evening to report some of the many matters of public importance which have been referred to them, will be unable to make any report this Congress: Therefore,

Be it further resolved, That the chairman, or any member of this committee, is hereby authorized to present these facts to the House and request the assignment of Friday evening, 21st instant, as a special order to hear reports from the Committee on Foreign Affairs.

Mr. WHITTHORNE. I object.

JONAS P. LEVY.

Mr. WILSON, by unanimous consent, from the Committee on Foreign Affairs, presented a report on the petition of Jonas P. Levy; which was recommitted, and ordered to be printed.

RESTRICTION OF CHINESE IMMIGRATION.

Mr. WILSON also, by unanimous consent, from the Committee on Foreign Affairs, presented a report on petitions for the restriction of Chinese immigration; which was recommitted, and ordered to be printed.

TREATY WITH MEXICO.

Mr. WILSON. I now ask unanimous consent to present a report from the Committee on Foreign Affairs, for present consideration, touching the question of a further treaty with Mexico.

Mr. MORRISON. I object.

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

WITHDRAWAL OF PAPERS.

Mr. DANNING. I am instructed by the Committee on Military Affairs to report their recommendation that leave be granted to withdraw from the files of the House a copy of the printed order of President Johnson accepting the resignation of Captain J. Scott Payne, the case being one on which an adverse report has been made.

Mr. CONGER. Was this application referred to the committee?

The SPEAKER. It was. When an adverse report has been made, an application for withdrawal of papers must of necessity under the rule be referred to the committee which has charge of the case.

On motion of Mr. HARRISON, by unanimous consent, leave was given to withdraw from the files of the House papers in the cases of Reynolds and Smith, Foster and Smith, W. W. McFailin, and G. Vaguella; there being no adverse report in either case.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARTIN, for three days, on account of important business; and to Mr. GARDNER, indefinitely.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from North Carolina, [Mr. STEELE,] that the House do now adjourn.

Mr. COX, of New York. I hope we will not adjourn. We can go on with this bill to-night and finish it.

Mr. HALE. A special order has been made, assigning this evening for the consideration of the legislative appropriation bill.

Mr. COX, of New York. That has been arranged with the Committee on Appropriations.

The SPEAKER. The hour of five o'clock having arrived, at which hour the House determined to take a recess, the House is in recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House resumed its session at seven o'clock and thirty minutes p. m.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union, my object being to consider the legislative, executive, and judicial appropriation bill.

Mr. COX, of New York. I would like to make a parliamentary inquiry.

Mr. ATKINS. I will yield a moment to the gentleman from New York, [Mr. COX.]

The SPEAKER. The gentleman from Tennessee has not the power to yield.

Mr. COX, of New York. When the House adjourned, the bill in regard to the census was pending; what will be its place to-morrow?

The SPEAKER. It will come up to-morrow. The Chair thinks there can be nothing done to-night except the consideration of the legislative, &c., appropriation bill, according to the terms of the resolution by which to-night's session was ordered; and they are explicit.

Mr. ATKINS. Would not the bill to which the gentleman from New York refers come up for consideration to-morrow morning?

The SPEAKER. Of course the question of consideration can be raised against it, but it will come up as unfinished business. The Chair will be bound to recognize it as the unfinished business of the House.

Mr. COX, of New York. I hope my friend from Tennessee will not insist on his motion.

The SPEAKER. It would not assist the gentleman if the gentleman from Tennessee did not insist upon it, because the census bill would not come up.

Mr. COX, of New York. I do not desire to make any argument, but I give notice that I shall call up the census bill to-morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question was taken upon Mr. ATKINS's motion; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. PAGE. With the consent of the chairman of the Committee on Appropriations I would like to offer an amendment to section 2 of the bill and test the sense of the House upon it. I have no doubt that the Committee on Appropriations will accept the amendment.

Mr. ATKINS. The gentleman has a right to offer the amendment without my consent as chairman of the Committee on Appropriations.

The CHAIRMAN. The Chair would state that there is an amendment pending, which is a substitute for the remaining sections of the bill.

Mr. PAGE. I move to insert, in line 9 of section 2, after the word "except," the words "the public-land surveys and." Strike out all after line 20; so that the section will read as follows:

SEC. 2. For the salary of the Superintendent of the Coast and Interior Survey, $6,000: *Provided*, That the present Coast and Geodetic Survey, with supervisory and appellate powers over the same authorized by law, is hereby transferred from the Treasury Department to the Department of the Interior, and shall hereafter be known as the Coast and Interior Survey, and shall have charge of all surveys relating to questions of position and mensuration of the coast and interior, except the public-land surveys and the special survey necessary for geological purposes, the survey of the northern and northwestern lakes now under the direction of the War Department, and local surveys required for the improvement of rivers and harbors, and surveys necessary for military purposes immediately connected with the operations of the Army, in accordance with the plan reported to Congress by the National Academy of Sciences, under the act of June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes."

Now, Mr. Chairman, one word only. I propose to strike out from line 620 the balance of the section, and I desire to say that in doing this it seems to me that this ought to be satisfactory to the Committee on Appropriations. The bill will then contain all the features providing for the unification of the surveys, the transfers from the Treasury to the Interior Department, all the scientific surveys, and those of the Coast Survey. So far as I am individually concerned I have no objection to the third section of the bill. I do not desire to antagonize anything in the bill that relates to the scientific surveys, but I ask the House not to disturb the present system of the public-land surveys until such time as a committee of the House shall have had an opportunity to examine the matter and report a plan with all the machinery necessary to carry it into effect for the making of those surveys under a different department.

I hope, therefore, that the Committee on Appropriations will see that this is an important subject, and that the change proposed ought not to be adopted without further consideration, for it is a transfer of the land surveys and change of the whole land system by which the people know how to obtain their titles to the public lands under the various laws of Congress.

Mr. WIGGINTON. Do I understand my colleague to say that this amendment changes the mode by which the people get their titles to their lands?

Mr. PAGE. In answer I will simply say that my colleague must know that this change of public land surveys, abolishing the office of the surveyors-general in the States and Territories, will certainly create such a friction in the discharge of the duties which they are now called upon to perform that it would render it almost impossible to carry out the laws as now provided by the statutes of the United States.

Mr. WIGGINTON. But you do not pretend to say that the change will prevent the people from getting their titles?

Mr. PAGE. The bill abolishes certain officers upon whom the law imposes certain duties without providing other officers to perform those duties.

I hope my colleague will see the necessity of not forcing the matter upon the House at this time. Let the fourth, fifth, and sixth sections be stricken out, and let there be a commission of practical men appointed to report to the next session of Congress a bill with all the machinery complete for carrying out the work the House can adopt, and if any more economical system or a better method should be reported, then I shall certainly have no objection to it if I should be here. I feel that it is dangerous at this time to adopt a system of land surveys at variance with that which has been in vogue for eighty years.

Mr. PHILLIPS. I hope the amendment offered by the gentleman from California [Mr. PAGE] will not prevail. There is nothing more difficult to accomplish than a parliamentary reform. For many years, as members of this House know, appropriations have been brought in every year, generally in the sundry civil bill, for the different surveys, and we have been promised each year that we would have offered us the next year a uniform, intelligent, coherent system of surveys of the public lands and of the great unexplored domain.

This proposition, brought in by the chairman of the Committee on Appropriations [Mr. ATKINS] in this bill, is not really objected to so much for the general principles it contains as because it assails existing establishments, and chiefly from the fact that it strikes down the offices of sixteen surveyors-general.

When two years ago the office of surveyor-general of my own State was abolished I never uttered a word of objection to it. I thought then, as I think now, that there never was an office on the face of the earth for which there was so little use as the office of surveyor-general. What do these surveyors-general do? They let contracts for surveys; that is all. The surveys when made are approved by the Land Commissioner in the Interior Department. Those surveys are merely delayed for a few weeks in the office of the surveyor-general, to go through a little red-tape and delay action on them, as all action affecting them is determined in the General Land Office.

Mr. HASKELL. Will my colleague allow me to ask him a question?

Mr. PHILLIPS. Certainly.

Mr. HASKELL. Does not my colleague know that the office of surveyor-general in the State of Kansas was not abolished until the entire State had been surveyed?

Mr. PHILLIPS. The surveys have been completed since that time.

Mr. HASKELL. No; they have not.

Mr. PHILLIPS. It included not only Kansas but Nebraska in the same surveyor-general's district.

Mr. HASKELL. Not at all.

Mr. PHILLIPS. When, two years ago, it was abolished, it was the office of surveyor-general of Kansas and Nebraska, and I did not resist it. I say here to-day that when the chairman of the Committee on

Appropriations comes in with a proposition to strike down these sixteen useless officers, with their clerks and their rents, he proposes a just reform that ought to commend itself to this House.

I say that the surveyor-general has no duty to accomplish that is of any use or that could not be better performed elsewhere. He is merely a clerk to let contracts, which are afterward subject to approval by the Commissioner. It has been said that before civil-service reform these surveyors-general used to charge from 5 to 10 per cent. to those men to whom they let contracts. That was all the service they performed, so far as I have observed. They did not approve the surveys; they merely received them, held them in their offices for a while, delayed them there for some weeks, made a report upon them, and then they were transmitted to the Commissioner of the General Land Office for his approval. I say there is no use for these offices, and there never was any use for them.

I can understand how gentlemen from those States and Territories in which these offices of surveyors-general are now established by law may have a sympathy for the men that the pending proposition, if adopted, will remove from office. And I say to the gentleman from California [Mr. PAGE] that the surveyor-general of California is the only one who has a single function beyond that which I have stated. He has a few judicial functions of an insignificant character to perform in reference to mining claims, and he ought never to have them.

Mr. PAGE. What are they?

Mr. PHILLIPS. In reference to the mining lands.

Mr. PAGE. I presume the gentleman is familiar with them?

Mr. PHILLIPS. He has a small judicial function which I am not perfectly able to explain, but which the gentleman perfectly well understands. And I will say this, that an administrative officer ought never to have any judicial functions to perform. I have myself brought into this House a bill providing that all contested cases in regard to the public lands shall go to the local courts where they ought to go. But the surveyors-general never had a function that was required in Government. They perform now no useful function. They are merely an intermediary clerk to let surveys.

As to the land surveys I wish to say that a remarkable misunderstanding seemed to prevail here the other day upon this subject. There is no change in the land system, no change of the system of surveys in the proposition submitted here, none whatever.

Mr. HASKELL. Have you read the bill?

Mr. PHILLIPS. I have read the bill.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCKNER. I move to strike out the last word, and will yield my time to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS. I thank my friend from Missouri [Mr. BUCKNER] for his courtesy. We had a dispute here last week as to this system of triangular and rectangular surveys and the geodetic. The orators hurled these words at each other with fearful vehemence. It was absurdly expressed that the whole system of surveying was being revolutionized. Now what is proposed is merely this: in that great country of the West there are away among the vast ranges and peaks of mountains little valleys here and there, some containing perhaps half a dozen townships, and others fifty or one hundred miles off containing two or three townships. This system of surveying by triangulation merely requires the establishment of an initial point in each of these places; this it can do much more accurately than by the old methods, and then the surveys will go on under the old system until these spots are resurveyed and marked just as they have been, starting from these initial points. The bill only provides for this in the judgment of the Secretary when it is more accurate and economical. Surely no one will object to that.

Mr. HASKELL. Allow me to ask the gentleman a question.

Mr. PHILLIPS. Certainly.

Mr. HASKELL. On page 84 of this bill will be found these words:

That hereafter surveys of public lands shall, at the discretion of the Secretary of the Interior, be made under the deposit system.

Now, does my colleague [Mr. PHILLIPS] say that under existing law there is any judicial power lodged in the Secretary of the Interior in any way?

Mr. PHILLIPS. I will say to my colleague that with regard to the clause to which he has referred I do not favor it. It is merely an incidental provision in the bill to which I intend to make objection at the proper time.

I favor having the surveys made by this Government as rapidly as possible of all lands fit for cultivation.

I say to the gentleman, however, that it does not touch the question as to surveyors-general. It does not touch the question as to whether we shall have a uniform system of surveys under one head.

Mr. HASKELL. Allow me to call the attention of my colleague to another point. On page 83 of the bill it is provided—

That the rectangular method with township and sectional units shall be retained whenever it can be appropriately and economically applied.

