last sickness of Robert W. Lennox, late an employé of this House: *Provided*, Said sum shall not exceed $500, to be approved by the Committee of Accounts; and there shall be paid out of the said fund, subject to the same approval, three months' pay to Mrs. James Lennox, mother of said deceased.

Mr. McMAHON moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLAFLIN, for three days, on account of important business.

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

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAIR: The petition of Mrs. Maria K. Barnet and 12 other ladies, of Walpole, New Hampshire, for the enforcement of the laws against polygamy—to the Committee on the Judiciary.

Also, the petition of W. H. Lester and 273 others, citizens of West Alexander, Pennsylvania, for the early passage of the Senate bill providing for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. BLOUNT: The petition of citizens of Newton and adjoining counties in Georgia, for aid in the construction of a canal to connect said section by water transportation with the Northwest—to the Committee on Commerce.

By Mr. BOUCK: The petition of tax-payers of the District of Columbia, alleging that the sale of property for the amount of special taxes of the board of public works under act of June 19, 1878, would confiscate certain real estate, and asking relief—to the Committee for the District of Columbia.

By Mr. BRENTANO: The petition of Messrs. Bates & Co. and other vessel-owners, manufacturers, and shippers of lumber on the lakes, for an appropriation for a harbor at Waukegan, Illinois—to the Committee on Commerce.

Also, the petition of Captain W. T. Bangs and other owners of vessels, of similar import—to the same committee.

Also, the petition of Mrs. L. B. Stewart and other ladies, of Millburn, Illinois, that the anti-polygamy laws be made effective—to the Committee on the Judiciary.

By Mr. BROGDEN: The petition of citizens of New Berne, North Carolina, for an appropriation of $40,000 for the improvement of Trent River, $60,000 for continuance of work on Neuse River, and $100,000 for the improvement of New Berne Harbor and its approaches—to the Committee on Commerce.

By Mr. CALDWELL, of Kentucky: Papers relating to the pension claim of P. S. Rush—to the Committee on Invalid Pensions.

By Mr. CHITTENDEN: The petition of W. H. Schiefflin & Co., of New York, for the return of moneys alleged to have been illegally collected as customs duties—to the Committee on Commerce.

By Mr. CLAFLIN: The petition of the Washington Art Club, for payment of the claim of the trustees of the Corcoran Art Gallery—to the Committee on Appropriations.

By Mr. CLARK, of Iowa: The petition of Captain G. W. Clark, for a change of the statutes so as to permit soldiers to locate and put under improvement homesteads by agents or tenants—to the Committee on Public Lands.

By Mr. COBB: The petition of 153 citizens of Pike County, Indiana, for the passage of a law equalizing the bounties of Union soldiers engaged in the war for the Union—to the Committee on Military Affairs.

By Mr. FOSTER: The petition of ladies of Findlay, Ohio, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. GARDNER: Memorial of T. Worthington, for pay as colonel of infantry from September 16, 1862, to January 3, 1877—to the Committee on War Claims.

By Mr. GARFIELD: Papers relating to the war claim of James W. Pettigrew—to the same committee.

Also, papers relating to the war claim of Mildred Parsons—to the same committee.

Also, papers relating to the war claim of Martin Webb—to the same committee.

By Mr. HARMER: The petition of David and William H. Reeves, heirs and executors, and Elizabeth H. Carson, Clara R. Tyson, and Jennie F. Reeves, heirs of Samuel J. Reeves, deceased, for an extension of a patent granted said Samuel J. Reeves for improvement in the construction of wrought-iron shafts or columns—to the Committee on Patents.

Also, the petition of Alexander R. Shepherd, for an appropriation for the payment of the rent of premises known as No. 915 E street, northwest, in the city of Washington, District of Columbia, used and occupied by the Government for the use of the Post-Office Department—to the Committee on Appropriations.

By Mr. HARRIS, of Massachusetts: The petition of George L. Coleman and 190 other individuals and firms of Massachusetts, for the modification of the laws relating to compulsory pilotage as applicable to Hell-Gate, New York—to the Committee on Commerce.

By Mr. HENDERSON: The petition of Theodore Elliott, for a pension—to the Committee on Invalid Pensions.

By Mr. JOYCE: The petition of ladies of Waterbury Center, Vermont, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. KIDDER. Joint resolution of the Legislature of Minnesota, asking an appropriation for the improvement of the Red River of the North—to the Committee on Commerce.

By Mr. LOCKWOOD: The petition of 25 ladies of Erie County, New York, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. LUTTRELL: A paper relating to the claim of Riley, Hardin & Taylor—to the Committee on Indian Affairs.

By Mr. McGOWAN: The petition of Sarah A. Bancroft and 108 other women, of Hastings, Michigan, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. MORRISON: Memorial of the Legislative Assembly of Dakota Territory, for the creation of a new land district and its location in said Territory—to the Committee on Public Lands.

By Mr. O'NEILL: Resolutions of the Wholesale Grocers' Association of Philadelphia, urging liberal appropriations for the improvement of the Delaware and Schuylkill Rivers, and for removing obstructions therein—to the Committee on Commerce.

By Mr. RICE, of Massachusetts: The petition of Mrs. Ann Maria Norton and other ladies, of Hubbardston, Massachusetts, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. ROBBINS: The petition of citizens of Wilkes and Surrey Counties, North Carolina, for a post-route from Trop Hill to Hopp's Mills, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND, of New York: The petition of ladies of South Hartford, New York, for legislation that will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. TOWNSHEND, of Illinois: The petition of citizens of Hamilton County, Illinois, that a pension be granted Louisa Ritchey—to the Committee on Invalid Pensions.

By Mr. WAIT: The petition of Frances A. Bacheler and others, citizens of Connecticut, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. WATSON: The petition of 40 ladies of Corry, Pennsylvania, of similar import—to the same committee.

By Mr. WIGGINTON: The petition of the county officers of Fresno County, California, for a modification of the timber-culture laws—to the Committee on Public Lands.

Also, the petition of C. G. Sayle and 75 others, citizens of Fresno County, California, of similar import—to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of Mrs. A. Barber and 125 other ladies, of Waukesha, Wisconsin, for more effective anti-polygamy laws—to the Committee on the Judiciary.

By Mr. WILLIS, of Kentucky: The petition of Patrick Crane, for a pension—to the Committee on Invalid Pensions.

By Mr. WILSON: The petition of Muhn & Brandfass and others, for relief from the present tobacco and cigar tax—to the Committee of Ways and Means.

By Mr. WOOD: The petition of Nicholas Fries, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *February* 7, 1879.

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

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

NICARAGUA CLAIMS.

The VICE-PRESIDENT appointed Mr. HAMLIN, Mr. CONKLING, Mr. KIRKWOOD, Mr. EATON, and Mr. MORGAN the select committee, under the resolution of the Senate of February 5, to inquire into claims of citizens of the United States against the government of Nicaragua.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Auditor of Railroad Accounts, showing why the appropriations for his office for the fiscal year should be increased rather than decreased; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Paymaster-General of the Army, forwarding estimates of the amount of $180,000 required to supply a deficiency in the appropriation for pay, &c., of the Army for the fiscal year ending June 30, 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the

6th instant, certain papers concerning State war claims; which was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a memorial of the Legislature of Minnesota, in favor of an appropriation by Congress at the present session to complete the work of improvement on the Saint Croix River between Stillwater and Taylor's Falls; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the passage of a law by Congress making Moorhead in that State a port of entry; which was referred to the Committee on Commerce.

Mr. McMILLAN. I also present the petition of Ettie Bartlett and a large number of other women of Minnesota, praying for the passage of a law prohibiting the sale of intoxicating liquors in the District of Columbia except for medicinal, mechanical, and scientific purposes.

The VICE-PRESIDENT. The petition will be referred to the Committee on the District of Columbia.

Mr. McMILLAN. I trust, as the citizens of the country take a great interest in everything that tends to the advancement and welfare of this District, that the Committee on the District of Columbia will give this and similar petitions careful consideration.

Mr. MITCHELL presented a petition of Enoch G. Adams and others, citizens of Columbia County, Oregon, praying for the passage of a law confirming the title of settlers who made private entry to lands within the limits of the grant to the Northern Pacific Railroad; which was referred to the Committee on Public Lands.

He also presented a petition of Mrs. Matilda Doane and 100 other women of LaFayette, Oregon, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. MITCHELL. I present a memorial of the Board of Trade of Portland, Oregon, in which they make various sensible observations in regard to the necessity of legislation for the Territory of Alaska. As it is a very important matter I ask that the memorial be read in order that it may go in the RECORD.

The VICE-PRESIDENT. The memorial will be reported.

The memorial was read, as follows:

MEMORIAL OF THE BOARD OF TRADE OF PORTLAND, OREGON.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The Board of Trade of Portland, Oregon, respectfully represents the present anomalous condition of Alaska Territory, as regards the government of that section of the United States and the relation which its trade and commerce sustains with this community.

Heretofore Sitka, Wrangel, and other ports in Alaska have drawn their principal supplies from this city. During the reign of the military there was at least some semblance of authority for the protection of merchants and other consignees dealing directly with this port; and while there never has been any law in the Territory for the collection of debts, our merchants have liberally supplied parties doing business in Alaska with goods and other commodities, relying upon their good faith for payment. These advances were made with the assurance that both the consignor and consignee should receive the benefit of military protection.

Since the withdrawal of the military there has been absolutely no law or protection whatever in Alaska for life or property, and as a resultant fact our merchants to a great extent have been compelled to withdraw their commercial relations with that country.

A monthly line of steamboats plies between this city and the principal ports in southeastern Alaska. Portland is legitimately the chief base of supplies for this portion of Alaska, but a hitherto valuable and lucrative trade is made to suffer by the failure of Congress to legislate for that Territory.

Some of our citizens have made permanent homes in Alaska, and are engaged in salmon fisheries there, and several of our energetic and wealthy men are prominently forward in developing its mineral resources. Our relations with this country are necessarily intimate, owing to its geographical position and our regular direct communication.

We therefore view with distrust the present existing state of affairs as seriously calculated to impair the confidence of our merchants trading there, and to offer an impassable impediment to our commercial relations and tend to break down a new and thriving industry.

