high estimate in which he was held by all his associates and the people of his business 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 where he started 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. CoKk.] The resolutions were unanimously agreed to.

DEATH OF REPRESENTATIVE TERRENCE J. QUINN.

Mr. KERMAN. I ask that the resolutions of the House of Representatives be ordered to the printer, in relation to the death of Terrence J. Quinn be read.

The Secretary read as follows:

Resolved, That the House has heard with deep regret 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 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.

This is a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. KERMAN. 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, a soldier in the cause of his country, a citizen of the State of New York, and offers to the family and kindred of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Clerk of the Senate communicate these resolutions to the House of Representatives for the City of New York.

Resolved, That the Senate do now 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.

This is a further 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.

Mr. KERMAN. 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 acquire and honorably accumulate wealth. By industry, upright life, zeal, and services for the public welfare he may 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 where he started 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.

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The resolution was unanimously read.
Mr. COX, of New York. I object to anything that requires unnecessary 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. ATKINS.

Mr. COX, of New York. The Chair has not recognized the gentleman from New York, Mr. ATKINS.

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 on Ways and Means, represented which committee was 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. ATKINS, 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 by the gentleman from Harritage, 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 census bill is delayed from report 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 colleagues have 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, etc. That the proper accounting officers of the Treasury Department be, and are hereby, directed to pay to the treasurer of the Richmond Female Institute, in the city of Richmond, in the State of Virginia, the sum of $4933.33, 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 16, 1866, all claims for the same thereupon being satisfied by the acceptance of the sum of money to be paid to the treasurer of the Richmond Female Institute, as is hereinbefore shown.

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

Mr. WOOD. I call for the regular order.

Some time subsequently.

Mr. KEIFFER. 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 the bill was being considered by the House, I read a paper entitled "Commercial and Navigation," which was published by the American Institute, of the city of Richmond, in the State of Virginia, the sum of $4933.33, 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 16, 1866, all claims for the same thereupon being satisfied by the acceptance of the sum of money to be paid to the treasurer of the Richmond Female Institute, as is hereinbefore shown.

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Mr. WOOD. I call for the regular order.

Some time subsequently.

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The latter motion was agreed to.

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

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

The READER. The Speaker, Mr. ATKINS, calls up the regular order, and the House is adjourned to be called to order to-morrow at half past four o'clock till half past seven o'clock, the House to meet at ten o'clock on the following days:

Monday, February 13th; Tuesday, February 14th; Wednesday, February 15th; Thursday, February 16th; Friday, February 17th; Saturday, February 18th; Sunday, February 19th; Monday, February 20th.

The House then adjourned to meet again on February 20th.
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 point of the Chair it seems to 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 so far again and again. While to point of order, Mr. Speaker, 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 of going on 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 COX for every day prior in time to the business of Ways and Means.

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

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 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 ordered to be voted on with the following vote 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 wish to proceed with the business of the Ways and Means Committee under that order, we can say so by a majority vote.

Mr. CARFIELD. 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—aye 92, noes 9.

Mr. WOOD and Mr. COX of New York were appointed Tellers of the House.

The House then divided; and the tellers reported—ayes 92, noes 93.

Mr. WOOD. I demand the yeas and nays.

The yeas and nays were ordered.
that we should go into Committee of the Whole to finish the appro-
priation bill.

The SPEAKER. The Chair will have 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. 414) to provide for taking the Federal
census be read a special order for the second Tuesday of February following the
printing of the Journal, and from day to day thereafter until disposed of; not to interfere
with general business.

January 30. Made the special order for the following Wednesday.

Mr. MILLS. I do not understand that the chairman of the Com-
mittee on Appropriations antagonizes the consideration of this bill.
Mr. HALE. Neither does the chairman want that bill considered.
I voted for the special order of the House, 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 it should be 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

Mr. HALE.

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 Cen-
sus, that the House take up the business of the Census Committee, with
which order for consideration, on this day. Now, the question from New York having taken the floor and been recognized by the
Chair, how can the gentleman from Maine get the floor?

Mr. DUNNELL. In the first place, the choosing between the Com-
mittee 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 gentle-
man derives his special right to call up the census bill was made sub-
ject 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
voting for the consideration of the legislative, &c., appropriation
bill.

The yeas and nays were ordered.

Mr. COX, of New York. I send

Mr. COX. 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. 1865) to pro-
vide for taking the tenth and subsequent censuses, with several amend-
ments.

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
a 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 of 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 should 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
Senate bill and the House will 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 the
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.

Alden, Ackles, Aldrich, Allis, Allegheny, Alpine, Baker, John H.,
Banks, Bankhead, Blaisdell, Blaine, Blackwell, Baker, Caswell,
Baker, John H., Barnet, Barefoot, Barger, Balken, Ball, Bayard,
Bailey, Baker, Benjamin, Bond, Butler, Calkins, Campbell, Campbelle,
Campbell, Cayo, Cary, Carpenter, Carlson, Clapboard, Clapp,
Clay, Clegg, Clay, John H., Coats, Conger, Conkling, Cox, David,
Cox, Dick, Cox, Elmore, Cox, John H., Cox, John W., Cox, John W.,
Cox, Nathaniel, Davis, Edgerly, Edgerly, Elkins, Ellsworth,
Emerson, Erwin, Evans, Harris, Ewing, Macomb.

NAYS—123.

Alden, Albright, Allis, Allis, Allis, Allis, Allis, Allegheny, Allis,
Albany, Banks, Bankhead, Blaisdell, Blaine, Blackwell, Baker, Caswell,
Baker, John H., Banks, Baldwin, Baker, Benjamin, Bond, Butler, Calkins,
Campbell, Campbell, Cayo, Campbell, Cayo, Carpenter, Carlson, Clapboard,
Clapp, Clay, John H., Coats, Conger, Conkling, Cox, David, Cox, Dick,
Cox, Elmore, Cox, John H., Cox, John W., Cox, John W., Cox, John W.,
Cox, Nathaniel, Davis, Edgerly, Edgerly, Elkins, Ellsworth, Emerson, Erwin,
Evans, Harris, Ewing, Macomb.
for it constitutes a sophistical premise and leads to bad practical consequences. The gentleman, for the purpose of considering the bill (S.1685) to amend the census act of the Whole of 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 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) for providing for taking the tenth and subsequent censuses. The gentleman from New York (Mr. HALE) moved 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 report be brought here so that we may have it read by clause and sections for amendment under the five-minute rule, when we come to that stage of the discussion. That need not interrupt the gentleman.

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.

It is intellectual meaning to weigh, to tax, to assess. It does not mean to guess, but to count. It means to gather, collate, and weigh facts, to make an analysis of the country, so that we may assign 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 safety of its people certain 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 more useful the 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 censuses and censuses were of the greatest importance.

There were no reasons other than those prescribed by the Constitution for the enumeration of our people, there is an urgent necessity of a national census, for the application of it 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, as it was but a freak compared with the sedate and systematic statistics of the present generation. The brilliant Galilean mind was restless under the ignorance of the rulers as to the condition of the people.

Said Vanbun to Louis XIV:

You review and inspect a battalion a dozen times a year. How much greater the necessity to enumerate a 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 Vanbun died of the disgrace. But the matter was one that survives in the history of Napoleon.

It is the duty to make it an exact account of the nation's affairs, and without such an account there is no safety, for it survives in republican France to-day. Her skill in finance and economy is founded on irreparable data carefully ascertained.

The exhaustive report, No. 3, Forty-first Congress, made by the gentleman from Ohio (Mr. GARFIELD) on the 1st 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 Encyclopedia 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 census is not the brainchild of the British people.

But since these discussions in this country, Great Britain has made a census, imperial in name and astounding in character. It showed 324,702,985 persons living under her flag. This was done in England and Scotland in one day, or one night. And it was not a casual report throughout the colonies and possessions. The enumerators were required to be intelligent, trustworthy, and active; to write well and to compute, and to know the history of the colony and people 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 could be left to 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 divided into a thousand districts, each district having one registrar-general, separately from Scotland and Ireland, which were taken under special registrars. Those outside of the three kingdoms were taken by the secretaries of foreign affairs, of India and of the colonies, who, in the second week, divided the whole.

When the discussions occurred in this House upon the census ten years ago we had not had the results of this admirable census; but since then these have had ample time to work. 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 islands. The subdivision of the territory, where practicable, was a great advantage, as shown in the experience of the British. The entire survey was made by the same distinguished individual. It showed, when many were in doubt, that a national census is the foundation of popular legislatures. In some of the States, as in Rhode Island now, no inhabitant could vote, though a citizen, whose property was less than $300.

Two-thirds of the American people are outside of the three kingdoms, of the Channel islands, and of the Channel islands, and so on. When the census was completed should pay a ransom for his soul. Afterward the Hebrew census was made, for different purposes. Other countries, as Belgium and our own, made the census for the purpose of popular government. 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.

The first census was 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 different purposes. Other countries, as Belgium and our own, made the census for the purpose of popular government. 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.

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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, and hence it was an object of taxation according to population. What should be the basis of representation? How should Indians not taxed be counted? How should the slave be rated? Each of these questions were discussed in the 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 an enumeration of the population. From that time to this there has been six schedules. In 1830 and 1840 other than mere population results were ascertained; but the attempt to gather manufacturing and other statistics was not successful.

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 deprecate the law of 1850 and its able and conscientious draftsman. It advanced its purpose better perhaps than its projectors expected. It was devised by a board consisting of the Secretary of State, Attorney-General, and the Postmaster-General. It has been assailed and attacked, as is 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 constitution that it will prove an utter failure and that its provisions are stunted; and 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, 1850. By the general concurrent demand 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 present needs and demands of the country for the future and for 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. It has been confessed that we did not know what statistics may do, as well as what statistics may fail. It will be useful to know the effect of grizzlies and coyotes in deterring production on the Pacific coast, but it will not greatly aid our legislation or serve the purposes of history.