Thus the discretion is left with the superintendent of this survey to dismiss the whole scheme. Is that in any existing law or statute?

Mr. PHILLIPS. Let me say to my colleague that in the provision just read we merely give to the head of this survey the means of adopting the most economical and accurate mode of survey, a discretion which certainly we ought to be able to give him. I think it is a power which ought to be bestowed upon and exercised by this officer. If there is any better, more accurate, more economical mode of making surveys, surely that mode ought to be adopted. We have been saying for many years that we ought to have a uniform system of surveys. We have been expecting from year to year that such a system could be agreed on.

I do not approve of all the points embraced in the bill, but I approve the essential features of this proposition. I think that the House ought to adopt now a uniform system of surveys; that it ought to abolish the useless offices of surveyors-general. I think that it is high time a system of dividing the remaining western country should be adopted which would provide for mineral claims, agricultural lands, lands requiring to be irrigated, and mountain pasturage. Such a system is loudly called for, and this plan will furnish us the means.

Mr. PAGE. Is the gentleman in favor of changing the law so as to abolish the offices of sixteen surveyors-general without providing in this bill for the appointment of any officers who will perform the duties now imposed by law on these surveyors-general?

Mr. PHILLIPS. What duties do they perform? Will the gentleman, will any gentleman state to this House what these valuable duties are? I should like to know.

Mr. PAGE. I am speaking about the duties imposed under the mining act, requiring the certificate from the surveyor-general that five hundred dollars' worth of work has been done upon the mining claim.

Mr. WIGGINTON. Surely my colleague understands that we allow the superintendent of surveys to do all that.

Mr. PAGE. The very reason why the Chairman ruled this provision in order was that on the face of it there was economy in dispensing with these officers without providing any others in their place.

Mr. PHILLIPS. This bill contains a provision under which those questions arising in the mining States can be properly determined. The bill provides for the creation of an office under this survey that shall retain those records and shall have the same power as the surveyor-general now has.

Mr. PAGE. Where is that provision?

Mr. PHILLIPS. I think the gentleman will find it in the bill if he will examine it.

In conclusion, I will simply say that to strike down sixteen useless officers is a measure that no doubt hurts. I can understand, therefore, why the change should be resisted. But I wish to say to the House that it is a just provision; for these officers accomplish no purpose that cannot be better accomplished in another way.

[Here the hammer fell.]

Mr. COVERT. I move a formal amendment to strike out the last word. Upon the pending proposition I am quite in accord with the gentleman from California, [Mr. PAGE.] From all that I can gather in conversation with members upon both sides of the House I do not believe we are prepared at this time to vote understandingly upon this proposition, involving possibly gigantic changes from the established condition of things with reference to the system of survey. In the haste and bustle of our legislation the report of the Academy of Sciences, upon which this proposition, as I understand, is founded, was allowed to pass almost unchallenged and unnoticed. I, for one, fail to see why so much regard should be attached to a report emanating from this academy. As I understand (and I think the correctness of the statement will not be denied) the report of the academy was founded upon the report of a committee composed of six members, and only one member of that committee made any pretension to a practical knowledge of land surveys, or at least to the practice of land surveying. I for one decline to pin my faith upon a report or statement or opinion coming from only one expert upon a largely important matter of this kind, more especially when there are other gentlemen equally able, equally expert in their profession, who are pronounced in their opposition to this system.

I fail to see why there should be so much condemnation passed upon the system of surveys by contract. As I understand, these contracts in almost every instance are taken by local surveyors who understand the situation of the country in which their labors are prosecuted. The contracts, I understand, are given out fairly to men who will take them upon terms most advantageous to the Government. These contractors do not handle a single dollar of the Government money, yet they are obliged to give security for the faithful performance of their duties. Not one dollar of the public money do they draw for their work until it is approved by the Commissioner of the General Land Office or by some person in authority.

Mr. GAUSE. Will the gentleman from New York permit me to ask him a question?

Mr. COVERT. Certainly, sir.

Mr. GAUSE. Does not the Commissioner of the General Land Office favor the abolition of the contract system?

Mr. COVERT. I understand that the Commissioner of the General Land Office condemns this system. Why? I do not know that he has given any reason for the faith that is in him. But in this project I see, as other members older in legislation than I am see, a plan for the centralization of power. It is but natural that the head of this department should want to control all its functions as best he can. I think that when the reasons of the Commissioner of the General

Land Office are examined this will be found to be the principal reason actuating him in making this suggestion.

Now, Mr. Chairman, appeals have been made, and very urgent appeals, too, to gentlemen upon both sides of the House to support the pending section of this bill on the ground of economy. The statement has been made, notably by the gentleman from Tennessee [Mr. ATKINS] having this bill in charge, that if the bill is passed there will be an immense saving to the Government as the result of its passage. I do not doubt but that these statements are conscientiously made. But my colleague from New York, [Mr. HEWITT,] always conscientious in statement, further on in the debate, when he came to talk of the economic features of this bill, was fair enough and frank enough to say that upon the score of economy he did not believe either the one side or the other could claim the advantage. And further on in his argument he said to the committee the cost of the survey would be altogether dependent on the amount of detail involved in the work. A little further on in his argument he said that this gigantic scheme was intended to employ the best talent of this country, and that full scope, full latitude must be given them to push their honorable professional ability to the farthermost limit.

If this means anything it means elaboration; if this means anything it means detail; if this means anything it means a large expenditure of money for the gratification of this "laudable professional ambition." It means anything else and everything else, sir, but economy. I for one believe that in a subject of this magnitude, involving such heavy interests, involving interests that you and I sitting at our desks here can hardly estimate, the old German maxim "make haste slowly" has its proper application here.

The fifth section of the bill provides for the creation of a commission still further to digest the laws and the methods with reference to this survey. Would it not be well, would it not be proper, that we wait for the coming in of the report of that commission, and that we put in practice the German maxim I have quoted?

[Here the hammer fell.]

Mr. HANNA. I shall submit but a few words, in the nature of practical suggestions, as furnishing the basis of my opposition to the proposed legislation as reported in the bill.

First. I deem it unwise to ingraft upon an appropriation bill such important legislation of a general nature. The change proposed is sweeping, radical, and revolutionary, and its import, in the very nature of things, is not and cannot, after the few hours' debate allowed, be correctly and fully understood by members. Such a measure should be subjected to the practical tests of public necessity.

Second. Every facility should be afforded the actual settler in the way of the survey of the lands he may desire to purchase or preempt, and for the speedy perfection of his title. The nearer you have the land offices, the surveyor's office, and the records of each to the purchaser or settler, the more efficiently you subserve their interest and thereby that of the public. Like the local courts under our form of government, the nearer you have them to the people the greater certainty you will have in the administration of exact justice. Not only while our public domain is being settled up is there a necessity for frequent reference to these records, but experience proves that this necessity continues to exist long after the Territories become States. It is the sons of the men who have long been accustomed to our present system of land survey, the young men of the so-called Middle and Western States, who are in a great measure peopling our Territories. They and their fathers know what it is and are familiar with the system. It furnishes certainty and security in the way of title. A centralization of all the machinery here at Washington would necessarily subject the actual settler to vexatious delays and increased expense. The greater facilities you furnish the settler in the way of perfecting his title the more rapidly you settle our domain.

Again, we are asked to embark upon a system the present and ultimate expense of which we have not been furnished with reliable data. I call attention to the statement of an intelligent and well-informed writer upon this subject, as tending to show that by the passage of the amendment we commit ourselves to a system of extravagant expenditure ruinous in its consequences:

> Had General Comstock been called and asked for his experience in a geodetic and topographical survey of three thousand miles of lake coast, and asked for the results of his close study of the methods and the costs of the great surveys of Europe, similar to the one now proposed for this country, he could have convinced the committee, by figures which could not be disputed, that this survey must eventually cost fully $520,000,000 if ever prosecuted and completed according to the proposed plan, and that a rough survey, which could barely be said to come within the provisions of the plan, would, if ever completed for the entire country, cost $156,000,000.
>
> Such figures as these do not appear even dimly through the provisions of the pending bill, but they are figures which cannot be successfully denied, even if all the scientists of the National Academy should unite to overthrow them.
>
> The bill, as reported, shows but little on its face of the vast plan which its language covers. By the skillful insertion of the words "in accordance with the plan reported to Congress by the National Academy of Sciences," this appropriation bill enacts the full text of this plan in the law, as fully as if it recited every word of it in the body of the bill. The terms of the bill seem to confine the work proposed to the remaining portion of the public domain, and it will doubtless be claimed on the floor by the friends of the measure that this is so. But the plan reported by the academy includes the "completion of a general accurate topographical map of the whole territory of the United States." This territory, exclusive of Alaska, is three million square miles. An accurate estimate of the cost of such work as this one sentence involves, executed by the Coast Survey, the new agent by which it is proposed to do the new work, and taken from the official reports of the cost of that work, for a period of fourteen years, and as returned by the Superintendent of the Coast Survey, shows that the cost of such completed work, when reduced and made available to the public in published maps, has been $403 per square mile, or at the rate of $1,209,000,000 for a "general accurate map of the whole territory of the United States," excluding Alaska.

Mr. HASKELL. Mr. Chairman, this plan that has been submitted to the House in Committee of the Whole is often alluded to as the report and the result of the investigation of the Academy of Sciences. It has been stated here time and time and again, as if this whole Academy of Sciences was *en rapport* with this pending measure of legislation.

Now, sir, I hold in my hand a letter from one of the prominent members of the Academy of Sciences. He goes on in the opening sentences of the letter to criticise the whole scheme of consolidation. I will read only some of the concluding portions of his remarks. He says:

> As a member of the National Academy, I take the liberty of stating that there is much opposition to it among the members. The names of Baird, (secretary of the Smithsonian Institution,) of Leidy, (University of Pennsylvania,) Lesley, (head of geological survey of Pennsylvania,) Guyot, (professor of geology in Princeton,) shows that this opposition springs from the strongest men in the Academy. They have a scheme for placing a graduate of one of their colleges in the single position which is to represent those now filled by Hayden, Wheeler, and others.
>
> Various statements are made as to the defects of the present system, but they have no just foundation. The present system is the most economical that can be devised; the engineer survey, as is well known, &c.

He goes on through the entire letter advocating the letting alone of this whole system.

Mr. WIGGINTON. Who is the author of that letter?

Mr. HASKELL. I do not care to state the name of the author of the letter.

Mr. GAUSE. Let the whole letter be read.

Mr. HASKELL. I have read all that I think it necessary to read.

Mr. WIGGINTON. Let us know the name of the author.

Mr. HASKELL. I am not to receive instructions from the gentleman from California. I will say that the letter was sent to a member of this House, the gentleman from Pennsylvania, [Mr. FREEMAN,] and that it is written by a member of the board in Pennsylvania. It is no *sub rosa* information.

Mr. SPARKS. The name of the author of the letter should be given.

Mr. HASKELL. I do not care to put the name of the author in the RECORD. I simply state that I have here this letter, of which I have read a portion, and that it was sent as a private letter to a member of this House.

Mr. WIGGINTON. You make it public by reading it here and having it put in the RECORD.

Mr. KELLEY. If the gentleman from Kansas will yield to me for one minute I will take the responsibility of saying that the members of that academy, the very men named in that letter, are opposed to the action of the academy, and would if they were on this floor say that that action did not express the opinions of those members of the academy who are most competent to speak on such matters as these surveys. I say that upon my own responsibility.

Mr. WIGGINTON. Will the gentleman from Pennsylvania allow me——

Mr. KELLEY. This is not my time. I have no time to yield.

Mr. ATKINS. Give us the name of the author of that letter.

Mr. KELLEY. I give you the name of the author of my assertion It is WILLIAM D. KELLEY.

Mr. HASKELL. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HASKELL. Then I rise to make a personal explanation as a matter of privilege. I do not care to be attacked in an informal way by members upon this floor and not even have the opportunity of stating the way in which I came into possession of this letter.

Mr. SPARKS. Is it competent, Mr. Chairman, for a gentleman to make a personal explanation in Committee of the Whole?

The CHAIRMAN. It is not.

Mr. SPARKS. Then I object.

Mr. PAGE. I ask unanimous consent that the gentleman from Kansas be permitted to conclude his remarks in which he was interrupted.

Mr. SPARKS. I object.

Mr. THOMPSON. I move to strike out the last word. I yield my time to the gentleman from Kansas.