This Board of Trade would, in view of all the facts, respectfully petition your honorable body to enact some form of government which will afford protection to the people of Alaska and give some guarantee of safety to our merchants doing business in that quarter of the globe.

We indorse with pleasure the recommendations made by the honorable the Secretary of the Treasury in his recent annual report in reference to a more secure and better form of government, and also for the construction of an armed vessel to carry out the orders of the Department. We have noticed that Hon. J. H. MITCHELL, Senator from this State, has introduced into the Senate a bill appropriating the sum of $175,000 for the construction of a suitable steamer of the revenue marine for service in Alaska waters.

This we consider to be the first essential step in this matter, and we therefore pray your honorable body that the passage of this bill may be secured at the present session of Congress and the construction of said vessel be commenced without delay, it being a matter of the utmost importance that the hands of the Secretary of the Treasury be strengthened by having a vessel of this kind at his disposal, as since the withdrawal of the troops the whole management and control of the Territory has been under the exclusive jurisdiction of the Treasury Department. And your petitioners will, as in duty bound, ever pray.

Issued pursuant to a resolution of the Board of Trade of Portland, Oregon, under the seal of the board, by H. W. Corbett, President Board of Trade of Portland, Oregon.

Mr. MITCHELL. I ask the especial attention of the Committee on Commerce to that portion of the memorial which strongly recommends an appropriation for the construction of a revenue-marine vessel for service in the Alaska waters, as that is about all the legislation that we can expect to accomplish at the present short session of Congress. I move the reference of the memorial to the Committee on Commerce for that purpose.

The motion was agreed to.

Mr. EATON. I have the pleasure of presenting another memorial from citizens of Connecticut, remonstrating against an appropriation of money for the improvement of the navigation of the Connecticut River above Hartford. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. KERNAN presented the petition of James F. Fitts and others, citizens of Niagara County, New York, praying for an appropriation to pay arrears of pensions granted under the act of February 3, 1879; which was referred to the Committee on Appropriations.

Mr. WITHERS presented the memorial of D. B. Jones and 82 others, citizens of Richmond, Virginia, interested in the manufacture of cigars, remonstrating against the passage of the bill (H. R. No. 5430) to secure more efficient collection of the revenue from cigars; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of Mrs. R. L. Stewart and others, of Golden City, Colorado, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Legislature of Colorado, in favor of the passage of a law by Congress throwing open to settlement the Ute reservation and the removal of the Indians therefrom; which was referred to the Committee on Indian Affairs.

He also presented a joint resolution of the Legislature of Colorado, in favor of the passage of a law by Congress permitting that State to enter land sufficient to make good the difference in the school and other public funds provided for by the enabling act passed by that Legislature; which was referred to the Committee on Public Lands.

He also presented the memorial of John Ross and others, members of the eastern band of North Carolina Cherokee Indians, remonstrating against the passage of the bill now pending in Congress authorizing them to bring suit in the Court of Claims for settlement of their claims against the western Cherokee Indians; which was referred to the Committee on Indian Affairs.

Mr. CONKLING. I present a petition extensively signed by residents of the city of New York praying the passage of the bill introduced by the honorable Senator from California [Mr. BOOTH] authorizing the holder of any coins of the United States smaller than a dollar in sums of $20 or any multiple thereof to exchange them for the notes of the United States. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. PATTERSON presented a resolution of the Legislature of South Carolina, in favor of an appropriation for the erection of a public building at Greenville in that State; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of South Carolina, in favor of the passage of a law by Congress restoring the property known as the Citadel and grounds in the city of Charleston, and granting compensation for alleged use and damages by the United States military authorities; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of South Carolina, in favor of an appropriation for the improvement of the navigation of the Little Pedee River and other rivers in that State; which was referred to the Committee on Commerce.

Mr. WINDOM presented a resolution of the Legislature of Minnesota, in favor of an appropriation by Congress for the improvement of the navigation of the Red River of the North by the construction of locks and dams at Goose Rapids thereon; which was referred to the Committee on Commerce.

Mr. DAVIS, of West Virginia, presented a memorial of Muhn & Brandfass and others, citizens of Wheeling, West Virginia, remonstrating against the passage of the bill (H. R. No. 5430) to secure the more efficient collection of the revenue from cigars; which was referred to the Committee on Finance.

Mr. MATTHEWS presented the petition of Thomas Worthington, late colonel Fourth Regiment Ohio Volunteers, in relation to the proceedings of a court-martial by which he was dismissed from the service, and praying the passage of a law granting him pay as such colonel from November 21, 1862, to January 8, 1867; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Illinois. I beg leave to present the petition of John McNulta, of Bloomington, Illinois, for an increase of pension. Knowing personally that this application has merit in it, I invoke for it the favorable consideration of the Committee on Pensions and the Senate. The case is briefly this: General McNulta at the breaking out of the war was quite a young man and a small trader in the town in which I live. He enlisted as a private soldier in one of the companies of the first cavalry regiment that was organized in the State, was elected its captain, and performed active service in the field. At the end of the time for which this regiment was enlisted he joined the Ninety-fourth Illinois Infantry and was in succession its lieutenant-colonel and colonel. Afterward he was commissioned a brigadier-general. His term of service continued during the period of the war, from May, 1861, to August, 1865, when he was honorably discharged. General McNulta was always at the head of his troops when they were actively employed, most of the time commanding a brigade, and at other times, on special occasions, a division. During an en-

gagement on the Atchafalaya River in Louisiana, in September, 1863, he was thrown violently from his horse to the ground by the discharge of a large gun; although he was not hit by the ball his right leg and hip were seriously injured by the fall. This injury indeed rendered the limb perfectly weak and defective. It is true that it did not trouble him seriously except at short periods and long intervals. He was able to discharge his business until September, 1877, when his right leg was completely paralyzed and the hip left sore and weak. He is incapacitated from manual labor, and by the concurrent testimony of eminent physicians this disability is permanent and incurable. After his paralysis he applied for a pension and obtained it at the rate of $22.50 per month, being the rate allowed for a three-quarters disability. This sum is inadequate, and he respectfully asks Congress that it be increased to $50 per month.

Mr. President, General McNulta was as faithful and brave a soldier as Illinois sent to the field. The people have honored him since his return from the war by high public position, and would continue still further to honor him if he were in a condition to serve them; but he is unfortunately a confirmed invalid because of his services in behalf of his country, and he appeals to Congress, where the services of the soldier are always liberally rewarded. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES. I desire, in connection with this petition, to say, in response to what has been so well said by the Senator from Illinois, that I have personal knowledge of the facts he has stated, and as a member of the Committee on Pensions I am sure the claim of General John McNulta will have proper attention.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 1235) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MERRIMON. The bill (H. R. No. 4950) to quiet title to real estate in the District of Columbia was referred to the Committee on the District of Columbia. The bill involves very important legal questions, and I move that the Committee on the District of Columbia be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom the subject was referred, reported a bill (S. No. 1783) to establish post-routes; which was read twice by its title and recommitted to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS, from the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, to whom the subject was referred, submitted a report thereon accompanied by a bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States and to establish a bureau of public health.

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

Mr. MATTHEWS, from the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, reported a joint resolution (S. R. No. 58) continuing the committees of the Senate and House of Representatives on the subject of epidemic diseases and authorizing them to sit in vacation, and creating a commission of eminent scientists to investigate in the port of Havana and report to Congress the nature, origin, and cause of yellow fever; which was read twice by its title.

CHINESE IMMIGRATION.

Mr. HAMLIN. The Committee on Foreign Relations, to which were referred three several memorials of the Legislature of Oregon, I believe precisely similar in form, asking a modification of the treaty between the United States and the Empire of China so as to prohibit the immigration of Chinese and other Asiatic laborers to the Pacific coast, and another memorial from the same body concluding with the same prayer, have directed me to report them to the Senate and ask to be discharged from their further consideration.

The VICE-PRESIDENT. It will be so ordered.

Mr. HAMLIN. The same committee, to which was referred the bill (S. No. 1697) to restrict the immigration of Chinese to the United States, have directed me to report it with a request to be discharged and to recommend its indefinite postponement. I submit that motion because I will immediately report another bill in the precise words, which will go upon the Calendar.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. HAMLIN. The same committee, to which was referred the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States, have directed me to report it back and ask to be discharged from its further consideration.

Mr. SARGENT. Does the committee report the bill without recommendation otherwise?

Mr. HAMLIN. The committee ask to be discharged from its further consideration. That is the report. I shall, however, individually, when the bill comes up, move its indefinite postponement.

The VICE-PRESIDENT. The Senator from Maine, on behalf of the Committee on Foreign Relations, asks to be discharged from the further consideration of the bill. Is there objection?

Mr. SARGENT. I should like to inquire the effect of that report, whether the bill would then go upon the Calendar without recommendation?

Mr. HAMLIN. It will simply go on the Calendar.

Mr. SARGENT. Without an adverse report?

Mr. HAMLIN. There is no report except that the committee be discharged from the further consideration of the bill.

Mr. SARGENT. I wish that distinctly understood, because it is a matter of very great importance.

The VICE-PRESIDENT. The bill would not, of course, go on the Calendar. It can go there by consent.

Mr. HAMLIN. Then I move that the bill be placed on the Calendar. I supposed it went there, or I should have submmitted that motion.

Mr. SARGENT. I understand the bill goes to the Calendar without an adverse report. I wish to understand this matter and have it settled.

Mr. HAMLIN. The bill goes upon the Calendar without a recommendation either way.

Mr. SARGENT. Very well. I believe my friend says he will move to indefinitely postpone the bill, and he gives that notice speaking as a Senator and not as the chairman of the committee?

Mr. HAMLIN. That is my position, and I so said.

Mr. SARGENT. I understand that to be the position of the Senator. I wish to give notice that on Wednesday next, at half past one o'clock, if I can have the ear of the Senate, I shall ask that this bill be taken up and considered. I have heretofore called the attention of the Senate to the great importance of this measure, either for good or evil, to the Pacific coast, that the great immigration of the Chinese there is making of the Pacific States Chinese colonies and not American States, especially of California. I believe in that respect I speak the sentiments of every Senator and of every Representative in the other House from the Pacific slope, without regard to party, and on their behalf I most strongly urge the Senate, at the time I name, to allow action upon the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

HAYDEN'S ATLAS OF COLORADO.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives in relation to the publication of Professor Hayden's Atlas of Colorado, to report it without amendment and recommend its passage. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That whenever the proper officer having charge thereof shall have received a sufficient number of orders for Professor Hayden's Atlas of Colorado, accompanied by the cost price thereof with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided, however,* That the number thus printed shall in no case exceed the number actually ordered and paid for in advance of said publication.