It is curious to know how many of the descendants of the Puritans continue to name their children out of the Old Testament. This may be an unimportant fact, or be valuable to the return of a biblical scholar, and then you might infer how far the early rigidity 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 1876 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 ingenuous mind, bent on truth, may from partial statistics or a few facts infer conclusions with the certainty of a Chaucer constructing an animal out of his interior consciousness with only a little bone for his parson.
from the fragments left by classic literature as to war, slavery, trade, charity, and mortality. The very see 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 rests most splendid conclusions was not for data as is the tooth from which science infers the prehistoric mastodon. Compared with recent statistics, and especially our own full census of 1870, it is a one nugget in a pocket compared to a sierra of gold and silver.

EXTRAORDINARY ENUMERATION.

We must specially guard against appearances of unworthiness. 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 of the census, as to the statistical results. For instance, in the case of the 1870 census, the President of the United States, in his report to the Congress, gave many of the statistics which he was compelled by law to compile. He sent them out to the world as counterfiet, 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 accordance of the law, the publication would have been unjustified had he not emphatically disclaimed their authority.

But 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 in 1870 as a hundred less than the census of 1850, notwithstanding the increase in population and other elements that enter into its cost, and with far better results. In other words, it is reduced to one-third and its general 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 population.

In order to show the necessity for a new law, let us compare some features of the present bill with the existing law of 1870. Let us consider, first, as to the subdivisions of the territory. Under the law of 1870 the enumerator districts for each assistant marshal must contain about twenty thousand inhabitants, although the subdivisons 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, unswittingly perhaps, nearly copied the Massachusetts salutary example. As the best censuses in this country were returned. Outside of the experts and clerks who did the tabulation, the number of enumerators employed was five hundred. The Massachusetts schedule was filled out with an average work of fifty-one days for each enumerator. The population was 1,651,012; so that the districts were not less than thirty-five persons. The cost was $125,120. So that we see 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 57 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 subdivisions 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. That is thought too many it should be remembered that with less enumerators there would be a prolongation of the time involved, which is a disadvantage to the capital district; and as the census is paid for by the number of names taken, it would be a luxury of reduction of the cost.

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 that the present districts time longer, being the same? That is what the bill as amended by the Senate 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; it is assured that with forty-eight thousand people, would average about three hundred and twenty thousand each supervisor. Under the law of 1850 the judicial divisions form the subdistricts and the supervisors are elected by the 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, those records and books 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. In 1870 there would be 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 million 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 Nevada and Indiana. It was well said by General Walker that "if superintendence is of any account in census work, then, which is provided for by the law of 1850, it must of the least account possible." The law designates the number and gives to the Secretary of the Interior the appointment of supervisors on the nomination of local authority. There is nothing to show why a local authority should have 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 be upon Congress to the 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 bound until the last day of the year 1870. The Secretary of the Interior required the assistants to complete their returns on or before the 5th of August, but the Secretary of the Interior had no power to fix this time. He could apply no law 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 the last day of 1851. By the law of 1850 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. I 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 would concede would render the census imperfect.

What we desire is to shorten the time to the limit.

While it is impossible in this country to adopt the European plan, and take the census as instantaneously as possible, catching them every day, in one day, or spread out, the average of other previous schedules and division of labor, and by police regulations and aid; yet in the United States it may be possible to prevent a prolongation of the work over a period of thirty days, and 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.

SHORTEST 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. Secretary Walker did once maintain that if the formation of subdivisions and the continuation of assistants were vested in the Department of the Interior, with proper discretion as to the details of the work, we might possibly secure the collection 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 the least time, not exceeding three days, allowed for the completion of the purely mining States and the Territories, and perhaps for some portions of Texas, California, Kansas, and Nebraska a less period of time, say fifteen days. Thirty 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 the cost taken at one tenths, one hundredth part of the present methods, and would be incomparably 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 an enumeration of one million persons were done, the cost at one and one-half cents per head, would be two and a half millions. If the bill might be amended so as to provide for a census in one day in the densely populated States, and a maximum time in any State of not more than thirty days. 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 at their districts amounted to the time occupied of the three weeks. In 1871 it was 25 7c. 72d. per 1,000 of the population for England and Wales, £5 1d. for Scotland, and £7 2d. for Ireland. This census showed that England and Wales had a population of 29,866,184; Scotland, 3,236,539; Ireland, 5,449,186; making in all, 31,979,905. The increase in ten years was but 0.83—Ireland decreasing 0.61. In round figures, therefore, the cost of the census was over ten and a half millions of dollars; while ours in the year 1870, was but 3,438,000. It cost more than ours, either because her machinery was made by some of the press, or because she paid higher prices for the work. But it is to be noticed, that in her exhibit, her picture of the realm, was imperial, and worthy of the great business energy of her people. Certainly, in such matters the English are not obnoxious to the French satire, that an Englishman has two left hands.

But in our country 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 a degree of error in the account of population which would render the census comparatively useless.

The objection therefore to the law of 1850, and which has been met in the Senate, not only that too much is too long for the country, even though it is shortened as the time allowed by the present bill, would apply with greater force against the law of 1850. I can appreciate and can estimate the exceptions that might be made by the legislature in certain parts of the country; and I fully agree that in such districts, owing to the changes in households, changes made under certain circumstances, would result in failure, or at least a degree of error in the account of population as would render an enumeration of the population for England and Wales impossible. We may limit our power of nomination to the Secretary of the Interior; and the Secretary of the Interior shall appoint the superintendents of the census, 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 too large, while the smaller districts in the States were too small. It would apply with greater force against the law of 1850. There is no logical advantage on either side.

This is the only substantial issue between the majority and the minority of the committee. Herein lies the difference. All this is a matter of degree. This is impossible in which it could be taken is perhaps one month. To number of supervisors, whether one or more for each district, is impos­sible in the returns of the census. The objection therefore to the law of 1850, and which has been met in the Senate, not only that too much is too long for the country, even though it is shortened as the time allowed by the present bill, would apply with greater force against the law of 1850. There is no logical advantage on either side.

I approach the question of the enumeration of the subdivisions to the Secretary of the Interior Department, on the grounds of the source of these appointments; and that the Secretary of the Interior shall appoint the superintendents of the census, and to have the supervisors appointed by the Secretary of the Interior. The objection with emphasis is directed to the law of 1850.

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 diversity 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 by the committee, by whatever means the plan may be improved, the marshals may be the cause of the enumeration being 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 complications and errors.

WHO SHALL BE THE AGENTS?

Fifth. Officers not selected for the purpose of taking the census. Should not officers for taking the census be selected for the specific duty? Officers like the marshal, sheriff, or constable, for obvious reasons begot suspicion. Does this not impair the fullness and accuracy in the returns? Is there any rule by which the exercise of the discretion of the Secretary of the Interior, a grave defect, which nullifies accountability and responsibility. Whatever may be proposed by the committee, by whatever means the plan may be improved, the marshals may be the cause of the enumeration being 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 complications and errors.

VIII—97
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 opinion as to which States have me more people is growing, between the States of the North and South, of the East and West, and as the individual few prominent men who come to this capital as ing with each custom may to dizement, still the practice remains, irrespective of the civil safety and 'contentmeat than in the Governors are fallible; but in that respect; it is non-political, non-partisan. True, there that the great bulk of this work, outside of the mere enumeration in that respect; it is non-political, non-partisan. True, 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 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 this not 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 means, the hand. Webster says it means "handled, the mode in which a thing is done, means of performing or effecting anything; method; style; form; fashion." The first synonym is "method" and the next "mode."

In Congress, does this power authorize 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 in the Constitution, that may not be done in any 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 agent, official, or selectman, or any other person, thereby becoming informing. As to no other appointment of Federal agents, there is such a plenary scope of power given to Congress.

Before the Constitution was made, in 1783, the question of appointing 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 in the House of Representatives as to the census and also in the Senate. It was then proposed that the enumeration of the States 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 of the House of Representatives embodied in the Constitution. The proposition was that "the mode should be directed and appointed by Congress." (Journal of Congress, volume 1, page 101.)

But who can controvert so plain an interpretation of a grant so general and sweeping? No general clause of the Constitution with respect to the appointment of officers by a Department, according to the best rule of interpretation, should override this plain prescribe, whose intent is expressed in the census clause itself and not inferred by construction or contained in a general grant of power. That this appointment is done, now, on the same principle, is 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 appointment of these enumerators. Is there any reasonable objection?
1879.

CONGRESSIONAL RECORD—HOUSE. 1539

MISCHIEF OF 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 1879 where mischievous and even appalling results, through neglect on the part of the enumerator, or by reason of the absence of all control over the matter by the Department of the Interior, which had to content itself with the determination of the case referred to, persons were appointed whose appointment was disgraceful to government and detrimental to the service.

This complaint was well founded; but by the bill of the House we do 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 quiet only in a fair division of the census duties between the two great 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 domains of the Czar, local authorities themselves take the censuses, 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 genius of our policy consists in lodging the supreme authority in the people, and local authority as consistent with security and union. Considering our large area, our people are very thinly scattered; they are living in various districts and communities, and have interests 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 clanger of debates and conflicting interests.

History teaches that all political centers are looked upon with jealousy. When the responsibility of government is distributed, as in our country, it is the best method. Thus, and thus only, will our national government 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, "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 district is 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.

Mr. 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 consent with us 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 races.