Mr. SPARKS. I hope if the gentleman yields, that the gentleman from Kansas will give us the name of the author of that letter.

Mr. HASKELL. If you would violate the privacy of a private letter, I would not.

Mr. SPARKS. The gentleman ought not to read from a letter that he dare not give the name of the author of, and the whole of which he dare not read.

Mr. HASKELL walked across the floor to Mr. SPARKS, and (holding up the letter to him) said: There is the name.

Mr. SPARKS. I do not want to pry into your secrets. The gentleman ought to give the name of the author.

Mr. KIDDER. Mr. Chairman, it has been asserted by the advocates of the new scheme of surveys that there is no necessity of any further surveys of public lands for several years to come.

We ask attention to the following facts and figures in regard to the disposition of public lands in Dakota Territory for the year 1878 and the amount of land surveyed in that Territory during the same period of time:

	Acres.
Entered at the Fargo land office	772,556
Entered at the Bismarck land office	41,000
Entered at the Sioux Falls land office	1,000,000
Entered at the Yankton land office	505,909
Entered at the Springfield land office	265,549
Sold by the Northern Pacific Railroad Company, 1878	905,994
Sold by the W. and Saint Peter Railroad Company	21,270
Total amount of land taken in Dakota during 1878	3,512,278
Amount of public land surveyed in Dakota during the present fiscal year and returned to the General Land Office	694,000
Amount under contract, but not yet returned, estimated at	184,000
Total amount	878,000
Land taken in Dakota in 1878 over and above the amount surveyed	2,634,278

In other words, there has been over four times as much land taken up in Dakota Territory in 1878 as has been surveyed in the same length of time. In addition, the increase in population during the same period has been 500 per cent.

These facts clearly demonstrate that any system or scheme which will delay surveys in Dakota Territory for a number of years, or even one year or any time, is wrong and will work a great injury and injustice to the people of the Territory.

Mr. KEIFER. Mr. Chairman, there is some difficulty in understanding clearly what is intended in this bill. One thing is perfectly clear, that a system which has worked well in this country for a great many years is to be struck down and a system established which is to depend wholly upon the discretion of a single man. It is an anomaly in our legislation to say that we shall by law strike down a well-established system, carried on for many years successfully, and establish another one which will be utterly in conflict with all our laws in relation to the public land. By this bill it is provided that the Superintendent of the Coast and Interior Surveys shall establish such a system as he pleases and change it from time to time as he pleases.

A gentleman upon this side of the House, the other day, seemed to think that we had arrived at a time when it was absolutely necessary to change the system of surveys. He said that in our surveys, going westward, we had arrived, to use his own language, at the "foot-hills of the Rocky Mountain chain," and our present system of surveys are no longer applicable.

Now let me call the attention of the committee to one fact, that so far as the surveys in the Rocky Mountains and mining regions generally are concerned this bill has upon its face the confession that the new system or any new system would be an utter failure. It provides that in the future all the surveys of the mineral lands shall be done by deputy surveyors, according to the present law. It is proposed under the provisions of this bill which we are about to pass, to survey from the foot of the Rocky Mountains up to their top, and across them, and divide them into sections and quarter sections, or other divisions. This new system, whatever it is to be, if it is a radical change from the old one, will be a total failure in every sense, and all we shall have done will be to derange the well-established system for dividing the public lands into townships, sections, and quarter sections; a system perfectly familiar to all the people of the western country, as is evidenced by the strenuous opposition that is made here by almost every person representing the Western States. There may be an exception or two to this. These men, representing their constituents who are so deeply interested in this question, should be heard. They are properly alarmed at the threatened legislation. Why was not the subject brought up as a separate bill and not hitched on an appropriation bill? In this way we are forced to take much of our vicious legislation.

It is proposed to force upon a people who well know their wants and needs in this regard a system that is to derange everything. The gentleman said our surveys are inaccurate, and this was said by a gentleman who ought to have known how these surveys are carried on. If lines are under our present system run so as not to meet exactly, they are adjusted from time to time. The fortieth parallel is a base-line extending west from the Missouri River. It is the boundary-line between Kansas and Nebraska. From this base-line township-lines are run off numbering north and south. There are also established principal meridian-lines running north and south, from which ranges are numbered east and west. By this system some inaccuracies are possible, but they cannot be very great. A township of land is quite easily designated by the numbers of the township and range, and it is easily found. The whole system is very simple and well understood. Almost every man who is in any way interested in the agricultural lands of our country can himself find a quarter section of land after he has the section, township, and range. All this it is now proposed to change, and allow one officer to at his own will substitute some other. We are to embark upon an open field of experiment. This I am opposed to.

Sir, we cannot change the system without great public injury. We have sold our lands and granted them to railroad companies, and if we change the system, in the future we are to have nothing but confusion among the people familiar with the present system. Many of our laws would have to be materially changed, and especially our pre-emption and homestead laws. Some gentlemen say on this floor there will be no material change. I do not choose to trust any one man or a board of men on so important a subject.

I have said all I desire to say and I ask no man to vote for this part of this bill upon the idea or mistaken belief that we have arrived at the point when we must from necessity change our entire land system.

Now as to these mineral lands in the mountain regions, nobody ever thought that we would want to divide them into townships, sections, and quarter sections. They are only valuable for mineral lands, and I trust this Government will not indulge in the great folly of surveying its mountain lands and lay them off under any system of survey into sections or other land divisions for any purpose in the world.

Mr. DURHAM. I wish my friend from Ohio [Mr. KEIFER] who has just taken his seat would read this bill again.

Mr. KEIFER. I would be glad to read it to the gentleman from Kentucky.

Mr. DURHAM. I understand it.

Mr. KEIFER. I will read it to you again, so that you can understand it better.

Mr. DURHAM. I cannot permit the gentleman to take up my time.

Mr. KEIFER. Will you permit me to read one clause?

Mr. DURHAM. No, sir.

Mr. KEIFER. Not one?

Mr. DURHAM. No, sir. But do not misrepresent the bill.

Mr. KEIFER. Let me read one clause of it.

Mr. DURHAM. If the gentleman will sit down and keep quiet I will show him that he does not understand the bill.

Mr. KEIFER. Let me read one clause. I will show you that you do not understand it.

Mr. DURHAM. I thought I had the floor, Mr. Chairman, and I do not yield to the gentleman.

The CHAIRMAN. The gentleman from Kentucky will proceed without interruption.

Mr. KEIFER. I wanted to read him a clause of his own bill.

Mr. DURHAM. I want to say to my friend from Ohio, if he will keep his seat a minute, that when he makes the assertion that this provides that the Coast Survey shall regulate all these surveys as they please—for that was about his language—he shows that he does not understand the nature of the bill. This bill does not propose one iota of change, so far as the general land system is concerned, until the commission shall order it to be done. It does not propose anywhere a change of the present system of land titles.

But I will tell the gentleman what it does propose to do. It proposes to strike down all these surveyors-general in the United States, and all the horde of officeholders under them, who, as was very properly stated by the gentleman from Kansas, [Mr. PHILLIPS,] are no sort of use whatever as a general thing.

Now, I apprehend that if this bill could be stripped of that particular feature, it would meet with very little opposition on this floor. If gentlemen will undertake to read this bill and study it, they will find that it does not propose to change the rectangular system of survey, which gentlemen are contending so strenuously for, unless this commission, consisting of the three persons named in the bill, and the three persons who may be selected by the President of the United States, shall in their wisdom see proper to change it.

Now, gentlemen upon this floor say that so far as your scientific surveys are concerned, you may do with them as you please. Oh, yes, if you can have your surveyors-general and the horde of officeholders under them that cost the Government over $100,000 a year, sapping the substance of the Government, it is all right. But whenever you propose to strike them down, then it is all wrong. It makes no difference what is done with your scientific surveys; that is all right if you can only save the surveyors-general.

Mr. PATTERSON, of Colorado. Allow me to correct a statement made by the gentleman from Kentucky [Mr. DURHAM] so far as his figures are concerned. He says that these surveyors-general cost $100,000 annually.

Mr. DURHAM. About $100,000.

Mr. PATTERSON, of Colorado. I say they do not cost to exceed $40,000.

Mr. DURHAM. I will give my friend a contract on the part of the Committee on Appropriations, that if the system contained in this bill is not adopted and carried into effect he may run these offices of the surveyors-general, if he will do it, for $40,000.

Mr. PATTERSON, of Colorado. There are sixteen surveyors-general, and the highest salary received by any of them is $2,700 a year.

Mr. DURHAM. Where are all your clerks for the surveyors-general? In California they are asking for $20,000.

Mr. PATTERSON, of Colorado. Must you not have clerks under any system?

Mr. DURHAM. I am talking about the surveyors-general and their subordinate officers. I know where the shoe pinches certain gentlemen. I say to this House and to this committee that there is a tender point in this whole matter, and that point is that you propose to strike down these surveyors-general and the horde of officers that cling about their offices, for which we have to appropriate every year.

Mr. KEIFER. Will the gentleman allow me——

Mr. DURHAM. My friend from Ohio can have his own time in a minute or two.

Mr. KEIFER. I want to say that so far as the remark of the gentlemen applies to me, it is not true.

Mr. DURHAM. I have not the gentleman in my mind. I hope the shoe does not pinch him, and if it does not he need not wear it. It is not intended for him.

[Here the hammer fell.]

Mr. CHALMERS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. Has not the debate upon this portion of the bill been exhausted under the rule?

The CHAIRMAN. Debate is proceeding upon formal amendments made by members of the committee.

Mr. CHALMERS. I object to any further debate of that kind.

The CHAIRMAN. Then, does the gentleman object to the withdrawal of any formal amendment?

Mr. CHALMERS. I do.

The CHAIRMAN. Then, members of the committee will govern themselves accordingly; the gentleman from Mississippi [Mr. CHALMERS] has the right to object.

Mr. ATKINS. I hope my friend from Mississippi [Mr. CHALMERS] will allow the debate to go on a little longer. Gentlemen who opposed this bill extorted from me the other day the promise that we should have the usual debate upon it. As it is a matter of considerable importance, I trust the gentleman will allow two or three more speeches to be made.

Mr. CHALMERS. Very well; I will withdraw my objection.

Mr. ATKINS. I suggest that by unanimous consent all debate upon this portion of the bill be closed in twenty minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this subject shall be closed in twenty minutes. Is there objection?

Mr. BAKER, of Indiana. I object.

Mr. DUNNELL. Mr. Chairman, a day or two since I expressed in general terms my opposition to this change in the land system of the United States. In a few moments I will call attention to a provision on the eighty-second page of this bill which I think the gentleman from Kentucky [Mr. DURHAM] will admit brings about a very radical change in our land system, rendering it difficult, burdensome, expensive, rather than easy and inexpensive as the present system of the Government is.

I wish to allude to one point mentioned just now by the gentleman from Kentucky. He says that this bill will abolish a number of offices and set adrift a large horde of office-holders. This may be true; but I would like to ask him how the work now done by these men is hereafter to be done? If a given number of men are required to do the work now done, and if it is proposed to do the same quantity of work in the future, then I wish the gentleman to show that this work can be done more cheaply by some other method than the present.

The gentleman from Kentucky has said that a large number of offices are to be dispensed with. I say to him (and he may reply when I am through) that there is so much work to be done in the Land Office and in the general land business of the country. If these men are to be dispensed with, it is incumbent upon him to show that the men whom he proposes to put in their places can either do better work or as good work, and can do it as cheaply as it is now being done.

Mr. DURHAM. Do you wish me to respond to that?

Mr. DUNNELL. Not now. In the course of this entire debate I have not heard any demonstration that there was to be any saving of money by this change. I have not heard an argument based upon the declaration that money is to be saved. To be sure, gentlemen, in talking upon the point of order, claimed that the change of system would necessarily produce a cheaper method; but that has not been demonstrated. It has not even been said here that this new system is to be a cheaper one than the old system. Gentlemen have not the data wherewith to prove it. If they had been able to prove it we should have had the evidence long since before us.

But there is another point to which I wish particularly to call attention. The old system, as I said a few moments ago, has been inexpensive. The pioneer settlers have gone forward in search of agricultural lands; and it has been the policy of the Government to follow them up and survey the lands promptly, so that those pioneers might enter upon them. But now look at the radical change proposed in this bill. The language of the bill is:

> That hereafter surveys of public lands shall be under the deposit system on petition of not less than five persons for the survey of a township.