Mr. ANTHONY. It is the opinion of the Committee on Printing that it would be better to print an edition for sale positively, but this is a step in the right direction and we prefer not to contend with the House upon it.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution of the House of Representatives.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1785) granting a pension to Zenus Herrick; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1786) to increase the pension of Captain Samuel C. Schoyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1787) for the relief of Jeronimus S. Underhill; which was read twice by its title, and referred to the Committee on Naval Affairs.

MIGRATION OF COLORED PERSONS.

Mr. WINDOM. I shall ask the indulgence of the Senate, in pursuance of the notice given the other day, to address a few remarks upon the resolution relative to the migration of colored persons which I submitted some weeks since.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The resolution will be reported.

Mr. WINDOM. There is a good deal of anxiety to proceed with the Calendar, and if it meets with the approval of the Senate I should like to postpone my remarks until the hour of half past one, so that the Calendar may be proceeded with.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. WINDOM. I shall ask to be heard at half past one.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M

ADAMS, its Clerk, announced that the House had passed the following bills; in which is requested the concurrence of the Senate:

A bill (H. R. No. 6225) to amend an act entled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878; and

A bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 15,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1877-'78, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 1962) for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johnson.

The message also announced that the House had passed the bill (S. No. 1287) for the relief of Burr S. Craft.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 1560) authorizing the Windham National Bank to change its location; and

A joint resolution (H. R. No. 4) to allow Lieutenant D. F. Tozier a gold medal awarded by the President of the French Republic.

BINDING FOR THE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 6225) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878; which was read twice by unanimous consent, and considered as in Committee of the Whole.

Mr. ANTHONY. The Committee on Printing desire to have the bill passed at once. It amends the act by adding to the clause relating to the binding of books for the Departments of the Government, after the words "Congressional Library," the words "nor to the library of the Patent Office."

I move to amend the bill by adding "nor to the library of the Department of State."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I ask the attention of the Senator from Rhode Island for a moment. If I understand the bill, it relates only to binding the documents ordered to be printed for those Departments. Is that the meaning of the bill?

Mr. ANTHONY. The restriction on the appropriation act prevented the Departments from having any binding done except in sheep or cloth, with the exception of the Congressional Library. The House sent us this bill, excepting the Patent Office, and the committee of the Senate have amended it by excepting the State Department library. These books for the libraries, bound in the way in which the act now requires, come to pieces, break at the joints, and we wish to have them bound in the way in which the previous numbers of the series have been bound.

Mr. DAVIS, of West Virginia. The intention of the committee is that the books for the use of the libraries of the State Department and Patent Office are to be bound in a better class of binding than the ordinary binding.

Mr. ANTHONY. That is it.

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

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

The bill was read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. TELLER, Mr. JONES of Florida, and Mr. HEREFORD submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes herein named; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 6126) to establish post-routes in the several States herein named; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the bill (H. R. No. 6143) making an appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIZE-MONEY TO FLEET-OFFICERS.

The VICE-PRESIDENT. The Senate will resume the call of the Calendar under the special order, commencing at the point that was reached when it was last considered.

The Senate resumed the consideration of the bill (S. No. 486) to extend the provisions of the act of June 8, 1874, in relation to prize-money to all fleet-officers.

Mr. COCKRELL. The bill has been read in full.

The VICE-PRESIDENT. The bill was before the Senate on Wednesday, when the Calendar was last considered, and the amendment of the Committee on Naval Affairs was agreed to. The bill has been reported to the Senate, and the question is on ordering it to be engrossed for a third reading.

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

Mr. COCKRELL subsequently moved to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion will be entered.

Mr. COCKRELL. I learn that bill will probably appropriate four or five hundred thousand dollars or more.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

OBJECTED CASES ON THE CALENDAR.

The next bill on the Calendar was announced to be the bill (S. No. 1218) to aid in the construction of the Portland, Salt Lake, and South Pass Railroad.

Mr. ANTHONY. That bill can hardly be considered, I suppose, under this rule. Let it go over.

The VICE-PRESIDENT. The bill is objected to, and the next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 742) in relation to the Japanese indemnity fund.

Mr. HOWE. That perhaps had better go over. The Senator from Pennsylvania [Mr. WALLACE] who reported it is not here.

The VICE-PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (H. R. No. 3268) to authorize the North Louisiana Railroad Company to construct a bridge over the Ouachita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana.

Mr. SARGENT. I object to that.

Mr. HOWE. There is objection to that bill. Let it go over.

The VICE-PRESIDENT. Objection is made, and the bill will go over.

The next bill on the Calendar was the bill (S. No. 1251) regulating the compensation for the transportation of mails on railroad routes, providing for the classification of mail matter, and for other purposes.

Mr. FERRY. That matter is before a committee at this time, and therefore the bill should go over.

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

The next bill on the Calendar was the bill (S. No. 1253) to provide for the establishment of steamship mail service between the United States and Brazil.

Mr. HOWE. That had better go over, Mr. President.

The VICE-PRESIDENT. The bill is objected to, and will go over.

JULIA WATKINS.

The next bill on the Calendar was the bill (H. R. No. 3111) granting a pension to Julia Watkins, widow of Thomas H. Watkins, late captain Company B, Purnell Legion, Maryland; which was read.

Mr. VOORHEES. In the absence of the Senator from Maryland [Mr. WHYTE] I hope no objection will be made to taking up that bill and passing it. The chairman of the Committee on Pensions, the Senator from Kansas, [Mr. INGALLS,] is present. The bill was postponed the other day in order that he might return before action was taken on it.

The VICE-PRESIDENT. The bill has not been objected to. The Chair hears no objection to its consideration.

Mr. COCKRELL. There is an adverse report upon it. I presume the adverse report will be sustained, and the bill postponed indefinitely.

Mr. VOORHEES. The other day when the bill came up the merits of the case commended it very strongly to the Senate, but upon an objection made by the Senator from Missouri [Mr. COCKRELL] it went over, he stating the reason for his objection to be the absence of the Senator from Kansas, the chairman of the Committee on Pensions. The Senator from Kansas who reported the bill is present. I said then to the Senator from Maryland that I would act as favorably as I could in regard to this measure when the Senator from Kansas returned. I hope there will be no objection to it.

Mr. COCKRELL. How does it happen to be reached on the Calendar, when it was disposed of the other day on the call of the Calendar? We are now going through with the Calendar from the point where we left off when it was last considered.

Mr. WITHERS. It was simply pension cases that were being called the other day.

The VICE-PRESIDENT. It was reached before under a special call of the Calendar. Is there objection to the consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia Watkins, widow of Thomas H. Watkins, late captain Company B, Purnell Legion, Maryland, to take effect from and after the passage of the act.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

Mr. INGALLS. Before the report is read I will state that when this bill was under consideration before the Senate Committee on Pensions we found the facts to be as stated in the report of the House committee, which we adopted as our own. This statement will explain the fact that the Secretary will read that document instead of one prepared expressly by the Senate committee.

The Secretary read the following report submitted by Mr. WALSH, from the Committee on Invalid Pensions of the House of Representatives, February 8, 1878:

The Committee on Invalid Pensions, to whom was referred the petition to grant a pension to the widow and minor child of Thomas H. Watkins, report as follows:

That at the commencement of the rebellion Thomas H. Watkins, of Anne Arundel County, State of Maryland, became at once an active supporter of the Union, when so to declare himself was to be visited by the obloquy and contempt of a large majority of his friends and associates in the county. That at the summons of 1861 he tendered his services to the United States Government, and was at once employed in recruiting service until the 16th of December of that year, when he was commissioned captain of cavalry, Company B, Purnell Legion, Maryland Volunteers. He immediately entered upon active duty, and on the 18th August, 1864, as per report of Adjutant-General Townsend, was wounded in action near Weldon Railroad, Virginia.

That after his recovery from said wound he was placed under the command of E. B. Tyler, brigadier-general of United States volunteers, and in the month of December, 1864, was ordered by said Tyler to arrest certain returned confederate soldiers, among whom was one John H. Boyle. In pursuance to said order he did arrest said John H. Boyle, who was a rebel soldier, and in so doing received a wound in the head from which he never recovered, and which was the cause of his being compelled to leave the United States Army, in December, 1864. That at the time of his arrest said Boyle swore that if he ever escaped he would kill Captain Watkins. That said Boyle did escape, and made frequent threats that he would kill him, Watkins, at the earliest opportunity. That in pursuance of said threats, about eight o'clock in the evening on Saturday, the 25th day of March, A. D. 1865, while Captain Watkins was quietly sitting in his own house, in Anne Arundel County, State of Maryland, and enjoying peace and comfort in the midst of his family, the said John H. Boyle stealthily approached, and knocking at the front door, it was opened by Captain Watkins, whereupon the said Boyle drew a revolver, and, without giving any warning, chance, or show for life, foully and brutally shot down and murdered in cold blood the said Captain Watkins, in revenge for his arrest by Watkins in the discharge of his duty as an officer of the Army of the United States.

By this terrible and shocking fate of the husband and father, his widow and orphan were left helpless, unprotected, and almost penniless. That said Boyle was indicted for the murder of Watkins, but before the trial came on he was convicted and sent to the penitentiary for horse-stealing.

The death of Captain Thomas H. Watkins having thus resulted from an act performed in the line of his duty while an officer of the Army of the United States, the committee do hereby recommend the passage of an act of relief for his widow, Julia Watkins, and his minor child Margaret, and report back the bill granting a pension from the date of the passage of the act.

Mr. INGALLS. That report of the House committee was adopted by the Senate committee as a substantial statement of the facts of the case; but we were of opinion that the facts do not bring the claim of Mrs. Watkins within the provisions of the law, and therefore made an adverse report.