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

Self-reverent each, and reverencing each,

Distinct in quality, but equal in power;

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. H. R. Mitchell], to him, as the Senate sent 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 the bill is now under discussion. I but obey the instructions of the Committee as my own interest points 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 bet-terschedules, this portion of the bill will be hailed with satisfaction. In regard to the agricultural schedule, we have adopted one additional section which was proposed by the gentleman from Ohio [Mr. Garfield] to distribute at 1870. By the law of 1850 there were forty-six columnar

certain sound as to the nature of the country. 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 government, in such elections, to depend upon the policy of the day and 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 fact and good policy for him who commands the power of the 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, exceeds that of the President himself; and he explains, 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 over 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 1876 is given comparatively. I present it here:

<table>
<thead>
<tr>
<th>Departments</th>
<th>1859</th>
<th>1876</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of State</td>
<td>327</td>
<td>430</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>330</td>
<td>1,489</td>
</tr>
<tr>
<td>War Department</td>
<td>194</td>
<td>714</td>
</tr>
<tr>
<td>Interior Department</td>
<td>152</td>
<td>4,687</td>
</tr>
<tr>
<td>Post-Office Department</td>
<td>30,817</td>
<td>44,997</td>
</tr>
<tr>
<td>Department of Justice</td>
<td>1,068</td>
<td>5,281</td>
</tr>
</tbody>
</table>

It is to be understood that the above includes all officers and employees 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 servants of the Administration some six thousand more, and in a year so pregnant with events as 1860! 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 SATE—THese DAMAGES

Objections may be made to the fourth section of the bill, to which I am advising, that in certain States, if the governors appoint the subordinate, 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 agrandizement, in the direct taxation which may also be apportioned according to numbers, it may be answered that the 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?

WALKING AGAINST TOO MUCH CABINET SUPERVISION.

During the discussion on the census bill in 1859 a member from Massachusetts, now a Senator, [Mr. Hoar], on the 6th of April, 1830, (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 the act of 1846, that bill under which the whole distribution of the 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 the result of his action by Congress."

He complained that the bearer of this bureau had the power to ascertain the population of the different States, and that thereupon he could notify the governor of any State of the number of taxables to which each State was entitled, which should bind the country for the next ten years. It was the warning of a thoughtful statesman. Shall we heed it, or shall we pass the Senate bill without this section which divides the power of the Federal Government by fixing the nomination of these agents in the one and the appointing in the other? But how?

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

But the bill, even if amended by the minority as proposed by my friend from Kansas, [Mr. H. R. Mitchell], to him, as the Senate sent 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 the bill is now under discussion. I but obey the instructions of the Committee as my own interest points to the best mode of taking the census by proposing this new mode of enumeration.
I reached the ratio best return possible, with the assistance of several hundred of the.

We schedule necessary to correct answers. However, if such interrogatories

refence 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 crops, the enumeration of which is found to be 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 also 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, and not desirable. Besides no other inquiries cause so much irritation and annoyance to the masses of the.

Another and better method is provided by which the personal property value is obtained, and from the assessment of property and its actual market value in each State and Territory. He attached considerable

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 obtained from this feature, 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 are by far more widely different in their difference of age, and that we may add something in 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. Of the returns collected by that schedule, but it has practical deductions as to life insurance. How long the returns of property made by the annual rate of marriage at high, low, jack, and the game. In the same census (Comp., pages 4, 5.) But New England is not

expecting too much.

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 those diametrically opposite.

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 have been consulted when such a
discretionary power of limitation vested in the Superintendent of Census, so that the schedule may not be too much loaded.

Before passing from the enumeration 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 interlocutors 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 flexible columns to see them sparkle, splash, and fall uselessly. A few bits of the regular enumeration in relation to too much has been required of him for satisfactory results. Let Congress therefore take heed lest in widening the inquiry by he regular enumerator it thereby destroy the desired result.

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 at New York in 1812. The governor of the colony excused the imperial or legislative interference 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 1730, referring to the New York enumeration, said "that he was advised that it might make the people a little 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 avenging 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, 1857, page 109.) But New Jersey stood alone in being impatient of interfering with "private rights.

In the last Massachusetts census of 1875 inquiries as to "cards" were added. Some of the agents were asked to mention wood 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., page 585) Wright naively says must have been too low and called it a "silly" question. He said that the census of 1875 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 adding the statistic that the milk sold was not specially collected.

One of the earliest Federal censuses was taken in New York in 1812. In June, 1869, was

proposed to be taken. These babies were factiously called "June bugs." Old men were frequently put down as dying of cholera infantum, and the returns were made whose ludicrous nature was ascertainment by inspection.

In constructing the machinery for the census let us not hope to learn all we would like to know about our land. Our 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 power of 1400 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 States; but the question of power multiplied by her moral power, which could not allow watered or skinned 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 the census, the enumerator reported that the child was born in June to be taken. These babies were factiously called "June bugs." Old men were frequently put down as dying of cholera infantum, and the returns were made whose ludicrous nature was ascertainment by inspection.

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fourteenth amendment should fall, were named with the causes of denial. General Garfield reckoned them as numbering seventy or eighty districts, perhaps two hundred, where the property was insufficient, of sufficient resistance; service in the Army and Navy, oath, and what not, to appear to abridge representation.

Let me illustrate by again referring to Massachusetts, where the data are as complete as for any State. The report states that 482 voters from voting, paupers, derelict tax-payers, and 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 on tombstones. Hence, if the fourteenth amendment is to be observed in Massachusetts be in danger of losing one of her statesmen from this Hall?

Although the act of 1870 which provided for this enumeration of dead voters did not pass, the leading facts were ascertained by 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.

V. The greatest advance made upon the census of 1850 is that which provides for special agents or experts. Aspects, 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, which is left, for added purposes 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, who are the best calculators, 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. The census of 1870 was not taken in the United States marshal, regular assistant marshals; a.

In Massachusetts, not only were other censuses examined, but course, to procure a household, complete enumerators, did not standard works on special lines of inquiry. Out of these the names of new industries or products were acquired.

The system is a totally different one from that of the service so as to give 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 overlaid even with these schedules. When it comes to these special inquiries there is not so much danger of the overweight of any schedules.

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 commitee 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 industries are numerous it is entirely possible, 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.

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 quantities. The difficulty is in measuring the amount of coal burned in other countries is falling. We are sending it into the heart of the Alps and making money by the exportation. Do we realize its utili­ties? We have already produced 56,000,000 and a pound of it applied to produce the water of vapor exercises a pressure equal to two hundred pounds. Two pounds of coal is equal to man's days' work. Assuming 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 greater difficulties to be surmounted. The late Professor Whitney, appended to the report of the Superintendent of Censuses to the Secretary of the Interior in 1876. From it you will see that the States are not prepared to deal with the wealth by the old rickety machinery, even with its special improve­ments; while in every other country where mining is pursued, and the wealth is vast, 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 we propose to give discretion to the Superintendent of Census to employ who can exhibit the wonderful wealth which we have developed in this department of industry. It is not necessary to do this upon this House, this House has been connected with the precious metals, the importance of an exact know­ledge of our mineral resources and our progress in their development. These are supplied 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 spared for the collection and exhibit of those industrial facts by which our capabilities as the foremost country in the new hemisphere can be gauged.

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The provision of the 1850 law for the law of 1850 should be dispensed with, and a new law should be introduced in its place, for the benefit of the commissioners, and no necessity for them. The provision of the 1850 law, precisely as that of the original, besides the mistake of copying, are deposited at the commission's headquarters, while it has been seen that the original is sent to Washington for revision. Depending with these copies, will produce a saving of at least $350,000. If any are lost, they cost only $1,000 to replace.

I make this estimate on the basis of a letter to the Forty-first Congress, 2d Sess., H.R. Doc. 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 1850, with all that is done in the years since, the cost of a new census would be approximately $125,000. 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, the increase since 1850, and we have a saving of $325,000, without counting the cost of mail matter. This saving might well be added to that of which the present Secretary is responsible.

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, or in appropriating for the purchase of a vessel, or in making any appropriation.

An appropriation is made to wagon the lamp and to the Government building or a public improvement than in regard to the census.

The lamp is to be placed, just how large an architect's plans, down to the minutest specifications, and you might figure out the smallest priced expense, yet it is thought best to give an approximation, and this so large an item, is always done. Congress does not appropriate so much for stone and brick, so much for labor, so much for stone and brick, so much for labor, so much for stone and brick, so much for labor, and so on. I do not know the figures, but in anything like precise estimates. The very object of the census is to find out the facts, as should be done, the expenditure, the enumeration, is compulsory.

If you give a lump sum for all purposes, there need be no fear of extravagant expenditure; but the legislature would have to be very wise to be sure that the Government would do nothing to increase,.

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Computation.

As to the matter of computation to the officers, this is the 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 caput pay to the Government should be obtained in level valleys and 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 make the compensation of the officers uniform. Of the principles of the law, Professor Pierce, who has given his mathematical mind to it, and Professor Walker, who has given us the practical working of this principle.

This rule is simply ridiculous, if the multiple derived from area represents a desert or a submerged surface—a country in a lake as in Ohio, or an alluvial 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 21,884 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. Now 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 multitude of square miles. Let me illustrate. Look above you at the squares of glass on which our State censuses are painted. They are uniform. Suppose they represent houses, and number enough to make 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 the length of the road. But you may have a house and no pay; but our country is not so proportionately divided for houses as our ceiling into squares, and the rule as to it is absurd.

We have two hundred and seventeen persons and seventy-eight households of a person to the square mile; Colorado thirty-eight hundredths of a person. The per capita should not apply equally to each square yard to reconcile the square root with the number of people. 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 in 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 our horses as in any of the Southern States within a square mile in Illinois.

Subvention for State Censuses.

VII. A novel feature of this bill which the committee were encouraged to appreciate for its fiscal purposes was the provision for subvention to the States.

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 States of 100 per cent. of the cost of the pre­

This is intended to induce 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, a proposition that has met the country 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—in the grading 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 by the United States. The States which have started to have been generally worth it. The State census which is proposed.