Now if the survey of a township is wanted by five, six, or eight settlers those poor men must go and make a deposit of the amount which it will cost to survey that township, a deposit amounting to a thousand dollars or twelve hundred dollars. By this process you practically deny to these settlers the right to enter upon the public lands.

I said in my remarks the other day that the present system was easy, well understood, inexpensive—cheap to the settler who desired a home. I ask the elderly gentleman from Pennsylvania, [Mr. WRIGHT,] who has stood by the settler, whether he proposes to vote for this new method and, instead of letting his Pennsylvania constituent find as now a place upon the public lands without money and without price, compel him with a few neighbors to make a deposit of a thousand dollars before these lands can be even surveyed?

[Here the hammer fell.]

Mr. WRIGHT. Mr. Chairman, if the House will indulge me a moment I will explain the origin of this proposition and how it comes before this House.

At the last session of this Congress an eminent gentleman connected with the Land department, a man of great experience, who has a national reputation, brought this bill to me with the request that I, being a member of the Committee on Public Lands, would bring it before that committee, and if the committee should act favorably upon it, bring it to the attention of the House. This is the way in which the measure was introduced; it was through a distinguished member of this Government; and I think I am not wrong in the statement that at least a respectable portion of the gentlemen connected with the Land department are in favor of the passage of the measure.

Mr. SAPP. The gentleman will allow me to ask him, what was the action of the Committee on Public Lands in respect to this measure?

Mr. WRIGHT. I do not think there was any action upon it at all.

Mr. SAPP. Were not many gentlemen of experience examined by that committee, and was not the scheme pronounced inexpedient?

Mr. WRIGHT. I have but five minutes, and my friend must excuse me. The subject was brought before the Committee on Public Lands, and was thoroughly argued. It was argued upon the principle that the Land department, like all the other departments of the Government, ought to have a common head that could be responsible for the acts of its inferiors. Hence this measure embraces the idea of having one surveyor-general from whose office all official acts are to proceed, and to whom all subordinate agents are to be responsible for what they do. Now I think there is no gentleman here who would be in favor of the policy of having in addition to the President of the United States sixteen other presidents with equal authority in the different States or Territories. Yet we have such an anomaly presented to us in the administration of the Land Office. Besides the one common head you have sixteen other gentlemen with co-ordinate authority and in a measure independent of him.

Now, what is wrong? We have sixteen of these gentlemen who are called surveyors-general, each one of whom I believe is supreme with regard to the acts done in his jurisdiction. He is almost equal to the surveyor-general who has his position in the Land department and who is the common head of the whole concern. Why, sir, we want but one general to this army. We want but one man who is responsible. Let those who act under him report to him, and then you have unity of action and you have a system and plan assimilated to all the other acts of the Government. Why is it that it is necessary to have sixteen of these men with a title equal to that of their chief? It has been said to you by the able chairman of the Committee on Appropriations that by abolishing these sixteen independent men we save something like $100,000 in the administration of the Land department.

Mr. HASKELL. I desire to ask the gentleman from Pennsylvania a question.

Mr. WRIGHT. Let the gentleman state his question.

Mr. HASKELL. How do you know that you save one single cent in the administration of the Land department?

Mr. WRIGHT. I know this, that we strike down sixteen subordinate men and have one captain of the regiment.

[Here the hammer fell.]

Mr. ATKINS. I ask unanimous consent that debate close in thirty minutes.

There was no objection.

Mr. THOMPSON. As the gentleman from Kansas [Mr. HASKELL] was cut off in the midst of his speech and in the midst of referring to a letter written by a Pennsylvanian, I think it but justice to him that he be permitted to finish his remarks. I therefore yield to him my time.

Mr. HASKELL. I can say what I desire to say further in a very few words. As regards the Academy of Sciences of this country, first, a majority of its best men are not in favor of this bill; secondly, the Committee on Public Lands of this House, gentlemen selected by the honorable Speaker with reference to their fitness and knowledge of western affairs and of the public lands, are against the passage of this bill.

Mr. WIGGINTON. I deny it.

Mr. HASKELL. With the exception of one or two members.

Mr. WIGGINTON. I am a member of that committee, and I deny the gentleman's statement.

Mr. HASKELL. I do not yield to the gentleman. He will please take his seat. More than that, all the members from the nineteen States and Territories in which the land surveys are located, except three, are against the passage of this bill.

Now, I want to say a word for the benefit of the gentleman from Kentucky, [Mr. DURHAM,] who, by striking down these sixteen surveyors, expects to save some money. Let me show how the money will be saved. I have before me a report of Mr. Patterson, of the Coast Survey. The gentleman from Kentucky would strike down

the first surveyor-general and put in his place Mr. Patterson, the Superintendent of the Coast Survey, with a salary of $6,000; and he strikes down the second of these surveyors-general and puts in Mr. Patterson's assistant, with a salary of $4,200; and he strikes down the third and puts in his place another assistant, with a salary of $3,750. Then follow eighteen or twenty of these Coast Survey gentleman, every one of them with larger salaries than any surveyor-general.

Mr. DURHAM. They are all under the pay of the Government now, every one of them.

Mr. HASKELL. I do not yield. Now, then, Mr. Chairman, if you take the Coast Survey men and make surveyors-general of them, some must do the coast-survey work. Consequently you save not a dollar by the substitution of higher-priced men.

Mr. DURHAM. I wish to say to the gentleman from Kansas——

Mr. HASKELL. I do not yield to anybody.

Mr. PHILLIPS. I ask my colleague to yield to me for a question.

Mr. HASKELL. I do not yield. I desire to state again that there are seventy-five men in this Coast Survey whose offices, according to the report I hold in my hand, are located here in the city of Washington. You propose to take out sixteen surveyors-general scattered about over the public surveys where they are needed, to take them away with their two-thousand-dollar salaries and their twenty-five-hundred-dollar salaries and put in their places a lot of men whose salaries are double theirs and seventy of whom are here in the city of Washington. That accounts for this whole movement from beginning to end.

Now, then, I am in favor of the amendment offered by my friend from California, [Mr. PAGE.] Strike out of this bill the land-survey provision, protect the settler, leave our present land system alone, and consolidate the rest of your scientific surveys. I will agree to that; we will all agree to that. The amendment of the gentleman from California [Mr. PAGE] is an amendment which every single settler on our public lands and every representative of western interests on this floor, except three, favor heartily.

Mr. WIGGINTON. I desire to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. GAUSE. In the discussion on this question it would be well if gentlemen would address themselves to the consideration of the law precisely as it is in the act itself. I hope the gentlemen on that side will listen. There is no necessity for any quarrel or dispute about it. If these surveyors-general are not required as officers of the Government, why should we retain them? There is no necessity which requires us to do it. And if we take this law precisely as it is here, there is nothing whatever that will in any way change the existing surveys unless we economize in the survey.

At present the whole system of public surveys is by the rectangular system. The mines and mining regions have been surveyed in this way in my own State for many miles. Many mines have been surveyed on this rectangular system. There are no means whatever now of securing a mining claim in my own State which has been surveyed under the rectangular system except by divisions. This bill merely provides that the lands which lie west of the one hundredth meridian shall be surveyed upon a system which shall give us a system by which not only the mining lands can be surveyed, but also the pasturage lands and agricultural lands and all other classes of lands which may be decided upon by this commission after the points have been established. This bill provides that if large tracts of lands can be laid off for agricultural purposes, they should be laid off upon the rectangular system. What, then, is the objection to this provision of the bill? None whatever. The bill provides that these large tracts of country, which heretofore we have been led to believe were nothing but arid wastes, where there are very few settlers, shall be laid off on the rectangular system.

Why, sir, there is in Colorado a desert which, if laid off in sections and townships, a worm could not live on.

[Here the hammer fell.]

Mr. BAKER, of Indiana. Mr. Chairman, to any one who gives the subject of the Government surveys of the public lands attention, it will become apparent, I think, that a reform of the system is demanded. At present we have the surveys under the Land department, the Wheeler survey under the War Department, and the geological surveys under Professor Hayden and Major Powell, four in all. Each survey is conducted independently upon different systems and without reference to a common and definite plan. No one it seems to me can doubt the importance of unity and method in the surveys of the public land. Since my attention has been drawn to the subject it has seemed to me that the whole system of land surveys should be placed under a common head, and that head should be in the Interior Department. I believed when this subject came before the Committee on Appropriations at the last session of Congress, and I yet believe, that the main object steadily to be kept in view should be the survey and classification of the public lands with the purpose of parting title to actual settlers on the public domain. I believed then and I yet believe that the geological and scientific explorations of our unsurveyed western domains should be carried on under the land parceling surveys and as an incident thereto. Feeling the importance of the subject and that the pressure of other imperative duties prevented the Committee on Appropriations from giving that careful study to the whole subject demanded for the correction of existing evils I cordially concurred in the recommendation of the committee which was adopted by Congress to refer the examination and report on the subject to the National Academy of Sciences. The law referring this subject to the academy is as follows:

> And the National Academy of Sciences is hereby required, at their next meeting, to take into consideration the methods and expense of conducting all surveys of a scientific character under the War or Interior Department, and the surveys of the Land Office, and to report to Congress as soon thereafter as may be practicable a plan for surveying and mapping the Territories of the United States on such general system as will in their judgment secure the best results at the least possible cost; and also to recommend to Congress a suitable plan for the publication and distribution of reports, maps, and documents, and other results of the said surveys.

Here a certain specific duty was clearly enjoined on the academy. It was to examine into "the methods and expense of conducting the surveys" now carried on by the Land Office—by Lieutenant Wheeler under the War Department, and by Professor Hayden and Major Powell. They were authorized to go no further in that direction. They were required to report to Congress "a plan for surveying and mapping the Territories of the United States on such general system as will secure the best results at the least possible cost." Who could have anticipated such a report from the academy as followed? Disregarding the mandate of the law they present a scheme, not for surveying and mapping the public land in the Territories to enable the Government to impart title to actual settlers, but one which places one part of the proposed system under the control of the Coast Survey, whose objects are alien and whose system is unsuited to the system of interior land surveying. The report projects a system of geodetic and triangular surveys equaling in their perfection the costly surveys carried on in the old and densely-populated countries of Europe. They propose a system of surveys more perfect and expensive for the comparatively worthless mountains and deserts of the West than that which has been carried on in the older and more valuable portions of the country. Neither the character of the country nor the interests of the people demand the overthrow of well-known and approved methods of survey and land parceling with which every settler is familiar and entirely satisfied. Some time perhaps in the future an accurately scientific survey may be required, but it is not demanded at present.

Nor is this all nor the worst of the scheme which the academy has volunteered to present, and which the Committee on Appropriations has bodily presented to the House. Following the scheme for a geodetic and triangular survey of the great West, there is presented a scheme for a gigantic geological survey, under a newly-created director of geological surveys, who is given a salary of $6,000 a year.

The argument offered for this great system of geological research rests on an assumption which the whole history of our pioneer settlements disproves. It rests on the assumption that the principal value of our unsurveyed western domain consists in its mineral deposits, and that to their discovery and development there is required the aid of governmental geological surveys. Every pioneer miner and frontiersman knows that no such aid is needed. The practical knowledge of the prospector, gained in the field of experience, has always proved more valuable in the discovery of mineral wealth than scientific training. For the purposes of such discoveries national geological surveys are not required.

It is a matter of but little surprise that an extravagant and ill-adjusted scheme for geological exploration was presented by the academy when we consider the complexion of the committee charged with the examination of the subject. The committee consisted of seven learned academicians—five of them geologists and professors of that science in the colleges of the country, one a dynamical engineer, and one a naval officer. I have no fault to find with the constitution of this learned committee. Of course it was purely accidental that five of the seven members of it were geologists. Of course it never occurred to any one that it would look better to have at least one gentleman from the Engineer Corps of the Army, a practical surveyor of the public lands, on that committee. Their deliberations resulted, as might have been expected, in a sort of kangaroo report—and I trust I touch nobody's sensibility by the use of that expression—a report which recommends a system having a little scientific surveying at the head and a great deal of scientific geology at the other extremity. When listening to the eloquent descriptions of the wonderful mineral wealth of the Rocky Mountain regions to be disclosed by this geological survey, I have almost felt as though we ought not to disturb the harmony of the picture by counting the cost or too narrowly scrutinizing the necessity of such a survey. I cannot, however, support a scheme which my judgment does not approve even under the impulse produced by glowing figures of speech or impassioned rhetoric.