Mr. MORRILL. May I ask the chairman of the Committee on Pensions if there was any doubt as to the slaughter of this man in consequence of his having arrested the rebel soldier?

Mr. INGALLS. There was no doubt of it whatever. The facts were amply substantiated, and they constitute a case that calls for the very highest sympathy. The death of the husband of the applicant was undoubtedly due to his services as a faithful and gallant Union officer; but the case does not come strictly within the provisions of the law, and therefore we did not report in favor of the bill.

Mr. HOWE. It would not require a special law to grant a pension if the case came within the provisions of the existing law.

Mr. INGALLS. The Senator from Maryland, [Mr. WHYTE,] who is now in his seat, but was absent when I rose, presented this matter to me yesterday, and upon his statement I feel inclined to withdraw any opposition to the bill and to consent to its passage.

Mr. SAULSBURY. It seems to me that it is stretching the law a great way to grant a pension in a case of this kind. It is clear that this case does not come within the law. So far as this man is concerned, he was doubtless a very worthy man, and his family may be in very indigent and very needy circumstances; but the question is whether we ought to go beyond the present laws of the United States bearing upon pensions and give to every worthy person a pension. It may be true that the man was murdered because of service he had rendered in the arrest of another party; but it is also true that he was not murdered while in the service of the country. He was not murdered in the performance of any duty imposed upon him as a soldier. Admit that it is a clear case of murder, we cannot afford to pension the widow and children of every person who may be murdered.

We ought to be careful, I think, how we increase the pension-roll of this country. We now have a very heavy pension list. We expend a very large amount of money for pension purposes, and the appropriation is being increased almost daily. A few days ago we added I suppose from $50,000,000 to $100,000,000 to the pension fund. The Senator from Kansas shakes his head. I remember that in reply to an interrogatory of mine, at the time of the passage of the act to pay arrears of pensions, he said that measure would not increase the amount more than about $18,000,000; but I am told that at the Department the estimates are all the way from $50,000,000 to $100,000,000.

Mr. INGALLS. The largest estimate that has been made is $34,000,000.

Mr. HEREFORD. That is for those who are now on the rolls?

Mr. INGALLS. That is all we are talking about.

Mr. SAULSBURY. We are giving arrearages of pensions daily to persons who are already pensioned by special act.

Mr. VOORHEES. I can correct the Senator from Delaware upon that point. First, we are not doing that thing. In the next place, the Commissioner of Pensions, in a letter addressed to me day before yesterday, gave his construction to be that those drawing pensions under special laws do not draw arrearages of pensions under the act lately passed.

Mr. SAULSBURY. That may be the construction of the Commissioner of Pensions, and I believe it was the construction of the Senator from Indiana the other day, but when I offered an amendment to provide against the payment of arrearages of pensions to persons pensioned under special acts that Senator and a majority of the Senate voted the amendment down. With that construction placed upon it by the Senate I do not see how the construction of the Commissioner of Pensions can take away the right which the law by a fair interpretation gives to those persons who are pensioned under special acts.

The Senator from Kansas says that the largest estimate is only $34,000,000. I have been informed—of course I do not know anything personally about it—that it is the anticipation of the Department that there is a large number of persons who have not hitherto applied for a pension because they were not in such circumstances as to require it, but who, when they find they are entitled to large arrearages of pensions, will come forward and ask to be placed on the pension-roll.

In view of the fact that we have at present a very large pension-roll and that our annual appropriations for pension purposes hitherto have been in the neighborhood of $30,000,000, and with the great increase added for arrears of pensions, we ought to be very careful not to extend the law beyond its proper and fair interpretation. We ought not, as a mere matter of charity, however deserving the parties may be, to agree to place persons on the pension-roll unless they come fairly within the purview of the law. I am opposed to this thing, not that I have any prejudice against the pensioners, because they are a very worthy class of people, and very poor and needy doubtless, but there are hundreds and thousands of people in the country just as worthy and as needy as they are, and we cannot become the almoner of every person who may be in necessitous circumstances.

Therefore I shall vote against this bill, and I hope the adverse report of the Senate committee will be sustained in this case.

Mr. ANTHONY. Mr. President, I never voted for a pension bill with greater pleasure than I shall vote for the pending measure. I think that the widow of this man is better entitled to a pension than she would be if he had fallen in battle.

Mr. VOORHEES. In order to correct the impression sought to be made, and perhaps successfully, by the Senator from Delaware, I desire to call attention to the exact language of the law known as the arrearages of pensions law, as it stands in the act which we passed. I am afraid my good friend from Delaware, for whom I have a sincere respect second to that which I entertain for no one else, has not read this act. It reads as follows:

That all pensions which have been granted under the general laws regulating pensions——

Not special acts, but granted "under the general laws regulating pensions," shall date from certain times or the happening of certain circumstances. That does not cover special acts by its very words. The only question in my mind is whether it ought not to have done so; but that it does not do so is perfectly clear to my mind.

In regard to the case before the Senate, it is one of actual merit barred by a bare technicality. The man was technically not in the service at the time he died, but he died on account of an act committed in the service. He lost his life by doing what he was ordered to do as a soldier, as much so as if he had obeyed the command and fallen in battle. The only point against him is that his death was inflicted on him a little while after he ceased to be a soldier in the Army, but arising from a cause that had transpired while he was in the Army.

Mr. CONKLING. Will the Senator allow me to ask him a question? The report states that at the time of making the arrest he received a wound?

Mr. VOORHEES. Yes, sir.

Mr. CONKLING. Does the Senator know whether he received a pension for that wound?

Mr. VOORHEES. He did not.

Mr. DAVIS, of West Virginia. Without reference to this case at all, for I know nothing about it, I wish to correct an impression about the amount which the recent act takes from the Treasury, and what I think is a false impression. The Senator from Indiana just stated that it would take $34,000,000.

Mr. VOORHEES. I did not make any statement of the amount; but the chairman of the Committee on Pensions did.

Mr. DAVIS, of West Virginia. I understood the Senator from Indiana to indorse that statement.

Mr. VOORHEES. Well, I should be very apt to indorse whatever the chairman of my committee may say on the subject of pensions.

Mr. DAVIS, of West Virginia. Then the Senator indorses the statement that eighteen or twenty millions would be all that would be required under that act, because the chairman of the Committee on Pensions did make that statement.

Mr. INGALLS. Oh, Mr. President, that was an estimate made during the discussion of the bill upon data confessedly imperfect. What I now state is that on a computation made by the legally authorized officers the estimate is that the act will require $34,000,000. I beg the Senator to keep those two statements distinct.

Mr. DAVIS, of West Virginia. Very well, I will do so. Yet I am firm in the opinion that the Senator from Kansas read from a statement or report on the subject, and when asked by some Senator—perhaps by myself—what the amount would be that the act would require to pay the additional pensions added by the act, the reply was not exceeding twenty millions and that the estimate was such. That reply was repeated more than once.

Mr. CONKLING. How much does the Senator say it is?

Mr. DAVIS, of West Virginia. I will tell the Senator in a moment what I know about it, if I know anything. I understand that the Treasury Department has estimated, as the Senator from Delaware has said, that it will take from fifty to one hundred million dollars. The chairman of the Committee on Finance [Mr. MORRILL] said in his place a few days ago that he understood the estimate was $80,000,000. The Commissioner of Pensions, I understand, now estimates $34,000,000 for the cases already upon the roll, and states at the same time that there are probably one hundred thousand cases yet to be placed on the roll, which have not been examined as yet, but which are to be added to it, and that no man can estimate how much they will take. Some of those cases will most probably take a thousand dollars, and some of them above a thousand. Eleven hundred dollars I believe it was estimated that a single pensioner would get. We know that only a day or two ago there was a proposition pending, and it is yet before Congress, to issue bonds to pay these arrearages of pensions.

In my opinion, though there are a great many deserving men who will be benefited, yet we have gone entirely too far on this line, and we ought to confine ourselves strictly to the law and not go outside of it. I believe that the pension act which we had before us the other day and passed will take much more than $50,000,000 before we get through with it. It appears to me that you have only to say to Congress "it is a pension bill," and everybody acquiesces in it at once. I believe that pensions ought to be paid to the proper persons, but they have gone entirely too far. The chairman of the committee in his place here said in a discussion within a few years that his belief was that one-sixth of the entire amount paid for pensions went in an improper direction. That one-sixth would be $5,000,000 a year. I am told that the estimate of the Commissioner is that 20 per cent. of the pensions are illegally and improperly paid. Here I will state that I believe the present Commissioner is doing his full duty and trying as far as he is able to cut off all improper pensions and to detect fraud; but to-day he believes, I am told, that 20 per cent. are illegally and improperly paid. I hope, without any reference to this bill whatever, that we shall be careful, and that the Committee on Pensions will be careful as to who are put on the pension-roll. We have now, as I am told, one hundred thousand cases, or perhaps more, waiting for examination, and when those cases are examined it will probably take twice $34,000,000 to pay the pensions.

Mr. SAULSBURY. I desire to refer to the argument of the Senator from Indiana. The Senator from Indiana supposed that perhaps I had not read the recent law paying arrears of pensions. I desire to say to the Senator that I had read the law and that I had read the whole law. The Senator has read only a portion of the law in order to show that the views which I had expressed were not correct. He read this portion:

> That all pensions which have been granted under the general law regulating pensions.

There he stopped. The law does not stop, but it says:

> Or may hereafter be granted.

Granted how? The construction of the Senator from Indiana is that it applies to pensions granted under the general law, but it is not so limited in terms in the law itself. At least it is left open to construction as to whether it applies to pensions granted under special law. I say to the Senator from Indiana that I believe a fair construction of this law, when we read it together, will be that persons who are pensioned under special laws if in the language of the law they have been pensioned in consequence of death, &c., will be entitled to this arrearage. I will read the whole clause:

> Or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion.