The population of Arkansas and that of Minnesota did not greatly differ in 1850; Arkansas was 454,471 and Minnesota 345,706. Assume the cost of enumeration to have been $80,000 in each State, as it was in Arkansas and Canada West, which had both been divided 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 0.9 per cent., being one-half of the rate of gain in population of the State during the ten years 1850 to 1870; while in the case of Minnesota the amount would have to be increased by 7.80 per cent. The results reached ($21,126 for Arkansas and $50,560 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 $10,561 in the case of Arkansas and $7,759 in the case of Minnesota.

We have already seen that many results of the Federal census here­
to­forth have been taken on that basis of the cost of the law and some States are now accustomed to take every five years or less. finishes a check upon and correction of the Federal censuses.

The Uniformity of Home.

The average time for taking the census, at least among the more favored nations, was five years. The word |lostrum 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 France, 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 constitution of the States and their subventions. For the purpose of the subvention to which it was pledged, the distribution of that amount among the several States and Territories. Suppose State censuses to have been generally worth it. The State census which is proposed.
The statistical congress which has met frequently at Brussels, in order to aggregate the ownership in land, to ascertain by it, in the best manner possible, the censuses of different nations than there is among the censuses of our different States. In the twenty nations which I have seen tabulated on the floor of the House, the nation can be named, the place, 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 scale, and in that respect, we have none. We could number 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 inseparably important to know whether the figures are to be uniform or are different. 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 whose lot for illiteracy, poverty, or any 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 statistics. The United States on the earth can grow or grow as we like. In no other country should there be a more frequent census. A decennial census is not frequent enough for a country that produces legislation and legislation that is fraught with our vehement and exultant speculation, our hopes, boasts, and pride, and our wonderful promises and vices and solitude of fortune. It is in our future. We have no general, infrequent 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 census? What we are or may become 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 censuses at the end of the 1860's, of the war; to what was attributable the comparative falling off in population between 1860 and 1870, and 1880 and 1885, compared with other periods? Where now, and when have we recovered, if we have indeed recovered?

Outside of this most interesting social problem, it may be said with our examinations that the census was almost unnecessary for certain scientific and legislative deductions. Our mining statistics to which I have referred, so important in view of commercial and currency questions, that on impetus 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 value, as compared with 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 understood in ten years and survey the contrast.

**ROMAN CENSUS AND OUR OWN.**

Perhaps the greatest disappointment of 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 on $4,000,000, income, and one-tenth of the whole number of income tax-payers paid tax on $40,000,000, might we not inquire whether our revenue systems, having regard to the lot of millions with whom we are producing such wealth, could degrade or dismiss senators at will. They were not only, as an old English writer says, "cessors of the people and the mister-masters" but delivered to slavery. They determined the burdens as well as rights and duties of the citizen. They held the exchequer and the public works in trust. They displayed as well as punished as the courts. They were not only a register and a roster. They noted all connected with Rome by the permanence 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! Expatriatory 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 thrones were crowded under edict; and the verdure of the campus gives its pastoral picturesque. It is now trodden by groups more eager and anxious than those who come to practice their warlike and athletic exercises. As long as its wooden housetops remain, its public offices are not so much such as to defy the census. Lo! they come, with all the dignity of consuls, and invested in their scarlet robes.

Along the Via Latina and Via Flaminia on the north, the Via Recta on the south, and over the bridge of the yellow Tiber on the west, in the midst of the gardens of the patrician and plebeian, moving with curious eye and eager step for exercise in the imperial city to hear the words of the Roman doomsday. The obelisks are placed. The incensarii are summoned before we have our golden prosperity with renewed hopefulness! Why should such a land as ours have enforced idleness, with its ailments, discontent, and crimes, or its effects? To show what is going on, what is going wrong, what is going wrong, is what we need, to prevent the same mistakes from being made in office and wasteful excesses without being taxed out of their plenty, without laboring for the wealth they consume and the comfort they enjoy. It is the fact that when we 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, the wealth of the nation. Every one of these should be a solicitation of data of value regarding pauperism, crime, wages, and labor; or which would draw from corporations and companies valuable statistics. This suggests that the corporate organizations which hide beneath their skin to consume legitimate profits, so as to pay high dividends to a few and zone to the masses. But to them we should show 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 such information can be obtained. It would show us the grand resources and development of our agriculture, unrivalled in the history of nations, feeding and clothing the outside world we can. In the interregnum of history, what 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 we may bequeath to our children and to our posterity the hopes and the dreams of Bacon as to a new Atlantis, and the rhapsodies of Cowley, whom we see he but dimly understood—of that physical and social progress when men shall come 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. It was an office so high that kings exercised its functions in person; and it was not the office but the toot of magnificence; it was magnificence. They could degrade or dismiss senators at will. They were not only, as an old English writer says, "cessors of the people and the mister-masters" but delivered to slavery. It was an office so high that kings exercised its functions in person; and it was not the office but the toot of magnificence; it was magnificence. They could degrade or dismiss senators at will. They were not only, as an old English writer says, "cessors of the people and the mister-masters" but delivered to slavery. They determined the burdens as well as rights and duties of the citizen. They held the exchequer and the public works in trust. They displayed as well as punished as the courts. They were not only a register and a roster. They noted all connected with Rome by the permanence 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! Expatriatory 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 thrones were crowded under edict; and the verdure of the campus gives its pastoral picturesque. It is now trodden by groups more eager and anxious than those who come to practice their warlike and athletic exercises. As long as its wooden housetops remain, its public offices are not so much such as to defy the census. Lo! they come, with all the dignity of consuls, and invested in their scarlet robes.

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**CONGRESSIONAL RECORD—HOUSE.**
It is to the condition of the people that we owe the present condition of the nation. The people are the basis of national existence. They are the power, they are the wisdom, they are the glory of the nation. They are the foundation on which all other things are built. They are the source of all national strength and prosperity.

We must recognize the French Republic:

Napoleon once said to the British ambassador who was reluctant to recognize the French Republic, "If I were an American, I would recognize the French Republic." It is a sentiment that is still held by many people today.

It is necessary to give people the option to choose whether they want to participate in the economy's fruitage

Apples of gold in every area.

All gathered with scientific analysis.

Race, sex, age, from birth to death, in every relation to industry and commerce.

It makes graphic our very calamities. Rocks and hills their ever-sanguine mandates the purification of the soil.

She gave the value, beauty, and glory of the entire area.

Partial changes to the statistics; for our census rests upon an Atlas of different make and mass.

Our census recognizes no class.

We may ask, "What is our patriotic faith?"

Here it shows the value, beauty, and glory of the entire area.

An empire of partial penalities.

A lesson of art, resplendent as a marvel of art, resplendent forever a fancy of a man who informs the whole.

The slave schedule, for instance, is in the law to-day, and the garments that we wore when we were small boys, and appear in the list of the people.

This bill is a matter of business detail, or rather I ask the attention of the committee for a few moments only. This bill is a matter of business detail, or rather I ask the attention of the committee for a few moments only. This bill is a matter of business detail, or rather I ask the attention of the committee for a few moments only.

An act entitled "The CENSUS, An act to establish the Office of the Census, and to define the duties of the Census Bureau."
I therefore believe that as to the machinery for enumerating, taking it away from the marshals and having special persons ap pointed for the purpose, and as to the time for taking it, and as to the schedule of inquiries proposed in this bill, it is a vast improvement over the present law. I hope for every reason that this bill will at once be done. It is a new suggestion that the Constitution justifies a provision of this kind because the clause empowering Congress to take a census says that the Congress shall provide the method. That is the clause. I will be present upon finishing this bill and help to make it a law before we adjourn.

I do not 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 first Constitution was written 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 aside and refused to incorporate in their new instrument of government anything which seemed to them to have the least possibility of being done in such a 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 we put the census by law.

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

Now let us see what happens when we put the census by law.

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 last day of April, 1860, upon the nomination of the Superintendent of the Census, appoint one or more supervisors of the Census.

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 Constitution that is violated, he is not entitled to have his name given in the bill. It is the Constitution that is violated, and not the Constitution as interpreted. Mr. BUTLER. I was not 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 politics.

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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 one defect, the size of the 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—but smaller than one thousand, and I think that is 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 ten thousand square miles, or even more, to enumerate three thousand people. It would be impossible under such circumstances for any one man to enumerate all the inhabitants in one month. I think it would be that when there are no less than five thousand inhabitants that the enumerator should have the right to travel 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 President of the United States.

I call attention to a single other point of detail. I fear that the amendment found on pages 14, 15, 16, and 17 provides for too much detail in the inquiries in regard to railroads and insurance companies.
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.

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

Mr. CRITTENDEN. I had forgot 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 before the Senate we appointed a number of people or have had a law of courtesy - That looks to me a little more like courtesy 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 law upon the officers of the respective States. The first was the one adopted by the General Assembly of Maryland in 1822, and Mr. CRITTENDEN. I desire to call the gentleman's attention to the passage of the Constitution and its imperative duties by law upon the officers of the State.

Mr. BUTLER. 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 law upon the officers of the respective States. The first was the one adopted by the General Assembly of Maryland in 1822, 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 elements of wealth, power, and prosperity.

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the governor; that it had the power to fill the office in the law creat-
ing it and to designate the person by name who should perform the
functions committed to those "whom the law authorizes" to fill the
debt and to read the portion of the decision which I have marked, in third
volume of Sergeant and Rawle.

The gentleman from Pennsylvania asks how it is that 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 mean definition of the word office. Without reference to the
President or the Executive power of removal to others although the appointment
was left to the governor.

I endorse to mean in the time given the appointment that
the gentleman from Pennsylvania construed it to mean what the supreme court of Pennsylvania construed it not to
"other corporations, special commissioners or agents appointed by the governor or
the limits of this section are not impliedly 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 gov-
ernor shall appoint all officers whose offices are not localized, who stand in direct re-
lation to the State, and who in my opinion cannot properly be designated as execu-
tive or judicial officers of a State.