In the future as in the past we must largely trust the enterprise and genius of the people to discover and develop the wealth of our vast national domain. As the primary owner of the soil, the controlling object of the Government in its legislation constantly to be kept in view should be to impart title to its land of all classes to actual occupants. For the National Government to undertake to discover or develop the resources and wealth of those vast regions is to undertake a task which belongs to the people themselves, a task to which they are fully equal. Wise legislation encouraging actual settlement and development by making cheap and simple the acqui-

sition of title to the public lands, should be the only and constant aim of the Government. This vast scheme of scientific exploration conducted by the Government is little in harmony with the character of our institutions or the genius of our people. Bold, independent, self-reliant, full of energy and intelligence, they do not need to rely on the arm of a paternal government to carve out their own fortunes or to develop the undiscovered wealth of the mountains. It is a libel upon the brave and intelligent pioneer to legislate on the assumption that he cannot discover and develop all the boundless wealth of our mountains and plains without the fostering aid of a great central scientific bureau to inform his judgment and guide his labors. I am not of those who believe in a paternal government leading the people in all the pathways of life. I look upon this as one of the greatest paternal and centralizing schemes ever presented in Congress. I am amazed that men who make this Hall vocal with praises of local self-rule and home government, men who constantly declaim about the dangers of centralization should be found eagerly supporting this scheme.

But let us look a little more narrowly into the scope of this proposed geological survey. The bill provides that the "director of the geological surveys shall have the direction of geological surveys and the classification of public lands and examination of the geological structure, mineral resources, and products of the national domain, in accordance with the plan reported to Congress by the National Academy of Sciences. Here we have by reference the whole plan of the academy injected into the body of the bill. A system of legislation more loose or vicious can hardly be devised. The bill further provides that "all collections of rocks, minerals, soils, fossils, and objects of natural history, archæology, and ethnology" made by the geological survey shall finally be deposited in the National Museum. It further provides that the "publications of the geological survey shall consist of the annual report of operations, and economic geological maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology."

Such is the scope of the geological survey as we find it developed in the bill. The geological structure of the earth's crust is to be explored; its mineral resources and products of natural history opened up and studied; collections of rocks, minerals, soils, and fossils are to be made; objects of natural history, archæology, ethnology, and paleontology are to be accumulated; and all this elaborate system of scientific research is to be carried on until more than twelve hundred thousand square miles of mountains, plains, and deserts have been subjected to scientific explorations. Nor is this all. Scientific reports and geological and economic maps are to be prepared, published at Government expense, and launched on a patient and long-suffering public. Such a dazzling scheme for enriching the science of geology at the expense of the overburdened tax-payers was never before projected. Such a scheme for crushing out all private pursuit of that science under the enormous tread of this national bureau of geology was never before devised. It is marvelous that a Congress, given over to a system of cheese-paring economy on petty things, should be ready to swallow a scheme which will require a score or more of years and a hundred or two millions of dollars to complete it.

This geological survey will cost more, in my judgment, than the whole of the lands to be surveyed are worth. Apart from its interest to science, what practical value has this grand system of geological survey? Of what value is it to the hardy pioneer who wants to open a sheep ranch in Arizona or New Mexico to know that some learned geologists have studied the soil, fossils, rocks, minerals, archæology, ethnology, and paleontology of the country where he proposes to grow wool? How much more will the Government obtain for the lands if it should be ascertained by this geological survey that some millions of years ago enormous ichthyosauri and other primeval aquatic monsters sported in waters which once covered the site of some pioneer's farm? What miner or prospector will examine your geological reports to determine where he can find pay-dirt or strike a mineral vein of the precious metals? Pardon me, but I fear we are going to pay too dearly for our geological whistle. I believe we need reform in our methods of land surveys, but I cannot help thinking that the remedy proposed in this bill is worse than the disease. I hope it may be defeated and some wiser plan devised.

Mr. WIGGINTON. The gentleman from Kansas [Mr. HASKELL] has been pleased to reiterate what has been said on this floor and elsewhere, that the Committee on the Public Lands, of which I am a member, have expressed themselves upon the question that is now under consideration by this committee. I wish to say right here that there has been no record made in the Committee on the Public Lands in the Forty-fifth Congress on the question now under consideration. It has never been brought before the committee, nor has it ever been acted upon by the committee.

Mr. SAPP. Was not the system of triangulation examined into by the committee?

Mr. WIGGINTON. Yes; the system was examined into, but my colleague on the committee knows that we never took action upon it.

Mr. SAPP. Did we not examine witnesses, and did not the whole matter fall to the ground?

Mr. WIGGINTON. We did; and I will say to my colleague on the committee that it has been reiterated that but one or two members of the Committee on Public Lands favor the proposition that comes from the Committee on Appropriations. The gentleman from Kansas has been pleased to increase the number to three, and now I assert that I have authority to increase it to four. How many more there may be the gentleman from Iowa cannot tell, because the question has never been acted on by the committee, and it does not lie in the mouth of anybody to say that the Committee on Public Lands have expressed their opinion upon the proposition.

Mr. SAPP. We examined witnesses, and after their examination did the friends of this bill pretend to press it any further after the evidence of all but one was that it would increase expenses?

Mr. WIGGINTON. The gentleman is going into small details. The question is, was there any expression by the Committee on Public Lands in the Forty-fifth Congress whether they approved this bill at all or not?

It has been clearly shown that three out of the ten active members of the committee are in favor of this provision, and I have authority for saying that there are four. There is another thing to which I wish to call the attention of the committee, and that is the fact that no man who has opposed the proposition of the Committee on Appropriations or has spoken in favor of continuing the office of surveyors-general has pretended to give any reason why we need this office. They tell you that we are changing the system of disposing of the public lands and incorporating a new system of surveys, but none of them have given any reason for the continuance of this office. They favor the appropriation made here for sixteen surveyors-general, but they fail to tell us how many clerks they employ.

Mr. HASKELL. Not so many as the Coast Survey.

Mr. WIGGINTON. They have four times as many as there is any necessity for and the gentleman from Kansas ought to know it.

Mr. HASKELL. Reduce the number, then.

Mr. WIGGINTON. I say here that there is no occasion for continuing the office of surveyor-general unless you want to keep up a great number of Federal officers for political purposes.

[Here the hammer fell.]

Mr. PATTERSON, of Colorado. The gentleman from Kentucky [Mr. DURHAM] evidently insinuates an improper motive as the mainspring of those who have been prominent in opposing this measure. Now, so far as I am concerned I desire to say that the surveyor-general of my State is my bitter political enemy. I never had a friend upon the survey, nor have I ever had a friend who received a contract for surveys. I never asked the surveyor-general of my State for a favor, nor do I ever expect to ask him for one. Sir, I can bury my political animosities and set aside all my desires for political advantages when the welfare of the constituents whom I represent demands it. Why did the gentleman from Kentucky talk about the shoe pinching those who oppose this particular proposition? Is it because we wear shoes, or is it because the gentleman from Kentucky [Mr. DURHAM] represents the barefooted democracy of that State? [Laughter.]

What is the mainspring of this proposition? It comes from the Academy of Sciences. It is not the recommendation of practical men but of visionary scientists and men who are blinded by political prejudices and think more of partisan achievements than they do of the interests of their constituents.

This Academy of Sciences never undertook any practical legislation but once before. Then it recommended the Tice meter for use by the distillers of the land. Congress on account of the supreme intelligence of the Academy of Sciences passed their recommendation into a law, and it cost the distillers of the West and of the South over $800,000 to realize the utter failure of an experiment tried on the recommendation of these mere theorists.

A MEMBER. It cost more than that.

Mr. PATTERSON, of Colorado. This Academy of Sciences has never published but one work, and that was a very thin volume of memoirs of its departed members. [Laughter.] And if they are to continue to engage in practical legislation, it would have been well for the country if that volume had been much thicker. [Laughter.]

What are we asking for? We say that we want our surveying system to continue intact. You say it is expensive and extravagant. Sir, the system, surveyors-general and all, was adopted under the administration of Thomas Jefferson. It has existed through the administrations of Andrew Jackson, William Henry Harrison, James K. Polk, Franklin Pierce, Abraham Lincoln, and down to the present day. And never until this year have we heard any proposition advanced to do away with it. Now, a certain scientific organization, whose occupation is almost gone, because the survey of the coasts is nearly completed—this scientific organization has discovered that, in order to obtain a new lease of life, they must be transferred to another department and be given control of the land surveys. When this impending danger arose, and not until then, was it discovered that reform was necessary and retrenchment was indispensable.

Mr. WIGGINTON rose.

Mr. PATTERSON, of Colorado. Take your seat, now. Do not interrupt me. Five minutes are too short for interruptions. [Laughter.] This Coast Survey that demands the control of the surveys of the western lands has had over $14,000,000 appropriated to it within the last twenty-nine years. These appropriations have been sunk in the sea, and now they propose to pitch the public-land surveys of the country into the sea with them.

Mr. GAUSE. Will the gentleman allow——

Mr. PATTERSON, of Colorado. Keep quiet; I will not be interrupted. [Laughter.] I have only five minutes.

Mr. WIGGINTON. But the gentleman——

Mr. PATTERSON, of Colorado. Keep still, I say. [Renewed laughter.] Sir, the State of Ohio was settled under this land system, and will you members from that State deny its privileges to the States that are west of you? The State of Illinois had the benefit of this land system, by which the rich lands of that grand State were segregated for the teeming millions now inhabiting it. Will you men of Illinois take from the people of the West the privileges you enjoyed that the Coast Survey may live?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Many MEMBERS. Vote! Vote!

Mr. ATKINS. If I can get the attention of the committee I will detain them but two or three minutes. I am always loath to take up the time of the House in discussion. I am surprised at the remarkable assault that has been made this evening upon the National Academy of Sciences. I am surprised that the distinguished gentleman from Colorado, [Mr. PATTERSON,] who always speaks well and speaks pointedly, should have made such an egregious blunder. A gentleman well acquainted with the history of our public lands and the laws relating to them should not have made the blunder of saying to the House and to the country to-night that the National Academy of Sciences originally recommended the abolition of the office of surveyor-general.

Why, sir, if the gentleman had consulted the reports of the Land Commissioner himself he would have found as far back as 1877 and perhaps prior to that time, before ever this question was brought to the notice or attention of the Academy of Sciences, that the Land Commissioner himself recommended the abolition of the entire corps of surveyors-general with the exception of one.

Mr. PATTERSON, of Colorado. Will the gentleman from Tennessee——

Mr. ATKINS. No, sir; I beg the gentleman now to keep quiet.

Mr. PATTERSON, of Colorado. I desire to say—— [Cries of "Order!" "Order!"]

Mr. ATKINS. The violent gesticulations of the gentleman carry no terror to me, nor do they constitute any argument to the House. I trust he will possess his soul in patience and do as he requested his friend from Arkansas [Mr. GAUSE] and the gentleman from California [Mr. WIGGINTON] a few moments since, to keep his seat and be quiet.

The Commissioner of the General Land Office recommends the abolition of all the offices of surveyors-general except one, as the gentleman will find by referring to page 10 of the report of the Land Commissioner for 1877, which is as follows:

> One surveyor-general, employing not to exceed forty clerks, and at a cost not exceeding $50,000, could, under the present contract system, if that were to continue, perform all the work in a more satisfactory manner than it is now done at so much greater cost. The reasons why this could be done are obvious to those who will investigate the subject. The salaries of sixteen surveyors-general, the rent of sixteen offices, the fuel and lights of the same, the employment of sixteen chief clerks, each at a salary, in most instances, as great if not greater than that received by the principal clerk of surveys of the whole United States, under whose direction and supervision all surveys are made, and by whom the accuracy is tested, could be dispensed with, and in lieu thereof substitute one surveyor-general, one chief clerk, and the necessary number of clerks, as before stated. The contract system for public surveys should be at once annulled and set aside.

Now I want to know if the gentleman does not feel that he has done a serious injury to a noble society, when he has assailed it and misrepresented it as he has done here to-night?

Mr. PATTERSON, of Colorado. Perhaps I know the inside working of that society better than the gentleman does.