I say again that I believe a fair construction of that act will authorize the payment of arrearages to persons who have been or may hereafter be by special act placed on the pension-roll. I hope the construction which the Senator from Indiana says the Commissioner of Pensions puts on this act may be the correct interpretation of the law; but it was very significant the other day that when I offered an amendment to limit one of these bills to providing a pension to the person from the time he should be placed on the pension-roll, the Senate voted it down. We all know that the chairman of the Judiciary Committee [Mr. EDMUNDS] expressed openly in the Senate the opinion that parties who were being pensioned by special act were as much entitled to the arrears as others. I do not know what the opinion of that distinguished Senator may be as to the operation of these laws; but my own fear is that the ultimate construction of the act lately passed will be that every one who has heretofore been pensioned by special act, or may hereafter be pensioned by special act, will be entitled to the arrears of pension provided for in the law we passed the other day.

Mr. EDMUNDS. I will state to my honorable friend from Delaware that I am inclined at this moment to agree with him in his construction of the arrearages act passed the other day.

Mr. SAULSBURY. I should be very glad to have had a different opinion from the honorable Senator who is the chairman of the Judiciary Committee, but when the chairman of that committee, whose legal ability is acknowledged not only in the Senate but throughout the country, expresses the same opinion which I am now expressing, I think my honorable friend from Indiana will not call in question my knowledge of this law hereafter. The Senator did not read the whole law; he read only a certain portion. Perhaps if the law had stopped where the Senator stopped its reading, his construction of the law might be the correct one; but a lawyer knows that the proper way to construe a law is to examine all its provisions and to put the construction on the whole law, not upon an isolated part of it.

I hope, Mr. President, we shall be cautious in granting pensions by special act and that we shall either by a general act deprive those who may hereafter be pensioned by special law of the benefits of the arrears of pension law, or that we shall add to every pension bill a clause providing that it shall not carry arrears.

It is said that this bill is not intended to give to this widow any arrears of pension. Then why not amend the bill, especially as we have so good an authority as the chairman of the Judiciary Committee for saying she will be entitled to them according to the language of the law granting arrears of pension?

Mr. EDMUNDS. I think perhaps the discussion of the construction of the arrears of pension bill is not entirely germane to the precise question that is before the Senate. The question is whether the widow of this captain in the volunteer army of the United States is to have a pension. The question of the extent of that pension, her bill being just like all the others, is a question that must be decided with its class, and it ought not to be decided in her special case one way or the other. Her case then is just simply this, as it was stated the other day, and I believe has been now, that this officer in consequence of his performance of a military duty which he could not refuse to perform was slain, although the slaying happened after his period of service had expired.

Now I think that within the letter, and certainly within the spirit, of the general pension laws this soldier lost his life in consequence of the performance of military service in the strict line of his duty. If that be so, ought there to be any question as to his widow having a pension, and nobody has disputed that that is so? I am not able to see, therefore, why this case is not of the highest equity, not as taking a departure from the spirit of the pension laws, but upon the very theory they are constructed, that when a man loses his life in consequence of military service his widow shall be provided with the small stipend that is to make her life somewhat less unhappy and distressing than it would otherwise be. I hope the bill will pass.

Mr. BECK. I shall vote for this bill, but I rise to ask the chairman of the Committee on Pensions a question growing out of the suggestion made by the Senator from West Virginia. The Commissioner of Pensions has appeared before and said to the Committee on Appropriations that he was satisfied—I do not quote his exact language—that 20 per cent. of all the pensions now paid were fraudulent pensions. The total amount being somewhere about $30,000,000, this would make about six millions of that sum. Now, what I desire to know is, what means, if any, can be devised to get clear of that immense fraud, because I would like to see every effort possible made to cut off that class of cases which the Commissioner informed our committee amounted to about five or six million dollars.

Mr. INGALLS. I have heard that statement made by the Commissioner of Pensions, and I have reiterated myself on the floor within the last four years, and I still entertain it, that I believe that in consequence of fraudulent testimony and of the personation of persons who are dead, and through remarriage of widows, and through the growth of children who have passed beyond the period of sixteen years, when their pensions should cease, not less than 20 per cent. of our entire pension list is wrongfully and improperly paid. The Commissioner of Pensions has long had his attention engaged upon this subject, and I understand that every year efforts are being made to investigate these matters for the purpose of dropping persons who are improperly on the roll, and that during the past year, in consequence of his efforts in this direction, nearly $500,000 were saved to the pension list; but the difficulty is that Congress has refused repeatedly to sanction measures that have been presented by the Pension Committee for the purpose of giving this matter thorough and efficient direction.

My own view has been that there should be a special corps of trained surgeons, whose duty it should be, in connection with agents of the department, to investigate in all portions of the country the claims of those persons who are now upon the roll. There are, in round numbers, two hundred and thirty thousand or two hundred and forty thousand of them. Of course this is an immense labor. It would require the expenditure of a great deal of money and the employment of considerable additional force, but in my judgment the appropriation could not be more wisely made than in this direction, and unless Congress shall sanction the efforts that the Pension Committee have made in this direction all further reform is useless and hopeless.

Mr. BECK. The only object I had was to see whether the Pension Committee were looking in that direction, I not being aware that they were.

Mr. INGALLS. We have offered, as I have said, bills on three occasions looking toward the correction of this evil, and in each case the Senate has refused to take action upon it.

Mr. EDMUNDS. I do not wish to let this matter go by on the question of frauds without putting in a doubt as to the correctness of what my honorable friend from Kansas is informed from the Pension Office is the percentage of fraud that is committed under existing law. I had the honor to be for some years connected with the Committee on Pensions as my honorable friend is now; and the impression of the committee then—to be sure the longer time runs the more opportunity there is to discover wrongs that have occurred and therefore I do not speak with great confidence—but I think our impression at that time was for the four or five years I had to do with it, that the percentage of fraud under the pension laws, as distinguished from mere error for which nobody in particular is to blame, wrong decisions, &c., was very much smaller; I should have said not more than 5 per cent. instead of 20.

In the State from which I come there is in a certain sense and in all effective sense a corps of observation against unjust pensions all the time; and that arises in this way: a great many of the soldiers of Vermont who volunteered to suppress the late rebellion, although they left the service apparently well and really well very likely a great many of them, have since become sick from natural causes. They see that they do not get any pensions; they would be very glad to have them; and whenever they see that somebody else who was a soldier or pretended to have been a soldier in any of the Vermont regiments, (and there are very few other such people in our State than those who served in Vermont regiments,) they at once say "Why this man's case is not a just case; he did not get his disease in consequence of his service," and so it comes to leak out, and everybody takes an interest in it, and the hand of corrective justice is here and there, perhaps in one case in two hundred in the course of a year, laid as it ought to be upon these false cases; and it arises from the wholesome state of public opinion among the soldiers themselves. The soldiers of the Army of the United States as a body are neither persons who would like to commit frauds themselves nor see anybody else commit frauds in their name. They are an honorable class of citizens; they believe in justice and fair play, in good order, and in the law; and therefore whenever any wrong comes to the knowledge of those gentlemen who served in the Army they are among the first to cause it to be known and to be rectified, which I think furnishes pretty strong evidence that this great amount of supposed fraud would turn out on a careful investigation to be largely over estimated.

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

WOMEN AS LEGAL PRACTITIONERS.

The next bill on the Calendar was the bill (H. R. No. 1077) to relieve certain legal disabilities of women, which was reported adversely from the Committee on the Judiciary.

The bill was read.

Mr. EDMUNDS. The Senator from Ohio, [Mr. THURMAN,] who is necessarily absent just now, takes an interest in that bill. I think it had better go over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. McDONALD. I would ask the Senator from Vermont if the Senator from Ohio desires to be heard on the bill?

Mr. EDMUNDS. When the matter was last up the Senator was opposed to this thing and discussed it, and I think it unjust to him to take it up now.

Mr. McDONALD. He is not likely to be here very soon, and I am not aware that he has expressed any wish on the subject.

Mr. EDMUNDS. I cannot help that.

The VICE-PRESIDENT. The next bill will be reported.

EASTERN BAND OF CHEROKEE INDIANS.

The next bill on the Calendar was the bill (S. No. 230) to authorize and enable the eastern band of Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation.

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

The VICE-PRESIDENT. Objection is made. The bill will be passed over.

JOSEPH KINNEY.

The next bill on the Calendar was the bill (S. No. 235) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri.

Mr. CAMERON, of Wisconsin. I object to the consideration of that bill.

The VICE-PRESIDENT. The bill is objected to, and goes over.

JAMES H. SANDS.

The next bill on the Calendar was the bill (S. No. 1132) for the relief of Lieutenant-Commander James H. Sands, United States Army.

Mr. WADLEIGH. I object.

Mr. ANTHONY. I hope the Senator from New Hampshire will not object to that bill. Let it come up and be disposed of.

Mr. WADLEIGH. I feel obliged to object to it. I do not think the morning hour is the time to discuss it.

The VICE-PRESIDENT. Objection is made. The bill will be passed over.

FOURTH JUDICIAL CIRCUIT.

The next bill on the Calendar was the bill (S. No. 816) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

Mr. WITHERS. Before the amendments of the Judiciary Committee are read I think it my duty to interpose an objection to the consideration of the bill, from the fact that when it was previously called my colleague, [Mr. JOHNSTON,] who is very much more interested in it than I am, objected to its consideration, and he is not present. If he comes in and withdraws his objection, I shall have no objection to its consideration.

The VICE-PRESIDENT. The bill will be passed over.

EIGHT-HOUR LAW.

The next business on the Calendar was the joint resolution (H. R. No. 176) to provide for the enforcement of the eight-hour law, which was reported adversely from the Committee on Education and Labor.

Mr. DAVIS, of West Virginia. Let it go over.

The VICE-PRESIDENT. The joint resolution goes over.

HOURS OF LABOR.

The next bill on the Calendar was the bill (S. No. 941) to regulate the hours of labor, which was reported adversely from the Committee on Education and Labor.

Mr. DAVIS, of West Virginia. Let it go over.

The VICE-PRESIDENT. The bill goes over.

EDUCATIONAL FUND.

The next bill on the Calendar was the bill (S. No. 1311) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education.

Mr. CHAFFEE. Let that bill go over.

The VICE-PRESIDENT. The bill goes over.

MORAL AND SOCIAL SCIENCE IN PUBLIC SCHOOLS.

The next bill on the Calendar was the bill (S. No. 1062) to introduce moral and social science into the public schools of the District of Columbia.

The Secretary proceeded to read the bill, but before concluding—

Mr. WHYTE. I object to that.