I mean that class of persons who exercise special public duties rather in the na-
tural position of citizens who are engaged in the executive or judiciary,
the distinction between office and employment, and between an officer of a State and
an agent of a State, is well established. Civil Justice Tilghman in 3 Sargant and
and it is the case established in the constitution of Pennsylvania
embraced by the word office. I think it is confined to those
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 rule in the minds of the framers of that instrument than that the
preservation of popular liberty depended on the independence of each State
and the separate departments of the Government. Neither
independence of the powers, nor the limits of the distribution of power
over the other. If the Executive has full power to appoint the
enumerators without the consent of Congress he can destroy rep-
ings, and supplant it at pleasure.

Let us compare this passage with another. One says Congress shall
make an enumeration "in such manner as they shall by law direct," and another says the States shall appoint in the same form of words in one place in the Constitution shall not convey the
same form of words in another place
for taking the census and the other for choosing electors. Has it not
beheld that the Legislatures of the States may themselves appoint the
electors? And if the Legislature under that same grant of power to
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
and Congress may create the office to be exercised, in the census, for
they are otherwise provided for just as the others are.

It only means those officers not otherwise provided for in the Con-
stitution and such as are required by the constitution and authorized by law.
Mr. JONES. Does the gentleman recognize any distinction
between a grant of power to appoint officers and a grant of power
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visions 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. Who was to confer the one power, and that of the other power, as the Constitution says, the Legislature? I think it is clear that the Legislature is the one that would be legal. That is, the Legislatures have the power to prescribe the manner of choosing electors. Moreover, if we can only apply the word "Legislature," it will be clear that we can only apply it to Congress. We begin with the elective essential to the exercise of the power. But when it is found that the power has been exercised, what is the proper way to cover that supposed defect. The electors, and did they not do so the election? The electors, spread out their election schedules, and require the electors to answer which of the candidates he voted for. Do you not know that the number 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 supposed we could devolve a duty upon one of them and compel them to perform it. Congress may provide for the appointment by the courts where he may have the privilege of recovering his security have they against such a thing happening?


[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 officers of the school of health claims he could not be turned out by that power. That first experiment was not so 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, that the data for the American influence is that the people in the election procedure, and 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 enable the officers to get as large a representation as possible, 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 be appointed by the Secretaries of the Interior and Territories. Every State having the largest possible share of representation in Congress, which is dependent upon 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 government of every Territory which may look forward to being made a Senator as a State, may 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 1850 returned such that Texas had just come into the Union, and very anxious to get as large a representation as possible, with as large a representation as possible. But I do not put that discrepancy to the desire of Texas to get representation alone. That connects with another human interest in Kentucky.


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 upon the governors of States that they cannot perform.

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

Mr. FRYE. At 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] has justly observed that "the manner" was left to Congress to decide; and this is doing the thing. Does he not with his oration 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? If a man cannot see 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 empowering Congress to do the thing in such a manner as it shall direct.

Mr. MAYHAM. Let me ask my friend from Massachusetts a question if I may.

Mr. BUTLER. Not at all.

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

Mr. BUTLER. No, sir; not at all.

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 be elected?

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.

Mr. MILLS. Now, will the gentleman answer this question? Under the power of choosing 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 man 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 officer by law, and then the Constitution provides that officer with the laws.
I CHARGE, No one can properly discuss this bill under the five- 
minute rule.

The motion to limit debate was agreed to.

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

The House accordingly resolved itself into Committee of the Whole,

Mr. GOODE in the chair.

Carlisle. By order of the House all general debate upon the 
bill (S. No. 185) to provide for taking the tenth and subsequent censuses has been limited to thirty minutes.

Mr. CARLISLE. I move that the rules be suspended and the House
now take into itself Committee of the Whole on the state of the
Union for the purpose of further considering the census bill; and
upon the 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. De-
bate under the five-minute rule will still be open.
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 that of doing his duty with unimpeachable integrity, 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 and woman in the land and legislation which he approved is unassailed by the majority of the Census Committee of this House. Mr. Cox, of New York.

But the mode of selection provided for in the amendment, independent of the objections which I have to any other, is one which I would not have at any price. It amounts practically to putting the States in rivalry with each other as to which should possess the best possible censuses, or rather the power to select the best 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 South Carolina is in 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 might do. And 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 partialities, and not to infringe 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 in agreement in a great majority of cases? Do you 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 ask you what you believed it. Mr. RYAN. My opinion is that he will, and that he ought. Mr. HARRIS. The gentleman from South Carolina feels that the President will appoint republicans.

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 democrat and republican against republican sections for a foundation for supremacy in the future.

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

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. He has interrogated me as to what the work ought to be done by republicans in a party spirit.

Mr. RYAN. Net in a party spirit. But will the gentleman pretend that if he appointed them it 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 partisanship in the country. We are trying to counterbalance the influence of partisanship 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 us 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 Mr. Cox. Mr. Cox 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 I observe that the gentleman from Kansas (Mr. RYAN) had not attained to the position of his friend.

For his part, I propose, without any great extent going into the details of the subject, what are in my estimation some very important and overawing questions involved. These I esteem to be the constitutional issues presented. I have watched with deep interest the proceedings of the House at the time of the revision of 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, and which has been so 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.

These committees have, after careful research and deliberation, arrived at a result, which, in their opinion respectively, marks out a system of census-taking which shall have the character and the extent going into the discussion of this most interesting question. I agree with him entirely on this point, and I observe that the gentleman from Kansas (Mr. RYAN) had not attained to the position of his friend.
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 way of admiration, in the gratification of the people, and the satisfaction of your heart.

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 agriculturists. And when these things are known, the most influential andavailable objection is placed with 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 the people. Let us know how the millions of dollars which have, almost without change, prevailed from the time when the house of knowledge, and invite, not merely our brain. There is an intelligence, a moral perception, and a probity, which have, almost without change, or virtually appoint one hundred and fifty supervisors for taking the census 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 the Senate bill would be adopted, the charge of this department would be committed to General Walker, so that the chief would be favorably known to the people, and the proclivity 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 regret it, because I could not see him in the 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 be found at all times in the province of the people themselves, and the people may be under this bill 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 act as 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 comprehending the provisions of the bill when amended as proposed, whether the changes proposed will remedy the evil which I have suggested would flow from the appointment of a chief officer to superintend the work, separated as his position would be from those who were to execute the law committed to his care. In this connection the prominent feature in the proposed amendments is the appointment of the heads of the census in the respective States and Territories, the importance which 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 superintendence. And the character of a suitable man, it is fair 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 insures also the appointment of men to execute this work who were familiar with the entire section under their charge, and thus adapt to the best advantage the work to the particular location, to the particular needs 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 moral character of the people, their dispositions, and their capacities. It must also be borne in mind that no man, with the exception 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 senator and a governor of the several States of the country, is an uncertain one, and, 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 fundamental question of the nature and character of the civil service of the country. As to the latter, it has been a principle generally recognized in the abstract that when an appointment is made to perform a certain duty, the appointment is made to the person charged with the duty. The acceptance of the appointment is in consideration of the performance of the required duties. The power of appointment thus invested 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 those individuals appointed on their recommendation that a member of Congress occupies to the members of Congress in the House of Representatives or to the Senate. Under the Constitution the General Government would, after his acceptance of the office, be precisely the same as that occupied by a supervisor appointed under the provisions of the last section of the Second Article of the Constitution.

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

Mr. NANNING. Yes, sir.

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

Mr. MANNING. I will answer that with all freedom, sir. I believe the nearer you get to the servants to the people whom they serve the more vigilant 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 adequately depended upon to secure the best evidence of the points of departure 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. CARLEIGH) called attention to the fact that the position of the amendment directed them, which was 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 made by the governor.

As to the technical distinction between the status of an officer where his appointment has been a direct one, without the intervention of a nominating power, there has been no very free expression, as far as I am aware, as 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 the consideration of the question, for the manner of determining and regulating taxation, made an amendment of the last section of the Second Article of the Constitution.

The actual enumeration shall be within three years after the first meeting of the Congress of the United States, and in 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 completely or unreservedly conferred upon Congress. The words are clear, plain, and unambiguous. 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 under the direction of the House of Representatives. They attempt to do this by claiming that there is a repugnance between the section of the Constitution which I have quoted, and the amended 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 ambassadors, 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 words of the Second Section of the First Article be allowable. 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 instrument; or that the express words of the entire framework would be mended, unless the apparently conflicting portions could be harmonized, or upon the theory that a necessity had arisen for such construction, in order to avoid consequent evil 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, and the inquiry how far the inquiry has anything to do with the meaning of the instrument, even in some cases of actual necessity, to escape from absurd consequences or to guard against real 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 always been, 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 is to the power of the President, under the Constitution, to make the first census. This section requires the President to point out one thing, about which no dispute can arise; the other confers full power upon Congress to perform a certain duty and carry it into execution, whereas the President is required to perform it in a manner it shall be executed. 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 of Congress.

Section 2 of article 2 of the Constitution provides that appointments to certain offices therein named shall be made through the President, and the Senate, with the advice and consent of the Senate, 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 committee of Congress. The power is further confirmed 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 we find powers conferred upon Congress in reference to the appointment power alone, as in section 2, article 1, is conferred upon Congress the power to determine in all its detail the manner in which the census is to be taken. The inferior officers who are named in this section providing for appointments are clearly those who hold 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 that Congress cannot authorize the appointment of persons who have been elected to a particular character, and whose acts are unquestionably valid. It might be proper to say that the party who is to enjoy the power to determine in all its details the power either upon the President, a head of a Department, or a committee of Congress it is necessary to carry out the provisions of a Federal law of the highest and most important character, and whose acts are unquestionably valid. It might be proper to say that the party who is to enjoy the power to determine in all its details the power to determine in all its details the power to determine the power of nomination to the President, who thereupon would be 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 those commissioners was conferred upon the present government at the time of the adoption of that particular section of the Constitution.