Mr. ATKINS. It has been insinuated and charged that the Superintendent of the Coast Survey desires that these duties shall be assigned to him. I deny it. That officer has not desired any such thing. He does not wish any additional work, does not seek any aggrandizement of his office or his duties; and I am prepared to say that he has never mentioned this subject to me or to any other member of the committee so far as I know, except when the subject has been brought to his attention and his opinion has been asked.

Now, with regard to the rectangular surveys which gentlemen say this bill proposes to do away with, I wish to say that I am prepared to strike from this bill the references to those surveys. I am prepared to strike out this language:

> That the rectangular method with township and sectional units shall be retained wherever it can be appropriately and economically applied.

I am also prepared to strike out the following:

> And the Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economic and accurate.

The truth of the business is that this language is simply directory, as it were, to the commission when they shall codify the laws and make report to Congress a year from now, as this bill provides. There is not a word in the bill that proposes the repeal of the rectangular system, even if——

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from California, [Mr. PAGE,] which will be read:

The Clerk read as follows:

> After the word "except," in line 9, insert "the public land surveys."
> Strike out all of the section after line 20.

The question being taken on agreeing to the amendment, there were—ayes 81, noes 80.

Mr. CARLISLE called for tellers.

Tellers were ordered; and Mr. ATKINS and Mr. PAGE were appointed.

The committee divided; and the tellers reported—ayes 98, noes 79.

So the amendment was adopted.

Mr. WIGGINTON. I give notice that I shall ask a vote upon this amendment in the House.

Mr. ATKINS. I offered a substitute for the second section. Was the amendment of the gentleman from California an amendment to the second section or to my substitute?

The CHAIRMAN. The gentleman from California moved an amendment which looked to perfecting the text of the section, and was entitled, in the judgment of the Chair, to precedence over the substitute offered by the gentleman from Tennessee.

Mr. ATKINS. I still offer my substitute striking out the language which has been struck out by the vote just taken, that language having been originally embraced as a part of my substitute.

Mr. CONGER. I make a point of order upon a part of the gentleman's substitute. I understand that he offers as a substitute what remains of the second section, together with the third and fourth sections. Will the Chair state what the proposition is?

The CHAIRMAN. The Chair understands that the gentleman from Tennessee offers as one section sections 2, 3, 4, 5, and 6, as a substitute for the second section as now amended.

Mr. EDEN. The adoption of the amendment to the section does not interfere with the substitute at all. A vote is to be taken upon the substitute as though no amendment had been made to the section.

Mr. CONGER. I make the point of order that the proposed substitute in that portion which is printed as section 3 creates a new office, that of Director of the Geological Survey, and makes an appropriation of $6,000 for the salary of that officer. This, I submit, is new legislation, involving an increase of expenditure. It provides for a new office not recognized by existing law, and increases expenditure instead of being in the direction of retrenchment.

I make the further point of order that the substitute in what is the fifth section of the bill provides for the creation of a commission at a compensation of $10 per day for each day while actually engaged, together with traveling expenses. This provision creating new offices with additional expenses is, I submit, liable to the objection of being new legislation not in the line of economy.

Mr. ATKINS rose.

Mr. CALKINS. Before the gentleman from Tennessee replies to the point of order, it is very desirable that we should understand precisely what the gentleman offered as a substitute for that part of the section which has been struck out by the adoption of the amendment of the gentleman from California.

Mr. ATKINS. My substitute embraces the whole text of the bill with regard to these surveys, striking out simply the word "section" and the number at the beginning of each paragraph. My substitute, in other words, comprises the second, third, fourth, fifth, and sixth sections. These I offer as a substitute for section 2. As the amendment of the gentleman from California has been adopted, I strike out from the part of my substitute corresponding with the second section the language which the Committee of the Whole has struck out in that section upon the motion of the gentleman from California.

Now, in response to the gentleman from Michigan [Mr. CONGER] on the point of order——

Mr. CALKINS. Before the gentleman goes on to answer the gentleman from Michigan, let me ask another question. As I understand, the gentleman from Tennessee offered the sections printed in the bill, simply consolidating them in the form of one section.

Mr. ATKINS. I did.

Mr. CALKINS. I now understand that by the adoption of the amendment of the gentleman from California a portion of the second section has been struck out. Is it the purpose of the gentleman from Tennessee to embrace in his substitute that portion of the second section which the Committee of the Whole struck out by adopting the amendment of the gentleman from California?

Mr. ATKINS. Oh, no; of course not. I exclude that from my substitute as a matter of course, but I offer all the residue of the section not struck out by the amendment of the gentleman from California.

Mr. PAGE. If the gentleman from Tennessee will allow me, let me say, as I understand, his amendment proposes to retain all of section 2 to line 20 and all of sections 3, 4, 5, and 6.

Mr. ATKINS. Yes, sir; that is exactly what I now offer, all the rest being excluded by the amendment of the gentleman from California now adopted by the committee.

Now, then, as to the point of order. The gentleman from Michigan says that this creates a new office in providing for the salary of a director of the Geological Survey and creating that office. That is true; I do not deny that. But, sir, on line 18 of section 3 it is provided that—

> The Geological and Geographical Survey of the Territories and the Geographical and Geological Survey of the Rocky Mountain Region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879.

Now, Mr. Chairman, what do those surveys cost? We appropriated

for this year $50,000 for the Powell survey; we appropriated $75,000 for the Hayden survey; and we appropriated I believe it was $100,000 for the Wheeler survey, besides the transportation that is furnished to Lieutenant Wheeler by the War Department, which amounts to as much more, and besides the transportation that is furnished to some extent to Professor Hayden, amounting in all to some three or four hundred thousand dollars. This director of the geological survey has a salary of $6,000 provided; and this commission that the gentleman from Michigan refers to, which is raised in this bill, has appropriated for it only $20,000. Those two sums would only make $26,000 as against at least $300,000. Therefore I say, Mr. Chairman, that it is in the interest of economy. Although it provides for new legislation it retrenches expenditure, and therefore comes under Rule 120.

Mr. CONGER. The chairman of the Committee on Appropriations assumes what he has no right to assume, that this Congress will make the appropriations to these other surveys. There is nothing in this bill making these appropriations; but he assumes that because a new geological surveyor is appointed, Congress may not make these other appropriations; and he assumes Congress would make them if these amendments are not adopted. The gentleman has no right to make that assumption. There is nothing to warrant it in the bill; and I submit, Mr. Chairman, that in deciding the question of order nothing can be taken into consideration but what is in the bill. This is not an appropriation for geological surveys; that is not in this bill. I need not remind the gentleman who occupies the chair that what might be done or might not be done in other bills cannot be taken into account here. I suppose the rule is fixed and certain that this bill itself must make retrenchment and be in the interest of economy. Now I have pointed out to the Chair in two sections provisions that make new offices, new legislation, as is admitted, with new expenses, and I say there is nothing in this bill that retrenches. I hope I have made the distinction clear.

Mr. ATKINS. I desire to say one word in response to the gentleman from Michigan. The surveys west of the one hundredth meridian and the surveys under Professors Hayden and Powell are already provided for by law. Therefore, sir, in abolishing those surveys that much expenditure is saved. The expenditures for those three surveys, as I showed a moment ago, amount to over $300,000, including transportation, and they are already provided for by law.

Mr. DURHAM. If the Chair will permit me, before he gives his decision on the point of order I wish to say one word. I might concede the fact that expenses were increased upon the balance of this bill and still hold that this portion of the bill does not come within the inhibition of Rule 120, if it is germane to the first twenty lines of this section. The whole question is whether it is germane to the first portion of section 2. If so, then the point of order cannot lie, even although the amendment may increase expenditure. The Chair as a matter of course is familiar with Rule 120, and I need not discuss that point further. And I submit the gentleman from Michigan cannot deny that the balance of this substitute, when the sections are all put in one, is germane to that portion of section 2 which has been left in by the action of the Committee of the Whole.

The CHAIRMAN. The Chair does not differ from the gentleman from Michigan as to the point in which it is suggested that this bill provides for additional expenditures of money. The Chair accepts the statements made by the gentleman from Tennessee, the chairman of the Committee on Appropriations, as to the appropriations now existing by law which are dispensed with by the provisions of his substitute as offered. But the Chair does not think that that question is involved in the decision that he is required to make. If there were any doubt the Chair would certainly not be disposed to rob this Committee of the Whole of the right to pass upon a question in which there seems to be so much interest manifested; but the Chair is left in no doubt.

A point of order was made upon section 2, and the Chair overruled the point of order, and the Committee of the Whole took charge of the section, discussed it, voted upon it, and amended it. The Chair understands that the substitute offered by the gentleman from Tennessee now is what is left of section 2 as amended by the Committee of the Whole, and sections 3, 4, 5, and 6 offered with it as one section. The Committee of the Whole having had charge of section 2 and amended it, leaves, in the judgment of the Chair, no question to decide except as to what is left in the substitute offered, whether it be germane or not. If it created an additional expenditure of money and changed existing law, in the judgment of the Chair it is not now liable to a point of order, nor is it within the power of the Chair to exclude from this committee that which it has already taken charge of and voted upon. For that reason and for no other the Chair overrules the point of order made by the gentleman from Michigan.

Mr. CONGER. I cannot conceive it possible that the Chair understands my point of order.

Several members called for the regular order.

The CHAIRMAN. The Chair desires to hear the gentleman from Michigan.

Mr. HARRIS, of Virginia. Regular order!

Mr. CONGER. I am a little too much accustomed to that sort of thing to be frightened from my propriety. I will wait for the next.

The amendment offered as a whole to this bill if it is subject to the point of order, no matter what has been done by the Committee of the Whole——

Mr. EDEN. I rise to a question of order. Has not this point of order been decided?

The CHAIRMAN. The Chair is perfectly willing to hear the gentleman from Michigan.

Mr. CONGER. The gentleman from Illinois seems disposed to prevent the point of order from being discussed.

Mr. EDEN. The gentleman from Illinois desires to know whether the gentleman from Michigan is entitled of right to discuss the point of order after it has been ruled upon.

Mr. CONGER. I will make a new point of order if it be necessary.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONGER. I desire to protect the Chair in listening to me.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CONGER. The point I make now is that the substitute itself just as it is presented is a new proposition, and is subject to the point of order just as much so now as it would have been if it had been originally printed in the bill, and that the ruling on section 2, as it stands at the present time, applies to the substitute offered.

Now if the amendment offered is liable to a point of order, and I claim it is, then I make it as soon as it is offered, and my point of order has no reference to the ruling of the Chair on section 2; and, Mr. Chairman, it is perfectly apparent that this proposition is made for the express purpose, and I charge that it is so, of evading the point of order.

Mr. ATKINS. What if it is?

Mr. CONGER. I make the charge and the gentleman cannot deny it.

Mr. ATKINS. I do not want to deny it.

Mr. CONGER. No; the gentleman cannot.

Mr. ATKINS. I neither affirm nor deny it.

Mr. CONGER. I make the point of order on the amendment, and ask the Chair to rule upon the point of order whether or not it is new legislation, and if so whether it increases or retrenches expenditures on its face, and to rule upon that point, and not upon the statement made by the chairman of the Committee on Appropriations.

The CHAIRMAN. The Chair does not see that the statement of the gentleman from Michigan [Mr. CONGER] alters the point of order at all. The Chair adheres to his ruling that it is germane. As to the question whether it reduces expenditures, if the Chair were forced to rule upon it upon that ground, which the Chair does not intend to do, the Chair would be bound to take the statement of the chairman of the Committee on Appropriations that it reduces expenditures, and he would therefore, on that ground, make a similar ruling to the one he now makes.

Mr. CONGER. I take it for granted that the Chair has read the amendment, which the committee have not had an opportunity to hear.

The CHAIRMAN. The amendment has not been read to the committee, but it has been read by the Chair. The Clerk will now read the amendment.

The Clerk read as follows:

SEC. 2. For the salary of the Superintendent of the Coast and Interior Survey, $6,000: *Provided*, That the present Coast and Geodetic Survey, with supervisory and appellate powers over the same authorized by law, is hereby transferred from the Treasury Department to the Department of the Interior, and shall hereafter be known as the Coast and Interior Survey, and shall have charge of all surveys relating to questions of position and mensuration of the coast and interior, except the public land surveys and the special survey necessary for geological purposes, the survey of the northern and northwestern lakes now under the direction of the War Department, and local surveys required for the improvement of rivers and harbors and surveys necessary for military purposes immediately connected with the operations of the Army, in accordance with the plan reported to Congress by the National Academy of Sciences, under the act of June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes."