Mr. CONKLING. I hope the Senator will let us hear it read.

Mr. HOAR. From what committee does that come?

The VICE-PRESIDENT. The Committee on Education and Labor.

Mr. WHYTE. You might as well read the dictionary.

Mr. CONKLING. I should like to hear the bill read.

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

Mr. WHYTE. Of course I withdraw any objection to the mere reading of the bill.

Mr. CONKLING. Let us hear it read.

The VICE-PRESIDENT. It will be read at length.

The bill was read, as follows:

Be it enacted, &c., That the school officers shall introduce, as a part of the daily exercises of each school in their jurisdiction, instruction in the elements of social and moral science, including industry, order, economy, punctuality, patience, self-denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, cheerfulness, courage, self-reliance, gratitude, pity, mercy, kindness, conscience, reflection, and the will.

SEC. 2. That it shall be the duty of the teachers to give a short oral lesson every day upon one of the topics mentioned in section 1 of this act, and to require each pupil to furnish a thought or other illustration of the same upon the following morning.

SEC. 3. That emulation shall be cherished between the pupils in accumulating thoughts and facts in regard to the noble traits possible, and in illustrating them by their daily conduct.

Mr. CONKLING. Is that all?

The VICE-PRESIDENT. Does the Senator from Maryland still persist in his objection? ["No, no."]

Mr. BURNSIDE. I hope the Senator from Maryland will withdraw his objection. I cannot see any possible objection to the passage of this bill. I am sure that some of the legislative bodies of our country would be better behaved if some such bill as this had been enforced earlier in the history of the Republic. I see no objection to the passage of such a bill.

Mr. WHYTE. Inasmuch as after reading the bill carefully I see that it can certainly do no harm, I withdraw my objection to its consideration.

The VICE-PRESIDENT. The objection is withdrawn. The bill is before the Senate as in Committee of the Whole. An amendment is proposed by the Committee on Education and Labor, which will be read.

The amendment reported from the Committee on Education and Labor was read, being, after the word "science," in section 1, line 5, to strike out "including industry, order, economy, punctuality, patience, self-denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, cheerfulness, courage, self-reliance, gratitude, pity, mercy, kindness, conscience, reflection, and the will."

Mr. CONKLING. Are those all to be stricken out by the amendment?

The VICE-PRESIDENT. The proposition is to strike out the words just read.

Mr. CONKLING. And does the amendment come from the committee?

The VICE-PRESIDENT. The Chair so understands.

Mr. BURNSIDE. I ask for the reading of the bill as amended.

The VICE-PRESIDENT. The bill will be read as it would stand if amended as proposed.

Mr. EATON. I am opposed to striking out.

Mr. CONKLING. So am I.

Mr. EATON. I should as soon think of striking the part of Hamlet out of the play of Hamlet.

The VICE-PRESIDENT. The proposition is to strike out the matter just read by the Secretary.

Mr. MITCHELL. Let the bill be read as it will stand if amended.

The VICE-PRESIDENT. There are other amendments proposed.

Mr. SARGENT. Read that part of the bill as it will stand if amended.

The VICE-PRESIDENT. The bill will be read as proposed to be amended.

The SECRETARY. Section 1, if amended as proposed, will read:

That the school officers shall introduce, as a part of the daily exercises of each school in their jurisdiction, instruction in the elements of social and moral science.

The VICE-PRESIDENT. The question is on the amendment to strike out.

The amendment was rejected.

The Secretary will report the next amendment of the committee.

The SECRETARY. The next amendment reported by the committee is, in section 2, line 2, after the word "upon," to insert "some;" in the same line to strike out the words "topics mentioned in section 1 of this act" and insert "social or moral virtues which characterize the good citizen;" in line 4, after the word "require," to strike out "each pupil" and insert the words "the pupils;" in line 5, after the word "furnish," to strike out "a" and insert "from time to time;" and in line 6, after the word "same," to strike out "upon the following morning;" so as to make the section read:

SEC. 2. That it shall be the duty of the teachers to give a short oral lesson every day upon some one of the social or moral virtues which characterize the good citizen, and to require the pupils to furnish from time to time thoughts or other illustrations of the same.

The amendment was rejected.

The next amendment proposed by the committee was, to insert as section 3 the following:

SEC. 3. That it shall be the duty of the Commissioner of Education to direct the operations under this act, and report upon the result in his annual statement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. SARGENT. I call for the regular order. I should like to think about that bill a little before we pass it.

The VICE-PRESIDENT. The time limited for the consideration of the Calendar under the special order has expired, and the Senate proceeds to the consideration of its unfinished business.

Mr. BURNSIDE. I hope the Senator from California will allow this bill to pass. It only requires one vote.

ORDER OF BUSINESS.

Mr. McDONALD. I desire to move to postpone the special order and all prior orders and to take up the bill (H. R. No. 1077) to relieve certain legal disabilities of women.

Mr. WINDOM. By unanimous consent I believe I have the floor at half past one.

The VICE-PRESIDENT. The Chair does not think to the exclusion of the unfinished business of the Senate.

Mr. WINDOM. I took the floor at half past twelve and yielded it with the understanding, as I supposed, that I should take it at half past one. I think that was the general understanding, Mr. President.

Mr. MITCHELL. There was unanimous consent that the Senator should proceed at half past one.

Mr. EDMUNDS. I hope the Senator may be allowed to proceed, because it is the universal courtesy of this body so far that when a Senator desires to submit some remarks unless time is not too pressing, he shall be allowed to do so.

Mr. DAVIS, of Illinois. That is the universal privilege accorded every one.

The VICE-PRESIDENT. What is the understanding as to the unfinished business? Is it without prejudice to the unfinished business?

Mr. EDMUNDS. Without prejudice.

The VICE-PRESIDENT. The Chair will then recognize the Senator from Minnesota.

Mr. McDONALD. I withdraw my motion.

PRESIDENTIAL APPROVALS.

A Message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. No. 1038) for the relief of Jesse Turner and others, sureties upon the official bond of George W. Clarke, formerly Indian agent.

HOUSE BILL REFERRED.

The bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, was read twice by its title, and referred to the Committee on Claims.

MIGRATION OF COLORED PERSONS.

Mr. WINDOM. I ask that the resolution presented by myself a few days ago may be reported.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the following resolution, submitted by Mr. WINDOM on the 16th of January:

Resolved, That with a view to the peaceful adjustment of all questions relating to suffrage, to the effective enforcement of constitutional and natural rights, and to the promotion of the best interests of the whole country, by the elimination of sectionalism from politics, a committee of seven Senators be appointed by the Chair, and charged with the duty of inquiring as to the expediency and practicability of encouraging and promoting by all just and proper methods the partial migration of colored persons from those States and congressional districts where they are not allowed to freely and peacefully exercise and enjoy their constitutional rights as American citizens, into such States as may desire to receive them and will protect them in said rights, or into such Territory or Territories of the United States as may be provided for their use and occupation; and if said committee shall deem such migration expedient and practicable, that they report by bill or otherwise what in their judgment is the most effective method of accomplishing that object; and that said committee have leave to sit during the recess.

Mr. WINDOM. It will be observed that this resolution proposes a method of rendering citizenship more secure in its rights; of eliminating sectionalism from politics; and of promoting the harmony and prosperity of the nation, by the peaceable withdrawal of one of the conditions which produce existing disturbance and disorder. It does not assume to decide that the policy suggested will accomplish all these most desirable objects, but merely asks that its expediency and adaptability to that end may be inquired into by a competent committee of the Senate.

I shall confine myself to a discussion of the principle which underlies the method proposed, leaving the details of its application to be considered hereafter, by the committee, if one should be appointed. If the policy of colored migration is itself expedient, there will be but little difficulty in giving it practical effect. I firmly believe that it is the most judicious, peaceful, and practical method of solving the race problem, but the only task I have imposed upon myself, to-day, is to show that it is worth while to make the inquiry suggested.

This proposition is made in the interest of national concord, and therefore can do no harm but may do great good. Its object is to elevate American citizenship, now sadly dishonored, by insuring a more adequate protection for constitutional and natural rights, and hence it should command the sympathy of all who regard the good name of the Republic. It is dictated by no partisan motive or sectional spirit, and therefore may confidently appeal to all parties and sections for a candid and thoughtful consideration. I may not hope, however, that it will receive the approval of extremists either North or South, because in the hot, enfevered breath of sectional discord are engendered the fierce passions and hates which constitute the chief element of their power, and hence the greater its promise of success, the more intense will be their opposition.

In an honest and earnest effort to find a solution of this most troublesome problem, I shall not hesitate to expose myself to the criticism of political friends as well as opponents, if the truth seems to lead in that direction. No one can regret more than myself the facts and conditions which render such a measure necessary. But, however humiliating they may be to our national pride, they must be honestly met, if we would provide a remedy for them. Accepting the disagreeable facts as they are, and human nature as it is, let us endeavor to find a remedy adapted to them.

Fourteen years have passed since the great war closed, and yet I fear we are to-day as far from real national unity and harmony as in 1866. Constitutional amendments and acts of Congress have alike failed to enforce rights solemnly guaranteed to a large portion of the people. Prejudice and cast—the growth of centuries—intrenched behind a local public sentiment, and nurtured and defended by a powerful political organization, have thus far proved stronger than constitutions and laws. The "southern question," as it is called, still presents the most difficult problem in American politics. It is still the huge, forbidding skeleton in our national closet. It still threatens the inspiration and perpetuation of sectional controversies and antagonisms, as intense and dangerous as those which kindled the flames of civil war, and which it was devoutly hoped had perished forever in its fiery blasts. It still menaces the Republic with disgrace and disaster, but yet no practical solution has been found. No policy has been suggested that casts one ray of light upon the dark future. We seem to be blindly and helplessly drifting nearer and nearer to that most perilous condition, a "solid South" and a "solid North."