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 may have existed and may exist as to the power of the State magistrates to act, the opinion is entertained by this court that Federal magistrates may, if they choose, exercise authority unless prohibited by State legislation.

In the same case Judge Taney used the following language:

"The fundamental principle applicable to all cases of this sort would seem to be, that when the law is to be carried out in the manner it shall be done, the power to do it is necessarily included in the authority to carry it out. In this case it will be observed that there is no conflict between the two sections as to justify a forced interpretation which would limit the power of Congress."

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ments, would seem to ensure an accurate and complete report of the matters which should be covered by the census report. It will do away with a multiplicity of the existing systems, which through its completeness and crudeness little more than a travesty, and it would declare that it is the sentiment of the democratic party that power should not be conferred which is not necessary. The court said:

The right to appoint 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, but the committee amended it. The court said:

It was the sentiment of the democratic party that power should be conferred upon the States which is not necessary. The court said:

Mr. MANNING. I will tell the gentleman from Mississippi that the democratic party should ever address itself. It has detected under the specious guise which has been assumed by the republican party that the democratic party is not necessary. The court said:

The court said:

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?

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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?
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 the function of Congress, and the other of the authorities which the law vests with the power.

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 have noticed lately cases of authorities which had not the power to make appointments to which I desired to call the attention of the committee.

I will also cite the North Carolina Reports, 58, in which the case of S. ec. . pointe alternately from different political and enumerators' of opinions. Mr. Cox, New York. I hope we will have now a vote on the amendment reported.

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 any thought, any object, any design to reveal any thought, any object, any design would be accepted as harmonizing this matter.

The question being taken on the amendment of Mr. CONGER, there were—aye 88, noes 21.

The amendment divided; and the tellers reported—ayes 104, noes 111. So the amendment was not agreed to.

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 the several States and Territories within the United States, and perform and discharge the duties of the office of (Superintendent or Governor) the Secretary of the Interior, and make and perform such other duties and perform such other duties as the President of the United States may direct.

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

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. TUCKER. 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 I am not likely there will be, now, here, in 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 greenhouse or coin, that would be no political question.

Mr. BUTLER. There is no occasion to dispute with each other, for they will be in different districts. Mr. CONGER. But with their landlord.

Mr. BUTLER. Paradoxical, is it not?

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 word "according to" to insert "honestly and correctly.

Mr. CARLISLE. Does the gentleman from Massachusetts after his amendment, wish to add to his amendment, as a substitute for the proposition? Mr. COX, of New York. Is there a substitute for the amendment? The CHAIRMAN. The Chair is of the opinion that the first vote
The Speaker having resumed the chair, a message was received from the Senate, by Mr. SYMONDS, on the resolution which announced the passage of a bill (S. No. 1533) 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 in 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 5 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," at the end of the twenty-first line.

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

Mr. BUTLER. I move that the words "on the nomination of governments 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 move to strike the word "on" from the opening sentence. The branch of 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 United States to make these nominations. That will cause 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 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. APARIS. Put in both 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 gold-dollor of the census.

Mr. COX, of New York. Well, I will try to speak.

The CHAIRMAN. The gentleman from New York [Mr. COX] has the floor, and the gentleman from Ohio.

Mr. COX, of New York. Well, we are 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 myself I am for a conference or a committee of the whole House. I wish to have the right to speak.

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. 1055), 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. 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 27th instant, in relation to the destruction of the bark Forest Belle in Chinese waters in March last.

To the House of Representatives.

WASHINGTON, D.C., February 15, 1879.

R. B. HAYES.

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, the House, by and with the consent of the minority of this committee, hereby authorizes and empowers the Speaker to present this resolution to the House for consideration on the 21st instant, as a special order of business to be printed in the House Journal.

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. BANNING. 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, the application was granted.

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

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

Mr. ATKINS. A special order has been made, assigning for tonight the consideration of the legislative appropriation bill.

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. 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 the Committee on Appropriations was authorized, 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 it.

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' 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. 2929) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1860, 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 of the Whole 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. I do not desire 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:

$60,000. Provided, That the present Coast and Geodetic Survey, with superintendency 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 required for the improvement of rivers and harbors and surveys necessary for military purposes immediately connected with the plans of the Service of the Army, in connection with the National Academy of Sciences, under the act of June 30, 1860, entitled "An act for the establishment of a Smithsonian Institution and the making of a survey of the public-land surveys and the special survey necessary for geographical purposes, the survey of the northern and northwestern lakes now under the direction of the Lieutenant-Govcrnor of Minnesota, the lands in the public domain in the states of Oregon, Washington, and Idaho, and the lands in the Public and Military Lands District of the United States in the Department of the Interior." . . .

Mr. Chairman, one word only. I propose to strike out from line 20 of section 2 the balance of the sentence, and I desire to withdraw it. Doing this seems to me that such an ought to be satisfactory to the Committee on Appropriations. The bill will then contain all the features providing for the union of the surveys, the transfers from the Treasury to the Interior Department, all the scientific surveys, and those of the Coast Survey. As 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 public surveys and surveys of the great unexplored domain. I think 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 overlook the fact that this change of public land surveys, which is a change of the office of the surveyor-general in the States and Territories, will certainly create such a friction in the discharge of the duties which they are now bound upon to perform that it would rather be 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 which could not be immediately adopted and would render it almost impossible to carry out the laws as now provided by the statutes of the United States.

Mr. PHILLIPS. I hope the amendment offered by the gentleman from California [Mr. PAGE] will not prevail. There is nothing more definite in an amendment 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 which have been the subject of legislation, and we have offered 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 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 chills 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 the time had arrived 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 for us? Why, they do nothing but keep records, frustrate in the discharge of the duties which they are bound upon to perform. If we would remove the friction in the discharge of the duties which they are bound upon to perform it would almost immediately carry out the laws as now provided by the statutes of the United States.

Mr. PHILLIPS. Certainly.

Mr. HASKELL. Does 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. As members of this House know, appropriations have been brought in every year, generally in the sundry civil bill, for the different surveys which have been the subject of legislation, and we have offered the next year a uniform, intelligent, coherent system of surveys of the public lands and of the great unexplored domain.

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Mr. HASKELL. My colleague allows me to ask him a question.

Mr. PHILLIPS. Certainly.

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Appropriations comes in with a proposition to strike down these sixteen useless officers, with their clerks and their rents, he proposes a judgment in a case which is 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 upon the estimated fees accepted. The very service they performed, so far as I have observed. They did not approve the surveys; they merely received them, held them in their office for a few 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 the services of these surveyors-general, 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.

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 any other officers besides the one who has a function required in Government. They perform now no useful function. They are merely an intermediary clerk to let surveys.

Mr. PHILLIPS. The gentleman who has referred I do not favor it. It is merely an incidental provision in the bill to which I intend to make objection whenever it can be appropriately and economically disposed of.

Mr. PAGE. And I will say this, that an administrative officer ought never to have any judicial functions to perform.

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

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

Mr. WIGGINTON. Surely the gentleman understands that we allow the Commissioner of surveys to do all that.

Mr. PHILLIPS. This bill contains a provision under which those questions arising in the mining States can be properly determined.

Mr. PAGE. I wish to know whether the gentleman understands that these offices of surveyors-general are now established by law may have a sympathy for the men that the pending proposition, if adopted, will be able to give him. I think it is a power which ought to be bestowed upon the Government. I do not know that he has adopted the uniform 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. Mr. PAGE. I do not approve of all the points embraced in the bill, but I approve of the essential feature of this proposition. Mr. PHILLIPS. I think the gentleman 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 a power which ought to be adopted. We have been saying for many years that we ought to have a uniform system of surveys. Mr. PAGE. I do not approve of all the points embraced in the bill, but I approve of the essential feature of this proposition.

Mr. Rooks.—Does the gentleman from Missouri (Mr. PAGE) think that when the reason of the Secretary when it is more accurate and economical, it should be adopted which would provide for mineral claims, agricultural lands, lands requiring to be irrigated, and mountain pasturage. Such an evently called survey would be made in the bill.

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 rounded dollar's worth of work has been done upon the mining claim.

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Land Office are examined this will be found to be the principal reason in which this is done.

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 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 think that these convictions are conscientious convictions.

But my colleague from New York [Mr. HAWRTT] always conscientious in statement, further on in the debate, when he came to talk of the details of this bill, was not enough and frankly said 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扫 suburban area with no better survey than possible in this country, and that full scope, full latitude must be given to them to put their honorable professional ability to the foremost limit.

If this means anything it means elaboration; if this means anything it means a large expenditure of money for the gratification of this "landable professional ambition." It means anything else and everything else, sir, but economy. I do believe that in a subject of this magnitude, involving such heavy interests, involving interests that you and I sitting at our fire-side distinctly know, the old German maxim "mon do heute slow" 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 the settlement of the public domain, and that it would not be well for us not to wait for the coming in of the report of that commission, and that we put in practice the German maxim I have quoted?

Mr. HANNA. I shall submit but a few words, in the nature of practical suggestions, as furnishing the basis of my opposition to the proper legislation as reported in the bill.

First. I deem it unwise to infringe 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 for frequent reference to the public necessity involved.

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 subservie 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 it can be proved that this necessity continues to exist long after the Territories become States. It is the sons of the men who have long been acclimated to our present system of land survey, the young men of the future, who are in a great measure peopling our Territories. They and their fathers look to the system the people the public necessity of the survey and records of public necessity involved.