For the salary of the Director of the Geological Survey, which office is hereby created, who shall be appointed by the President by and with the advice and consent of the Senate, $6,000: *Provided*, That this officer shall have the direction of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, in accordance with the plan reported to Congress by the National Academy of Sciences under the act of June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes;" and that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations; and the Geological and Geographical Survey of the Territories, and the Geographical and Geological Survey of the Rocky Mountain Region, under the Department of the Interior, and the Geographical Surveys west of the One Hundredth Meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879; and all collections of rocks, minerals, soils, fossils, and objects of natural history, archæology, and ethnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress, shall be deposited in the National Museum.

That all laws, parts of laws, and all departmental regulations relating or having reference to the coast and geodetic survey now in force and effect are hereby continued in force and effect, and made applicable to the Coast and Interior Survey until changed by competent authority.

For the expense of a commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, $20,000. *Provided*, That the commission shall consist of the Commissioner of the General Land Office, the Superintendent of the Coast and Interior Survey, the Director of the United States Geological Survey, and three civilians, to be appointed by the President, who shall receive a per diem compensation of ten dollars for each day while actually engaged, and their traveling expenses; and neither the Commissioner of the General Land Office, the Superintendent of the Coast and Interior Survey, nor the Director of the United States Geological Survey, shall receive other than compensation for their services upon said commission their salaries, respectively, except their traveling expenses, while engaged on said duties; and

it shall be the duty of this commission to report to Congress within one year from the time of its organization: first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands as arable, irrigable, timber, pasturage, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land-parceling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers.

The publications of the Coast and Interior Survey shall consist of the annual report of operations, such geographic and topographic maps, and geodetic and coast charts, and such discussions and treaties connected therewith, as the Superintendent shall deem of value. The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. The annual report of operations of the Coast and Interior Survey and of the Geological Survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of both surveys shall be issued in uniform quarto series. The style and scale of the cartographic publications shall be determined by the head of each organization, so as to express the scientific results in the most effective manner. Three thousand copies of each shall be published for scientific exchanges by the heads of the surveys and for sale at the price of publication; and all literary and cartographic materials received by the heads of the surveys in exchange shall be the property of the United States, and form a part of the libraries of the two organizations; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States.

Mr. COX, of Ohio. I desire to ask whether this amendment is divided into paragraphs, so that we can move to amend them as we go on, or are we to take it as a whole?

The CHAIRMAN. The Chair will state that the question of the amendment is subject to division on all substantive propositions.

Mr. COX, of Ohio. I desire to submit two or three slight amendments, not changing the sense, but I think necessary to secure verbal accuracy in the substitute.

I move, in lines 9 and 10 of section 2, as the amendment is printed in the bill, to strike out the words "for geological purposes" and to insert in lieu thereof the words "surveys intrusted to, and to be made under the direction of, the United States geological survey."

Mr. ATKINS. I have no objection to that.

The amendment was agreed to.

Mr. COX, of Ohio. In section 3, line 2, I move to strike out the word "created" and insert in lieu thereof the word "establish." I think that is the word commonly used in regard to such offices.

Mr. ATKINS. There is no objection to that.

The amendment was agreed to.

Mr. COX, of Ohio. In section 6, line 9, I move to insert, after the word "paleontology," the words "and related sciences." He may have to report on botany and natural history, and this should be included.

Mr. ATKINS. There is no objection to that at all.

The amendment was agreed to.

Mr. COX, of Ohio. In section 6, line 14, after the word "series," I move to insert the words "if deemed necessary by the superintendent or director, or otherwise in ordinary octavo."

I wish to state in regard to this amendment that some of these reports have to be printed in quarto form, but many of them might be printed in octavo, as it would be cheaper.

Mr. ATKINS. That is a very good amendment, and I have no objection to it.

The amendment was agreed to.

Mr. HASKELL. I move to amend section 3, as it stands in the bill, by inserting after the word "geological" the word "geographical;" so that it will read "for the salaries of the director of the geological and geographical survey."

Mr. ATKINS. I have no objection to that.

The amendment was agreed to.

Mr. KEIFER. In order to make the section consistent we ought, in lines 14 and 15, to insert after the word "geological" the word "geographical."

Mr. ATKINS. That is all right.

The amendment was agreed to.

Mr. COX, of Ohio. There is a manifest typographical error in lines 13 and 14, of section 5, which now reads "that the Commissioner of the General Land Office and Superintendent of Coast and Interior Surveys shall receive other than compensation for their services," &c. It should read "shall receive other compensation for their services than their salaries." I offer that amendment.

The amendment was agreed to.

The question was upon the substitute as amended.

Mr. FORT. I move that the committee now rise.

Mr. RANDALL, (the SPEAKER.) Let us get through with this.

Mr. ATKINS. Let us finish this part of the bill to-night.

Mr. FORT. I think we had better rise now.

The motion that the committee rise was not agreed to.

The substitute, as amended, was then adopted; upon a division—ayes 89, noes 44.

The Clerk resumed the reading of the bill and read the following:

SEC. 7. That the Secretaries respectively of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year.

Mr. TOWNSHEND, of Illinois. I move to amend the section just read by adding that which I send to the Clerk's desk:

The Clerk read as follows:

Provided, That in payment of the expenditures and obligations of the United States the various legal-tender currencies shall be used by the Secretary of the Treasury; and he is hereby directed and required, in all payments of appropriations made by Congress, current expenditures of the Government, and all indebtedness where not otherwise expressly provided, so far as practicable, to pay to each person entitled the same proportion of Treasury notes and of silver and gold coins as the proportion of such currencies exist in the Treasury and depositories of the United States.

Mr. CONGER. I make the point of order on that amendment, that it is not germane to the bill.

Mr. HEWITT, of New York. It is new legislation, and not germane to the bill.

Mr. TOWNSHEND, of Illinois. In regard to the point of order, allow me to say that the amendment I have offered is certainly germane to the bill. It simply directs the Secretary of the Treasury, in paying the expenditures provided for in this bill, to use the various currencies that may be in the Treasury. It does not make a new law, it does not change existing law, and therefore does not fall under Rule 120. It simply requires the Secretary of the Treasury to carry out the law already in existence.

Mr. HEWITT, of New York. I also make an additional point of order that the adoption of this amendment will lead to additional expenditures. If the Secretary of the Treasury is bound to pay out three different kinds of money in each payment, he would be compelled to keep the three different kinds of money in every part of the country, or to transport them there at a large cost in order to do it. All the money of the country is legal money, and the Secretary of the Treasury can pay, and ought to pay, a debt in the legal money of the country wherever that debt may happen to be due. No one money is better than any other money, and therefore the cost of transportation ought not to be imposed upon the Treasury. This amendment would lead to increased cost, because it would lead to increased transportation.

Mr. TOWNSHEND, of Illinois. The assumption of the gentleman from New York [Mr. HEWITT] is a violent one. My amendment provides that in paying the claims provided for in this bill the Secretary of the Treasury shall use such currencies as may be in the Treasury. In no sense does it lead to any additional expenditures. Under an act of Congress it is provided that a certain amount of coin shall be coined. Under another act it is provided that the Secretary of the Treasury shall reissue the Treasury notes which have been received into the Treasury. It does not seem to me that in any sense would my amendment lead to any additional expenditure. At any rate, there is nothing before the committee to warrant any such assumption.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. TOWNSHEND, of Illinois. Rule 120 provides that whenever an amendment proposes to change existing law, then it must retrench expenditure.

Mr. LAPHAM. If the gentleman from Illinois [Mr. TOWNSHEND] will add to his amendment that the salaries of members of Congress shall be paid in silver coin, I think the difficulty will be obviated. [Laughter.]

The CHAIRMAN. The Chair is prepared to rule on the point of order, unless the gentleman offering the amendment desires to be heard further.

Mr. TOWNSHEND, of Illinois. I have nothing further to say except this: the amendment certainly does not fall within Rule 120. It simply directs the Secretary of the Treasury to enforce the law already in existence.

The CHAIRMAN. The Chair cannot find any warrant for admitting the amendment offered by the gentleman from Illinois, [Mr. TOWNSHEND.] That it is new legislation the Chair thinks there can be no doubt; and in the judgment of the Chair it does not protect itself from the inhibition of the rule to which the gentleman has referred. The Chair feels constrained to sustain the point of order.

Mr. TOWNSHEND, of Illinois. Do I understand the Chair to decide that the amendment is in the nature of new legislation?

The CHAIRMAN. It so appears to the Chair.

Mr. HALE. Otherwise there would be no occasion for it.

Mr. TOWNSHEND, of Illinois. The Chair will pardon me for asking what provision of the law it does change? [Cries of "Order!" "Order!"]

The CHAIRMAN. The Chair has ruled on the point of order.

The Clerk resumed the reading of the bill and read the following:

SEC. 8. That the pay of assistant messengers, firemen, watchmen, and laborers, appropriated for in this act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, $720 per annum each; for laborers, $660 per annum each; and the words "during the session," as used in the first section of this act, shall be held to mean seven months.

Mr. BREWER. I move to amend the section just read by striking out the latter portion of it, as follows:

And the words "during the session," as used in the first section of this act, shall be held to mean seven months.

I cannot understand the object of so much of the section as I have moved to strike out, unless it is to fix the time for which our employés are to be paid for a session.

Mr. ATKINS. I will say that seven months is usually the period

of a long session, and that time was put in on that account. If the session should be prolonged beyond that time, as a matter of course our employés will be paid by resolution of the House.

Mr. BREWER. That may be all right; but would it not apply as well to a short session? I recollect very well that we had an extra session a year ago last fall, when we were here about six weeks.

Mr. ATKINS. The short session we put in at four months.

Mr. BREWER. Where are your four months?

Mr. ATKINS. Four months for the short session and seven for the long session. But we are now appropriating for the long session only.

Mr. BREWER. But suppose there should be an extra session?

Mr. ATKINS. Well, we will provide for that. "Sufficient unto the day is the evil thereof."

Mr. BREWER. The answer of the chairman of the committee is not in my judgment sufficient. I recollect very well that this question came up upon the matter of allowing members for stationery during the extra session. The language of the law was very similar in that case to the language here. It provided that for each session members should receive $125 each for stationery. In accordance with law we voted ourselves $125 for the extra session.

Now, if there should be an extra session of Congress during the period to which this appropriation applies, these men whom we employ would be entitled to pay for seven months. It could not be otherwise, I apprehend.

Mr. HALE. The provisions of this bill run through one entire year, and can operate only upon one long session.

Mr. BREWER. I would like to know from the gentleman from Maine whether the provisions of the bill would not apply to an extra session if there should be one during the year beginning with the 1st of July next?

Mr. HALE. Not at all.

Mr. BREWER. It must apply, just as a similar provision applied in regard to our stationery.

Mr. Chairman, I do not think it is wise for us to fix any specific time for the payment of our employés. We pay them so much per day; and I am for paying them for every day that they work, whether it be seven months or ten months or twelve months. I am not willing to vote to pay a single dollar to any employé of this House for any day that he remains unemployed. We have no right to do it. I know very well that we are to be called upon to vote for a resolution to pay our employés for a month or six weeks after the close of this session. I am opposed to such legislation. Let us vote to pay our men a sufficient compensation for the time that they work, and no more.

[Here the hammer fell.]

The amendment of Mr. BREWER was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. ATKINS. I ask unanimous consent to go back to page 10 to offer, by instruction of the Committee on Appropriations, an amendment which I failed to offer when that part of the bill was under consideration. It is to provide for Mr. Smith and one other messenger in the House library.

Mr. HALE. That is right.

The Clerk read as follows:

After line 228, page 10, add as a new paragraph the following:

For two messengers in the House library, at $3.60 each per day, $2,635.20; for one laborer in the office of the Sergeant-at-Arms, $600.

In lines 139, 140, and 141 insert, in lieu of the sum named therein, the sum of $192,215.20.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. ATKINS. The committee failed to give to the First Comptroller two clerks, as they had designed to do. I therefore move to amend on page 20, line 476, by striking out "four" and inserting "six;" and in lines 479 and 480 by striking out "$58,300" and inserting "$60,700."

The amendment was agreed to.