There is surely some practicable and peaceful solution of this problem, or our boasted self-government is a disgraceful failure. Where shall it be found? I answer, not by closing our eyes and ears to wrongs known and abhorred by all the world; not by treating with indifference the cry of the humblest citizen of the Republic whose rights are ruthlessly trampled under foot by lawless and unpunished mobs; not by mutual criminations and recriminations; not by the conciliation of kind words and official patronage; not by disfranchisement of a section as a remedy for disfranchisement of a class; not by investigating committees from one section seeking to convict a portion of the other of crimes against American citizenship, and against humanity itself, which we do not prevent nor punish when discovered;

not by a military force strong enough to inspire hostility, but too weak to command respect; not by heroic resolutions which never become laws; not by the enactment of new laws when we do not enforce those we now have. No, Mr. President, the solution will not be found by any of these methods. If there is no better future for this great nation than continued discord and antagonism between the sections, some of these means are perhaps as effective as can be devised to hasten and confirm the solidification of each, but they are impotent to enforce the guarantees of the Constitution under circumstances such as confront us.

Let me not be misunderstood. I do not question the value of exposure as the means of directing public sentiment against a wrong. Nor do I doubt the power of the Government to vindicate the rights of every citizen wherever he may be, or whatever may be his color or condition. What I mean to say is, that none of the methods hitherto pursued, have either punished the crimes that have been discovered, or vindicated our dishonored citizenship, and I see no probability that they will prove more effectual hereafter.

However disagreeable the duty, we may as well face the situation squarely and honestly. Until we adapt our policy to the facts and to the laws of human nature we shall fail to find an effectual remedy. The political disorders which now exist in the South, paralyzing her industries and threatening the peace of the entire country, will not be cured, but will continue to grow worse and worse, until the conditions which produce them are radically modified or removed. The southern white man has shown himself utterly incompetent to deal with colored citizenship. How could it be otherwise? Citizenship in this country involves, in theory at least, an exact equality in civil and political rights, but he could comprehend no law, as applied to the negro, but the law of force. He would tolerate no conditions but those of domination on the one side, and subserviency on the other. Centuries of negro slavery have rendered the white men of the South far less competent to deal with colored citizenship than they have the negro to exercise it.

Is it any wonder, if under such circumstances, the nation has blundered in its treatment of both? Not to have blundered would have been more than human. The errors of the past, if any, are no reproach to our statesmanship, but with fourteen years of study and experience, we ought now to be able to comprehend the conditions with which we have to deal, and to so adapt our policy to them as to insure success.

These conditions are:

First. The fact that in certain districts and States of the South, the colored people are in a *majority*, and therefore, by our Constitution and laws, as well as by the rights of human nature itself, are entitled to elect to office the men of their choice.

Second. The existence in the hearts of southern white men of a prejudice, a principle, a sentiment, an instinct, or whatever you may please to call it, which has inspired a determination as fixed as fate, and as relentless as death, that the colored man shall not make nor execute the laws which govern them.

So long as these two conditions exist a mortal antagonism will exist also. How may they be changed? Prejudice against "negro rule" is as much a part of the average southern white man's nature as his bones and muscles are a part of his body. The determination, in certain localities, that he shall not rule has proven stronger than the law, the Constitution, and the sixth commandment combined.

I am not now assuming to pass judgment upon this phase of politics, but am only trying to state facts, in order that we may find an effective remedy. However much we may deplore this condition of things, is it not a plain duty to recognize the ugly facts as they exist and shape our policy accordingly? Hitherto we have directed all our efforts against the second condition, namely, the prejudice and hostile determination of the white man. We have tried to overcome them by constitutional amendments; we have leveled at them the penalties of law; we have invoked public sentiment for their overthrow; we have appealed to patriotism and humanity for their removal; we have tried conciliation and kind words; we have investigated and exposed, over and over again, the shameless frauds and shocking barbarities by which they have sometimes accomplished their ends. And yet, after all these efforts, they stand to-day as defiant and flagrant as ever before, while our so-called political equality is rapidly becoming a by-word and a scorn among the nations.

Deeply deploring the shameful failure to vindicate our citizenship within our own borders, and the improbability of any better success in the line of effort hitherto pursued, let us inquire whether other and more effective means yet untried are not at our command.

Ultimate failure is not to be thought of for a moment. Regard for the safety of our own rights forbids it; self-respect forbids it; national honor forbids it; humanity forbids it; God forbids it.

Having faithfully and earnestly, but thus far vainly, endeavored to find a solution of this problem in the camp of the white man, let us now look to that of the negro. If we find it there, it will not be the first time he has helped the nation through trials and perils for which he was in no way responsible.

I have said that one of the causes of the present unhappy condition of affairs at the South is, that in certain localities the colored men have a majority of votes, and therefore are constitutionally and legally entitled to elect whom they please to office. The fact is patent that it is only where such majorities exist that difficulties occur. When the colored man is in a minority he can usually enjoy the right of suffrage unmolested, as in Delaware, Maryland, West Virginia, and some parts of Kentucky, Tennessee, and perhaps a few other Southern States. The prejudice against his vote is not against the act itself. When he will vote as dictated by his would-be master he is a "gentleman and a scholar" and a valuable and promising citizen. In other words, it is not the colored vote *per se* to which the white man objects, but the vote which may defeat the said white man for office.

Do not all these facts point to a peaceful and effective solution of the problem? May it not be found in partial migration? If you cannot without the employment of means, not now to be considered, induce the white man to accord to the colored man his political and personal rights, may not the latter quietly withdraw to some place within the Union, where those rights will be secure? And will not the withdrawal of a portion of them greatly improve the condition of all? I think so; and will try to show why. Let a considerable portion of the colored people of Louisiana, Mississippi, Georgia, Alabama, South Carolina, and perhaps some other States, migrate to some suitable and convenient place where their manhood will be respected, and it will do more than anything else to settle the suffrage question in favor of the colored man's rights and to banish sectionalism from politics.

The plan of accomplishing this suggested by the pending resolution may be defective, but I am confident it contains the germ which, by the wisdom of Congress, may be developed into the rich fruitage of national justice, peace, and unity.

Colonization to Liberia has been suggested, and some futile attempts have been made in that direction, but it must be obvious to everybody that certain failure awaits all such efforts. They ought to fail, because the scheme is unjust, dishonorable, inexpedient, and impracticable. It is unjust to the colored man, and dishonorable to the nation, to banish him from his native country, because the great Republic, with its proud boast of equal rights, will not protect him at home. It is inexpedient, because the country cannot afford to dispense with his valuable services in its development. It is impracticable, because the natural increase of colored population would be many times greater than the number that could possibly be transported to the coast of Africa.

The plan of home colonization, or migration to some suitable place within the Union, is subject to none of these objections, but is just, practicable, and expedient.

IT IS JUST.

It does no wrong either to the negro or to the white man, but leaves both in the full enjoyment of all their rights. It does not propose to banish the colored man from his native country, but more effectually to secure him within it. It does not contemplate enforced migration, but would merely open to him the door of deliverance, and leave him entirely at liberty to go or not, as he may choose. It offers to him in exchange for practical serfdom the dignity and freedom which the Constitution guarantees to every citizen. It says to him "The Republic is large enough for all of us. Let there be no strife, I pray thee."

To the white man it says: "Concede to your colored neighbor those rights and privileges to which he is quite as much entitled as yourself, or let him go in peace to find a better home elsewhere." It wages no war upon anybody, but in the spirit of peace and patriotism proposes to end the ugly controversy by quietly removing one of the conditions which produce it.

IT IS PRACTICABLE.

The question of practicability belongs more especially to a consideration of the details of the proposed policy, which require the careful inquiry of a committee, but I may say in passing that there are several States well adapted to the nature and wants of the colored people, where they would be warmly welcomed, and their rights sacredly respected. We have also Territories which in climate, soil, and productions are well suited to the constitution, habits, wants, and experience of the race; as for instance portions of Arizona, New Mexico, and especially of the Indian Territory. Or if none of these should prove entirely satisfactory, it would not be very difficult to make other arrangements that certainly would do so. If it should cost a few millions to provide the territory for them, who would weigh that fact in the balance against a solution of the most perplexing and dangerous problem that menaces our future as a nation, the performance of partial but tardy justice to a race, and the permanent pacification of the country?

If it be said that it would be unconstitutional to exclude other people from the proposed Territory, I reply that no such exclusion is contemplated. If in the execution of the plan suggested the organization of a new Territory shall be deemed expedient, it can be done in a way that will insure its success for the purpose intended, without encroaching upon the rights of any body, or violating any principle of the Constitution. Let the territorial officers be mainly selected from colored men of high standing and ability, or from their recognized friends. Let the public land in each Territory be subject only to homesteads of from forty to eighty acres each, under general laws. Let it be understood by the country, that the negro shall be secure in all his rights, and have the full protection and encouragement of the General Government in his efforts to work out his own destiny, and

the philanthropic and patriotic sentiment of the country will organize and complete the work.

It is not intended, as some objectors have absurdly imagined, that the Government shall remove these people from one section of the Union to another, or that it shall contribute to their support in their new homes. The only purpose is to open a door of deliverance, as I have indicated, and leave the negro and his friends to do the rest. The very fact that such a door is opened through which he may find relief, will greatly ameliorate his condition where he now is.

The spirit of emigration that would be evoked in the colored people, and the spirit of philanthropy and patriotism that would be aroused in the white race, would render Government aid, and exclusive privileges wholly unnecessary. This is, however, one of the matters of detail for which a committee is sought. I have merely hinted at it as one of the plans that might prove practicable. Possibly a better one could be devised.

This idea of relief and safety through colonization is by no means new. Its practicability on a scale incomparably greater than I now propose was earnestly indorsed by Jefferson, Madison, Clay, and many other of the greatest minds of the past.

Thomas Jefferson said of it in 1824:

> The second object and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can by degrees send the whole of that population from among us, and establish them under our patronage and protection as a separate, free, and independent people in some country and climate friendly to human life and happiness. * * * And from what fund are these expenses to be furnished. Why not from the lands which have been ceded by the very States now needing this relief? * * * I do not go into all the details of the burdens and benefits of this operation. And who could estimate its blessed effects? I leave this to those who will live to see their accomplishment and to enjoy a beatitude forbidden to my age. But I leave it with this admonition, to rise and be doing. A million and a half are within our control; but six millions (which a majority of those now living will see them attain) and one million of these fighting men will say "we will not go."—*Thomas Jefferson to Jared Sparks*, March 4, 1824.