I 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 in its consequences:

Had General Comstock been called and asked for his experience in a good site and topographical survey of the three thousand miles of lake coast, and asked for the results of his close study of the methods and costs of the great surveys of European countries, he could have informed the committee, by figures which could not be disputed, that this survey must overbalance the present system of land survey, the young men, 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 the system furnishes certain and perpetual information of accuracy 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 protecting his title the more rapidly you settle our domain.

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But as I pass over the details of the Bill, of which we have not been furnished with a copy, I will 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. HASKELL. I do not care to put the name of the author of that letter.

Mr. WIGGINTON. Let us know the name of the author.

Mr. HASKELL. I am not to receive instructions from the gentleman from Pennsylvania. I will say that the letter was sent to a member of this House, the gentleman from Pennsylvania [Mr. FISHER], and that it is written by a member of the board in Pennsylvania. It has 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 of that letter.

Mr. WIGGINTON. Then I object.

Mr. SPARKS. I yield the floor.

Mr. SPARKS. If that gentleman yields, I will say that the name of the author of that letter is William D. Kelley.

Mr. WIGGINTON. Will the gentleman from Pennsylvania allow me to ask further?

Mr. KELLEY. No. I do not want to ask further.

Mr. ATKINS. Will the gentleman from Pennsylvania allow me to ask further?

Mr. KELLEY. I object.

Mr. SPARKS. The gentleman from Pennsylvania [Mr. FISHER] will yield to me for the name of the author of that letter.

Mr. WIGGINTON. The name of the author of that letter 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. Mr. Chairman, for a personal explanation in Committee of the Whole.

The CHAIRMAN. It is not.

Mr. SPARKS. I do not.

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 give the gentleman's consent.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SPARKS. Gentlemen from Kansas.

The CHAIRMAN. Gentlemen from Kansas.

Mr. SPARKS. Is it competent, Mr. Chairman, for a personal explanation in Committee of the Whole?

The CHAIRMAN. It is not.

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 object.

Mr. PAGE. I ask unanimous consent that the gentleman from Kansas be permitted to conclude his remarks in which he was interrupted.

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Mr. SPARKS. I give the gentleman's consent.

Mr. KIDDER. Mr. Chairman, it has been asserted by the advocates of the new school 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 1876, and that no public lands be surveyed in that Territory during the same period of time:

Entered at the Fargo land office: 4 acres.
Entered at the Minneapolice land office: 41,000 acres.
Entered at the Yankton land office: 500 acres.
Entered at the Cheyenne land office: 3 acres.
Sold by the Northern Pacific Railroad Company, 1876: 900,914 acres.
Sold by the Bangor and Aporton Railroad Company, 1876: 3,362 acres.

Total amount of land sold in Dakota during 1876: $874,000.

In other words, there has been over four times as much land sold up in Dakota Territory in 1876 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, 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 the object of the gentleman's speech. He seems to think that we had established a system, carried on for many years, that we are about to change the system of surveys. He says that in the past, our surveys in the Rocky Mountains and mining regions generally have been with great accuracy, and that we have sold our lands and granted them to the officers of the Government.

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. 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.

Mr. 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 will not allow it, Mr. KEIFER.

Mr. KEIFER. The gentleman from Kentucky will proceed to read this bill without interruption. I will show you that you do not understand the bill.

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Mr. DURHAM. I thought I had the floor, Mr. Chairman, and I do not yield to the gentleman.

Mr. KEIFER. Mr. Chairman, if you will allow me to say a few words, I will show you that you do not understand the bill.

Mr. DURHAM. About $100,000.

Mr. KEIFFER. About $100,000.

Mr. PATTERSON, of Colorado. About $100,000.

Mr. DURHAM. Mr. KEIFER. 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 amount 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 under the United States, and in California they are seeking for $20,000. Mr. DURHAM. Where are all your clerks for the surveyors-general? In California they are seeking 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 am objects which are the churches are the offices that are one place.
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 gentleman from Kentucky is concerned, it is not true. I do not want 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.

[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 to the bill.

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. OAKMAN] 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 oppose this bill have exterminated from 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 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 any 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, and one which I think is difficult, burdensome, and 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 host 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 public business of the country. If these offices 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 do 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 agrarian cultures; and it has been the policy of the Government to follow them and survey the lands as they were thus occupied, so that the public might enter upon them. But now look at the radical change proposed in this bill. The language of the bill is:

'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 with the surveyor to survey that township, a deposit amounting to thousands of 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—cheaper to the settler who desired a survey of his land than the settlement of the colonies from Pennsylvania, [Mr. Wintemute] who has stood by the settler, whether he proposes to vote for this new method and, instead of letting his Pennsylvania constituent find upon the public lands with or 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, as 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 work of the members of the committee; it is through a distin-

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, by performing all the services 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 that the Survey Office should be made responsible for all the clerical acts are to perform, and to whom all subordinate agents are to be responsible for what they do. Now I think there is no gentleman here who will vote in favor of this proposition, and if the gentleman from Mississippi [Mr. OAKMAN] is hereafter to be responsible, besides the common head you have sixty other gentlemen with co-ordinate authority and in a measure independent of him.

Mr. SAPP. What are we to have six or seven men who are called surveyors-general, and surveyors-general of whom I believe we are supreme with regard to the acts done in his jurisdiction. He is almost equal to the survey-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 set 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 $10,000,000 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 but one captain of the regiment.

[Here the hammer fell.]

Mr. ATKINS. I ask unanimous consent that debate close in thirty minutes.

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. WIGHTON. I deny it.

Mr. HASKELL. With the exception of one or two members.

Mr. WIGHTON. I do not trust that, or any member of that committee, and I deny the gentleman's statement.

Mr. HASKELL. I do not yield to the gentleman. He will please to state. More than that, all the members, from the nine States and Territories in which the land surveys are located, except three, are against the passage of this bill.

Mr. WIGHTON. I want to say that the amendment of the gentleman from Kentucky, [Mr. DURHAM], who, by striking down these sixteen surveyors, expects to save some money. Let me show you how the money is saved. It has been said that the land would be surveyed in another line, the Line of the Coast Survey. The gentleman from Kentucky would strike down
Mr. SEEGER. The idea of the gentleman from Dakota (Mr. PAGE) is an amendment which every single member of the committee which was appointed at the last session of Congress, and which I have anticipated such a result, is precisely as it is in the act itself. I hope the gentlemen on that Committee on Appropriations will favor heartily.

Mr. Patterson, the amendment of Mr. PAGE is one of them. They are all under the pay of the Government, why should we retain them longer? why should we allow them to take the land surveys and consolidate the rest of your distance, 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 line and principles of this general subject, it is evident that the survey and classification of the public lands with the purpose of securing the best results at the least possible cost, will become apparent, I think, that the main object steadily to be kept in view should be to impart title to actual settlers, but one. It is evident that the public land.

Mr. GAUSE. If these men know that no such aid is needed. The discovery of mineral wealth than scientific adjustment of the scheme for geological exploration was presented by one of the members of the Committee, 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 be 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 large scientific cost of $6,000 a year, that science in the colleges of the country, one scientific survey, one system, not for surveying the public lands, but to inter 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 change nor the interests of the people demand the overthrow of well-known and approved methods of survey and land parcelling with which the settler is familiar. It is evident that no such change will happen in the future an accurately scientific survey may be required, but it is not demanded at present.

Mr. PAGE. In the surveying of the public lands, the surveying of the public lands has never been made by the Government, but now by the people. The people have done it, and it is evident that no such change as this can be required, it is evident, that no such change as this can be required at all.

Mr. Baker. Of Indiana. Mr. Chairman, to any one who has 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 survey under the War Department, and the geological surveys under Professor Hayden and Major Powell, four in all. Each survey is conducted according to its own system, different systems and without reference to a common and definite plan. No system seems to me can do the task better than one that works with the people, and that is a task which should be kept in view should be to impart title to its land of all classes, and the examination of the subject. The committee consisted of seven learned academicians—five of them geologists and professors of the sciences. The bill is one of the most important matters of government, one of the most important 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 large scientific cost of $6,000 a year, that science in the colleges of the country, one scientific survey, one system, not for surveying the public lands, but to inter 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 change nor the interests of the people demand the overthrow of well-known and approved methods of survey and land parcelling with which the settler is familiar. It is evident that no such change as this can be required, it is evident, that no such change as this can be required at all.

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tion of title to the public lands, should be the only and constant aim of this body. This real scheme of scientific research, 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 like to have their actions unduly controlled by an authority on whom to have their own fortune and to develop the undiscovered wealth of the mountains. It is a libel upon the brave and intelligent pioneers to legislate on the assumption that isolated and westering Indians, 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, that can be so handily be devised. The bill further provides that "all collections of rocks, minerals, fossils, and objects of natural history, archæology, and ethnology" made by the geological survey shall be finally deposited in the National Museum. It does not guarantee that the public interest in the results of the survey shall consist of the annual report of operations, and economic geological maps illustrating the resources and classification of the lands, and the publication general and economic geology and geological surveys. 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 explained, the mineral wealth, and objects of natural history, archæology, and ethnology, to be accumulated. The public interest of 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 studied. How much more of the scientific exploration is this elaborate system of 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 taxpayers was never before projected. Such a scheme for crushing out all private pursuits 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 millions, 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, the practical value has been betrayed in the system of 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, mineral products, archæology, and paleontology of the country where he proposes to grow his wool? How much more will the Government obtain for the lands if it should be necessary to order this geological survey that some millions of years ago enormous Ichthyosaurus 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 the 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. HASSELL] 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, expressed themselves as not giving any consideration to this bill. I wish to say right here that there has been no record made in the Committee on the Public Lands in the House of Representatives under consideration of this bill. It has never been brought before the committee, nor has it ever been acted upon by the committee.

Mr. WIGGINTON. Has not the system of triangulation examined by the committee?