Mr. ATKINS. I now offer the amendment which I was requested to offer the other day by the gentleman from Indiana, [Mr. FULLER,] the amendment in regard to the surveyors-general.

The Clerk read as follows:

On page 63, after line 1528, insert the following:

Surveyors-general and their clerks:

For compensation of surveyor-general of Louisiana, $1,800; and for the clerks in his office, $4,000.

For surveyor-general of Florida, $1,800; and for the clerks in his office, $2,000.

For surveyor-general of Minnesota, $2,000; and for the clerks in his office, $5,000.

For surveyor-general of the Territory of Dakota, $2,000; and for the clerks in his office, $4,500.

For surveyor-general of the State of Colorado, $2,500; and for the clerks in his office, $3,500.

For surveyor-general of the Territory of New Mexico, $2,500; and for the clerks in his office, $6,000.

For surveyor-general of California, $2,750; and for the clerks in his office, $11,000.

For surveyor-general of the Territory of Idaho, $2,500; and for the clerks in his office, $2,500.

For surveyor-general of Nevada, $2,500; and for the clerks in his office, $3,000.

For surveyor-general of Oregon, $2,500; and for the clerks in his office, $4,500.

For surveyor-general of the Territory of Washington, $2,500; and for the clerks in his office, $4,000.

For surveyor-general of Nebraska and Iowa, $2,000; and for the clerks in his office, $3,000.

For surveyor-general of the Territory of Montana, $2,750; and for the clerks in his office, $3,000.

For surveyor-general of the Territory of Utah, $2,750; and for the clerks in his office, $3,000.

For surveyor-general of the Territory of Wyoming, $2,750; and for the clerks in his office, $3,500.

For surveyor-general of the Territory of Arizona, $2,750; and for the clerks in his office, $3,000.

Mr. ATKINS. I move to amend the amendment just read by striking out in line 10 $2,000 and inserting $2,500. This relates to the surveying in Dakota, which is very large.

The amendment was agreed to.

Mr. ATKINS. I move further to amend by inserting, after the word "chief," in line 632, on page 27, the word "clerk."

The amendment was agreed to.

Mr. HALE. I hope the gentleman from Tennessee will now move that the committee rise.

Mr. WILSON. I observe that the bill only provides for one messenger in the State Department. I desire to offer an amendment in regard to that.

Mr. ATKINS. We cannot go back. I ask that the committee now proceed to the consideration of the portion of the bill beginning at page 78, under the head of "judicial."

Mr. WILSON. What is to be the order of the amendments now to be offered?

The CHAIRMAN. By unanimous consent the portion of the bill making appropriation for the judicial expenses of the Government, commencing on page 78, was passed over until the rest of the bill should have been completed. That having been done, the committee now returns to that portion of the bill, and amendments to that portion only will be in order.

The Clerk proceeded to read the paragraphs under the head of "judicial," and read the following paragraph:

For salary of the warden of the jail in the District of Columbia, $1,800.

Mr. HERBERT. I offer the amendment which I send to the desk.

Mr. DUNNELL. I move that the committee now rise.

Mr. SPRINGER. The gentleman from Alabama [Mr. HERBERT] has the floor, and the amendment which he offers should be read, after which the motion of the gentleman from Minnesota will be in order.

The Clerk read the amendment offered by Mr. HERBERT, as follows:

Amend by adding, after line 1932, the following:

For defraying the expenses of the Supreme Court, and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned of prosecutions for offenses committed in violation of the laws of the United States, and for the safe-keeping of prisoners, $2,500,000: *Provided*, That the per diem pay of each juror, grand or petit, in any court of the United States shall be $2, and that sections 820 and 821 of the Revised Statutes of the United States are hereby repealed, and that all such jurors, grand and petit, shall be publicly drawn from a box containing the names of not less than three hundred persons possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box, alternately, until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts in the State. All general and special laws in conflict herewith are hereby repealed.

Mr. HALE. I make the point of order upon that amendment. It is a very important amendment; it is quite long and of course there ought to be an opportunity of examining it. I do not suppose that the gentlemen upon the other side of the House more than the gentlemen upon this side desire that at this late hour we should enter upon a matter of so much importance.

Mr. ATKINS. I move that the committee rise.

Mr. SOUTHARD. I offer an amendment to the amendment of the gentleman from Alabama.

Mr. HERBERT. I desire to make a correction in the amendment as read by the Clerk.

The CHAIRMAN. The gentleman from Alabama desires to make a correction in the amendment.

Mr. CONGER. How will that affect the point of order?

Mr. HALE. All points of order are reserved.

The CHAIRMAN. The Chair does not suppose that the gentleman from Alabama desires to exclude any point of order.

Mr. HALE. As I understand, he only proposes to modify his original proposition.

Mr. HERBERT. As read by the Clerk the amount is $2,500,000; it should be $280,000.

The CHAIRMAN. The amendment will be so modified.

Mr. SOUTHARD. I offer an additional amendment, which I send to the Clerk's desk to be read.

The CHAIRMAN. It is not competent to offer an amendment to the amendment, the point of order having been made. Pending that the gentleman from Tennessee moves that the committee rise.

Mr. SOUTHARD. But he yields to me that my amendment may be read, that the two amendments may go together in the RECORD.

The Clerk read the amendment, as follows:

Provided further, That the several sections of the Revised Statutes of the United States, from and including section 2011 to and including 2031, and all other provisions of law authorizing the appointment, or the performance of any duty by any chief or other supervisor of elections, or any special deputy marshal, or other deputy marshal of elections, or the payment of any money to any such supervisor or deputy marshal of elections for any services performed as such, be, and the same are hereby, repealed.

Mr. HALE. I make the point of order upon that amendment, for points of order were reserved upon all amendments offered to the bill.

The CHAIRMAN. The Chair understands that all points of order were reserved.

Mr. HALE. These amendments will all go into the RECORD, so that we can see them to-morrow morning.

Mr. ATKINS. I now move that the committee rise.

Mr. WILSON. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON. When the Clerk was reading line 1921 I tried to get the ear of the Chairman to offer an amendment. I was not then heard, and I give notice that I propose to offer it to-morrow.

Mr. ATKINS. I cannot consent to that.

The CHAIRMAN. The Chair does not understand that any consent is asked or given.

The question was taken upon the motion of Mr. ATKINS; and upon a division there were—ayes 98, noes 33.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no conclusion thereon.

On motion of Mr. CLARK, of Missouri, (at ten o'clock and twenty-two 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. BLACKBURN: The petition of citizens of Kentucky, for the extension of the time for the payment of tax on brandy—to the Committee of Ways and Means.

By Mr. COLE: Resolutions of the meteorological committee of the board of directors of the Merchants' Exchange of Saint Louis, Missouri, favoring an appropriation for the Howgate Polar Expedition—to the Committee on Naval Affairs.

By Mr. COVERT: The petition of Mrs. H. P. Craig and 69 other ladies, of Queens County, New York, for such legislation as will make effective the anti-polygamy law—to the Committee on the Judiciary.

Also the petition of Susan A. Carman and 51 other ladies, of Baldwin, New York, of similar import—to the same committee.

By Mr. ERRETT: The petition of 75 women of Allegheny County, Pennsylvania, of similar import—to the same committee.

By Mr. GARFIELD: The petition of Mrs. H. R. Parmelee and 62 others, of Edinburgh, Ohio, of similar import—to the same committee.

By Mr. HENKLE: The petition of women of Saint Mary's County, Maryland, of similar import—to the same committee.

By Mr. HUNTON: The petition of Charles C. Simms, for the removal of his political disabilities—to the same committee.

By Mr. KEIGHTLEY: The petition of Mrs. O. H. Fellows and 100 others, of Schoolcraft, Michigan, for legislation to make effective the anti-polygamy laws—to the same committee.

By Mr. KENNA: The petition of ladies of Burnsville and Sutten, West Virginia, of similar import—to the same committee.

By Mr. KILLINGER: The petition of women of Milton, Pennsylvania, of similar import—to the same committee.

By Mr. McKINLEY: The petition of John Buchan, for a pension—to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of 82 disabled soldiers, inmates of National Home, Dayton, Ohio, for the increase of the pensions of those who have lost an arm or leg—to the same committee.

By Mr. PHILLIPS: The petition of the Fairview Temperance Society, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. SOUTHARD: The petition of Mrs. B. W. Chapman and 272 others, citizens of Coshocton County, Ohio, for such legislation as will make effective the anti-polygamy law of 1862—to the same committee.

By Mr. STONE, of Michigan: The petition of E. S. Eggleston and others, citizens of Michigan, for the immediate passage of the bill (H. R. No. 3850) providing for the classification of mail matter and rates of postage thereon now pending in Congress—to the Committee on the Post-Office and Post-Roads.

By Mr. STRAIT: The petition of General H. H. Sibley and Colonel William Pfaender, of Minnesota, that a pension be granted to a Sioux Indian named by the whites, John, but whose proper appellation is Muck-a-pe-ah-wakkowzee—to the Committee on Indian Affairs.

By Mr. WALSH: The petition of women of Lonaconing, Maryland, for such legislation as will make effective the anti-polygamy law—to the Committee on the Judiciary.

By Mr. WIGGINTON: The petition of Alexander Patterson and 95 others, citizens of California, that lands in that State heretofore reserved to aid in building the Atlantic and Pacific Railroad be restored to the public domain—to the same committee.

By Mr. WRIGHT: Memorial of Dr. J. Falkman, of Portland, Oregon, relating to loans to settlers on the public lands—to the Committee on Public Lands.

IN SENATE.

WEDNESDAY, *February* 19, 1879.

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

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. SPENCER. I move that the reading of the Journal be dispensed with. It is very long.

The VICE-PRESIDENT. There is evidently no quorum present.

Mr. SPENCER. I should like to know why the Journal should be read, if there is no quorum present.

The VICE-PRESIDENT. It should not. Nothing is in order save an adjournment or a call of the Senate. The reading of the Journal will be delayed for a few moments. [A pause.]

Mr. SPENCER. As the Senate is rapidly filling up I should like to call up the bill (H. R. No. 4552) for the relief of Joseph B. Collins, which was reported from the Committee on Military Affairs by the Senator from South Carolina, [Mr. BUTLER.] Let it be read subject to objection. I do not see any one here who would be likely to object to it.

The VICE-PRESIDENT. The Chair does not feel warranted in proceeding to entertain legislation with the palpable fact that there is not the semblance of a quorum present.

Mr. SPENCER. Could we not have the bill read subject to objection?

Mr. DAVIS, of Illinois. No.

The VICE-PRESIDENT. The Chair does not feel warranted, he will say frankly to the Senator from Alabama, in proceeding with legislation. If the Senate desires to be entertained, the Chair will lay before it a communication from the Secretary of the Department of the Interior, which will be read.

The Secretary proceeded to read the communication.

Mr. SPENCER. I move that the further reading of the communication be dispensed with, and that it be printed, and referred to the Committee on Pensions.

Mr. KERNAN. I think it had better be read. We have not too much light on that subject, and cannot shut our eyes to it.

The VICE-PRESIDENT. The reading will proceed.

The Secretary resumed the reading of the communication.

THE JOURNAL.

The VICE-PRESIDENT, (at eleven o'clock and twenty minutes a. m.) The Secretary will now read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal.

Mr. SPENCER. I move that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, referring to a letter from the Commissioner of Pensions transmitted to the Senate on the 8th instant, in relation to the proper mode of obtaining evidence on claims for arrears of pensions under the act of January 25, 1879, and expressing his views thereon; which was referred to the Committee on Pensions, and ordered to be printed.

DISTRICT SUPREME COURT.

The VICE-PRESIDENT appointed Mr. DAVIS of Illinois, Mr. HOWE, and Mr. MCDONALD the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 36) to create an additional associate justice of the supreme court of the District of Columbia, and for the better administration of justice in said District.

TAX-LIEN CERTIFICATES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1099) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia.

The amendment was read, and, on motion of Mr. SPENCER, referred to the Committee on the District of Columbia.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 5704) extending the jurisdiction of justices of the peace in the District of Columbia;

A bill (H. R. No. 6008) for the relief of the heirs of Edward B. Clark;

A bill (H. R. No. 6465) to amend an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878;

A bill (H. R. No. 6466) to authorize the commissioners of the District of Columbia to designate a proper site for a union railroad depot in the city of Washington, and for other purposes; and

A joint resolution (H. R. No. 232) making an appropriation for the