Mr. WIGGINTON. Yes; the system was examined into, but my colleagues expressed themselves as not giving any consideration to this bill. At the request of Mr. SAPD. Did we not examine witnesses, and did not the whole matter fall to the ground?

Mr. WIGGINTON. We have left it in the dust; 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 but I am confident that 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 any body not to say that the Committee on Public Lands have expressed their opinion upon the proposition of this gentleman.

Mr. SAPP. We examined witnesses, and after their examination did the friends of this bill pretend to press it any further after the evidence indicated that it would be defeated and some wiser plan devised.

Mr. WIGGINTON. The gentleman is going into small details. The question is, was there any expression by the Committee on Public Lands favoring 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 favor this proposed appropriation. 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. HASSELL. Not so many as the Coast Survey.

Mr. WIGGINTON. I say here that there is no occasion for continuance of the office unless there is a demand for keeping up a great number of Federal officers for political purposes.

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, I say to you, and I do not say that this gentleman or any other member 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 survey. I have never taken away the contract or refused payment for any work. I have always been ready to pay for a fair day's work, nor have I ever expected to see anybody get the job. Sir, I can bury my political ambitions and set aside all my desires for political advantages when the public interest is at stake. I do not think this gentleman is of that mind. 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 berefted 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.

Mr. WIGGINTON. The gentleman from Colorado [Mr. PATTERSON] undertook any practical legislation but once before. Then it recommended the Tice meter for use by the distillers of the State. Congress on account of the supreme intelligence and practical legislation must pass this bill, 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 the academy.

A MEMBER. It cost more than that.

Mr. PATTERSON, Colorado. This Academy of Sciences has never proposed any practical legislation, but one was a proposition for the admission 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 the academy.

A MEMBER. And if they are to continue intact. You say it does not lie in the...
[Mr. WIGGINTON. But the gentleman—

Mr. PAGE. Keep your eye, I say. [Renewed laughter.]

Mr. WIGGINTON. 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 Ohio has had the benefit of this land system by bay or by however 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 people may live?

Mr. WIGGINTON. The CHAIRMAN. The time of the gentleman has expired.

Many Hours of 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 floor by request. I have, in the judgment of a 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 so well and speaks so 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 the question was brought to the attention of the members 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!" and "Order!"

Mr. ATKINS. The violent gesticulations of the gentleman carry no terror to me, nor do they constitute a serious argument to the House. I trust he will possess his soul in patience and do as he requested his friend from Arkansas [Mr. Gaese] 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 the office of surveyor-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 surveyors-general, employing not to exceed forty clerks, and at a cost not exceeding $2,000, 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 the supervision of all surveys are placed, are the duty of the gentleman. I deny it. That officer has not desired any such thing.

Now I want to know if the gentleman does not feel that he has done an injustice to the public service, when he has assailed it and misrepresented it as he has done here to-night?

Mr. Patterson of Colorado. Perhaps I only ask the inside working knowledge of 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 aggravization 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 gentleman 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 to this language:

That the triangular surveys used 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 cause additional surveying to be done.

The truth of the business is that this language is simply directory, as the gentleman well knows when he says I am not bound to 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.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. Page], which will read as follows:

"After the word "except," in line 9, insert "the public land surveys."

Strike out of all the section after line 29."
Mr. EDEN. I rise to a question of order. Has not this point of order already 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 point of order has not been already ruled upon.

Mr. CONGER. I will make a new point of order if it be necessary.

The CHAIRMAN. The Chairman 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 that it will 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 just as 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, if the amendment offered is a new proposition, and is so, then the point of order cannot lie, even though 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 view of the gentleman that the substitute is a new proposition, that the amendment made by the chairman of the Committee on Appropriations, and the appropriations now existing, which are dispensed with by the provisions of his substitute is necessarily 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 of the divide 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 effectually; and the Chair does not see how it can rule the point of order made by the gentleman from Michigan.

Mr. CONGER. I cannot conceive it possible that the Chair understands the Committee of the Whole.

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 from you, and the gentleman from Tennessee.

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. TOWNSEND, 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 for which an appropriation shall not have been made by law, the Secretary of the Treasury, and he is hereby directed and required, in all payments of appropriations from the funds of the United States, to use the following notes and coined money of the United States, which are to be paid in the Treasury and deposited in the United States for the purpose of paying the obligations of the United States:

The Clerk resumed the reading of the bill and read the following:

The Clerk resumed the reading of the bill and read the following: Section 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 use of the necessary postage-stamps for the use of their Departments, not exceeding the amount stated in the respective Acts authorizing the use thereof; and that the vouchers therefore at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Department to which such vouchers relate for the purpose of paying the obligations of the United States.

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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 over the 1st of July next, it 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. The answer of the chairman of the committee is not quite accurate. 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 Minnesota what part 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. The amendment, the point of order having been made. Pending the consideration of the section of the bill at page 78, under the head of "judicial,"

Mr. ATKINS. I now offer the amendment which I was requested to make.

The gentleman from Alabama desires to exclude the amendment of Mr. BREWER. Where are the motions of the gentleman from Minnesota?

Mr. HERBERT. I make the point of order upon that amendment.

Mr. SPRINGER. The gentleman from Alabama (Mr. HERBERT) had the floor, and the motion which he offered should be read, after which the motion of the gentleman from Minnesota will be in order.

Mr. ATKINS. The amendment was agreed to.

Mr. FULLER. 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:

After line 329, page 10, add as a new paragraph the following:

For surveyor-general of the Territory of Wyoming, $3,750; and for the clerks in his office, $3,000.

For surveyor-general of the Territory of Arizona, $3,750; 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 $6,000 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, page 27, the word "clerk."

The amendment was agreed to.

The Clerk proceeded to read the paragraphs under the head of "judicial," and read the following paragraph:

Mr. HERBERT. I offer the amendment which I send to the desk.

Mr. DUNNELL. I move that the committee rise.

Mr. SPRINGER. The gentleman from Alabama (Mr. HERBERT) had the floor, and the motion which he offered should be read, after which the motion of the gentleman from Minnesota will be in order.

Mr. ATKINS. We agree.

Mr. SPRINGER. The amendment was agreed to.

Mr. ATKINS. I move further to amend by inserting, after the words "surveyor-general of Oregon," the words "For surveyor-general of the Territory of Dakota.

Mr. SPRINGER. The amendment was agreed to.

Mr. ATKINS. I move again to amend the amendment of Mr. HERBERT.

Mr. SPRINGER. 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 1329, insert the following:

For compensation of surveyor-general of Louisiana, $1,000; and for the clerks in his office, $500.

For surveyor-general of Florida, $1,000; and for the clerks in his office, $500.

For surveyor-general of Texas, $1,000; and for the clerks in his office, $500.

For surveyor-general of the Territory of Dakota, $1,000; and for the clerks in his office, $500.

For surveyor-general of the State of Colorado, $1,000; and for the clerks in his office, $500.

For surveyor-general of the Territory of New Mexico, $1,000; and for the clerks in his office, $500.

For surveyor-general of California, $2,750; and for the clerks in his office, $1,000.

For surveyor-general of the Territory of Idaho, $2,500; and for the clerks in his office, $1,000.

For surveyor-general of Nevada, $2,500; and for the clerks in his office, $1,000.

For surveyor-general of the Territory of Washington, $2,500; and for the clerks in his office, $1,000.

For surveyor-general of Nebraska and Iowa, $2,000; and for the clerks in his office, $1,000.

For surveyor-general of the Territory of Montana, $2,750; and for the clerks in his office, $1,000.

For surveyor-general of the Territory of Utah, $2,750; and for the clerks in his office, $1,000.
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. ATWOOD. I move that the amendments be printed.

Mr. WILSON. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON. The Clerk was exclaiming June 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. J. A. STONE. I move to consent to it.

The CHAIRMAN. The Chair does not understand that any consent is asked or given.

The question was taken upon the motion of Mr. ATEW; and upon a division there were ayes 98, nays 33.

So the motion was agreed to.

The committees 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. 6840) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, 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 Messrs. Mrs. B. W. Chapman and 272 others, citizens of Michigan, for the immediate passage of the bill to make effective the anti-polygamy law of 1862.

By Mr. KILLINGER: The petition of women of Milton, Pennsylvania, for the immediate passage of the bill (H. R. No. 3850) 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. 3229) making an appropriation for theochond of the Remembered.

IN SENATE.

WEDNESDAY, February 19, 1879.

Prayer by the Chaplain, Rev. BYRON MONDIE, 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. [Pause.]

Mr. SPENCER. As the Senate is rapidly filling up I should like to call up the bill (H. R. No. 4233) 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 Senate 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 in proceeding to entertain legislation with the palpable fact that there is not the semblance of a quorum present.

The VICE-PRESIDENT. The reading will proceed.

Mr. LONG. The Senate has already lost an arm or leg.

The VICE-PRESIDENT. Therefore, the Chair will lay before it a communication from the Secretary of the Military Affairs, 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.

The VICE-PRESIDENT. The reading will proceed.

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 Senate 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 in proceeding to entertain legislation with the palpable fact that there is not the semblance of a quorum present.

The VICE-PRESIDENT. The reading will proceed.

The Secretary resumed the reading of the communication.

The JOURNAL.

The VICE-PRESIDENT. 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, expressing a desire that the Secretary of the Interior, through the proper channels, would and ordered to be printed.

DISTRICT SUPREME COURT.

The VICE-PRESIDENT appointed Mr. Davis of Illinois, Mr. Howe, and Mr. McDonald the conference 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. 30) 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.

The following bills from the House of Representatives were referred to the Committee on the District of Columbia:

A joint resolution (H. R. No. 4646) 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. 4645) to extend the jurisdiction of justices of the peace in the District of Columbia:

A bill (H. R. No. 6056) for the relief of the heirs of Edward B. Clark:

A joint resolution (H. R. No. 3229) making an appropriation for the...