In a letter to Robert J. Evans, dated January 15, 1819, James Madison, discussing general emancipation, says:

> To be consistent with existing and probably unalterable prejudices in the United States the freed blacks ought to be permanently removed beyond the region occupied by or allotted to a white population. * * * It is the peculiar fortune, or rather a providential blessing, of the United States to possess a resource commensurate to this great object without taxes on the people, or even an increase of the public debt. I allude to the vacant territory, the extent of which is so vast and the vendible part of which is so well ascertained.

Mr. Madison estimates the sum needed at $600,000,000, and that it will require the sale of "two hundred million acres at $3 per acre;" and warming with enthusiasm as the beneficent scheme unfolded before him, he continued:

> And to what object so good, so great, and so glorious could that peculiar fund of wealth be appropriated?

In a subsequent letter to Mr. Drew, written in 1833, Mr. Madison suggests the expediency of providing a place for the colored people "*within the territory under the control of the United States,*" and says:

> Although the process must be slow, be attended with much inconvenience, and be not even certain in its results, is it not preferable to a torpid acquiescence in a perpetuation of slavery, or an extinguishment of it by convulsions more disastrous in their character and consequences than slavery itself?

Could Jefferson, Madison, and others who in that day advocated this policy, have foreseen the horrors and the cost of the civil war which it would have averted, they would have regarded its great expense even more insignificant in comparison with its blessings.

Mr. President, the necessity for some safe and peaceful solution of this problem is as great to-day as it was then. The injustice and the danger of holding a million and a half of ignorant people in slavery was not greater in 1824, than is the wrong and the peril of reducing five millions of American citizens to practical serfdom in 1879. The plan I have suggested for averting future discord and disaster contemplates no expense for removal or subsistence of the negro, but only proposes to open the way of relief and trust to moral forces for the result.

ITS EXPEDIENCY.

It is expedient to try the policy of migration, because all the methods hitherto employed have resulted in utter failure to secure justice to the citizen or permanent peace to the nation, and because no plan, proposition, or policy now before the country gives any assurance of better success in the future.

Nearly, if not quite, all the plans now proposed on this subject may be embraced under one or the other of two general policies.

On the one hand we are urged to ignore the shameful wrongs perpetrated on the colored people, and to disregard their piteous appeals to the nation for that protection which is sacredly guaranteed to them by the Constitution; and we are assured that in such ignominious and cowardly desertion of the individual citizen, will be found the path of national peace and safety; as if national peace or safety were ever secured through national dishonor! No, Mr. President, the government that will not protect its humblest citizen will soon be powerless to protect itself. We cannot shirk our own responsibility in this matter by the plea that these people are poor and ignorant, and that "property, intelligence, and education" always rule. It is our duty to see that they rule justly and in accordance with the Constitution which we have sworn to maintain and defend.

On the other hand we annually resolve that it is "the solemn obligation of the legislative and executive departments of the Government to secure to every citizen complete liberty and exact equality in the exercise of all civil, political, and public rights." And then, as if satisfied with the declaration of what ought to be done, we proceed to do nothing whatever on the subject. I have no doubt, that if such a resolution was presented to Congress to-day, it would receive the almost unanimous vote of both Houses.

And yet I shall be most agreeably disappointed if, in response to the President's urgent recommendation, the same Congress will grant one dollar for the prosecution and punishment of men who have committed the most causeless and cruel crimes, in their relentless determination to trample upon every right we so unanimously resolve to enforce. Nay, I will go one step further, and here enter the prophecy that not one of these men will ever be punished either by State or Federal courts.

A leading journal of this country has recently said "there is not to-day the power within the American people to protect the life or avenge the murder of an American citizen within the American lines." I am not willing to make so shocking an admission of national impotency, but I must say, if the power exists, the disposition to enforce it seems to be shamefully lacking. Neither that policy which proposes to treat with ignominous unconcern the most atrocious and shameless wrongs openly perpetrated against American citizenship; nor that which recognizing the wrong resolves to redress it, but is content with valiant and exact, but fruitless declarations of duty never performed, will ever bring justice and security to the citizen or enduring peace and unity to the nation.

Second. It is expedient because *advantageous to all classes and sections.*

1. TO THE EMIGRANT,

who would find a home where he could support himself and family more comfortably than is possible under existing circumstances; a home where the tenant would be transformed into the landlord; where his earnings could be devoted to the support and education of his children; where his manhood and his civil and political rights would be respected; where he would be taught to respect himself; a home where the new political and social conditions which would surround him would stimulate his ambition to excel, fire his zeal for improvement, and thereby develop his powers of usefulness to his country and his race; in short, he would exchange practical serfdom for manly independence, with all the advantages which such a change implies.

The development of his powers that would result, would illustrate his fitness for citizenship, and his capacity for self-government, and hence would contribute much to the elevation of his race.

ADVANTAGES TO THOSE WHO REMAIN.

1. The proposed exodus from the overcrowded districts would insure to those who stay a better chance for remunerative employment. At present the supply of that kind of labor in some localities is largely in excess of the demand, and hence the laborer is wholly at the mercy of the employer. The removal of a portion of the black population would reduce the labor supply to the demand point, which is always to the advantage of any community, and especially so to the laborer.

2. It would obliterate the "color line" from politics, and thereby secure to the colored people in all the States better treatment, and a more free and safe exercise of all their constitutional rights and privileges.

The black man does not excite antagonism because he is black, but because he is a *citizen*, and as such may control an election. In the estimation of the average southern white man, "negro supremacy" is the consummation of all that is repugnant and dishonorable to the white race. In the presence of that dread peril he will forget all other interests, and sometimes disregard every law divine and human. Menaced by what appears to them the direst of evils, is it not folly to imagine that the white voters of the South will for many years, if ever, divide on any other than the "color line?" But could that fancied peril be withdrawn, as it would be by the proposed migration, the powerful motive which now binds them together in solid opposition to free colored suffrage would disappear, and they would then divide upon questions of finance, tariffs, internal improvements, or some of the other great questions relating to their material interests.

When such a division shall take place the colored voter will at once become an important and powerful factor in politics. Both parties will then seek his political support, and hence both can be relied upon to protect his rights and interests. The "color line" would thus be obliterated, and the prejudice now so intense would soon die out. The negro having voted with and for the white man a while, would be like to suggest a reciprocation. And if this was declined by the party with which he might be associated, he would soon learn to enforce his suggestion as other people do under like circumstances, by changing parties.

3. Those districts in which the colored people have a majority are the hot-beds from which spring the bitter hates, and the rank injustice, that sometimes prevail against the negro in other localities. The intense determination to resist "negro rule" at all hazards and at any sacrifice, which now pervades those districts, reacts upon others which are in social, political, and sectional sympathy with them, and thereby has the effect to foster and feed a prejudice and an antagonism against the colored citizen, in all those States where slavery once existed. And not only does this injurious effect extend throughout the South, but also to that portion of the people at the North,

whose political and social sympathies were once with the institution of slavery.

I think it is, therefore, true that, the presence of colored majorities in certain localities at the South, not only operates greatly to the disadvantage of the black race in those districts where such majorities exist, but also throughout the entire country, and that the certain consequence of changing that condition, as proposed, would be a great advance in the status of the colored man in all the States. It is, therefore, in the interest of the negro himself that I advocate his withdrawal from districts where his race is numerically the strongest. I know it will be said, why lose the only chance he has to exercise control in public affairs by taking him from those localities where he has a majority? I answer, because his majority is only a curse to him, bringing persecution, cruelty, and death, and because by taking the course suggested he will, in a few years, exercise far greater political rights and privileges, than by continuing the vain struggle in which he is now engaged.

I am happy to find that on this point I am following such stalwart friends of the colored race, as Governor Morton, of Indiana, and Governor Andrew, of Massachusetts, both of whom expressed a similar view in 1865.

ITS ADVANTAGES TO THE SOUTH.

No country has greater advantages for material prosperity than the South. Her soil and climate, her mineral wealth, and her natural facilities for manufactures and transportation are not excelled, if equaled, on the globe. And yet she is comparatively poor, and will remain so until capital and skilled labor shall inspire her enterprise, diversify her industries, and thereby develop the immeasurable wealth at her command. She regards with wonder the marvelous progress of the Northwest, and watches with astonishment, if not with envy, the constant and ever-increasing tide of capital and immigration, which is pouring into that favored country from all parts of the world. She fails to comprehend why they pass by her sunny clime and fertile fields, to seek those regions of the North and West, where for one-third of every year winter holds his icy sway.

With no wish to be offensive, but only to speak the plain truth, let me say that everybody, except the people of the South, understands this perfectly. It is not because those more favored and prosperous regions offer greater natural advantages, but because the political disturbances and troubles at the South have impressed the world with the belief that life, property, and political rights are not as safe there as at the Northwest.

Gentlemen of the South may deny and explain as much as they please, but so long as the Constitution and the laws are powerless to protect *all* of her citizens, the world will believe that they are not strong enough to insure protection to *any;* and hence the capital and skilled labor of the East and of Europe will pass her by to find a place of greater security. The only way to bring prosperity to the South is to inaugurate the sway of law and order, and to sacredly maintain and defend the civil and political rights of every citizen. When peace and security shall reign throughout that region—not the peace of the graveyard—but that which comes of respect for human rights, the South will have opened her doors to the capital and enterprise of the world, and her industries will feel the impulse of a new life; but until then her almost unequaled natural resources will slumber beneath the same incubus which now rests upon her citizenship.

If the proposed migration of a part of her population will tend to restore order and obedience to law in the disturbed districts, and thereby throughout the country, as I have endeavored to show, such a policy should surely find its strongest advocates at the South.

I have said that this policy is not presented with a sectional motive. Its benefits would not be confined to the colored people and the Southern States, but

ITS ADVANTAGES WOULD BE NATIONAL.

Not only would the colored people be better provided for, and more secure in their political and personal rights, and the South richer and more prosperous, but the entire Union would rejoice in the solution of the race problem, and the consequent cessation of sectional discord.

If there is one thing that all patriotic people want eliminated from our national politics more than any other, it is sectionalism. If there is one thing that they dread more than any other it is a "solid South" and a "solid North." They remember that before the war the sections were "solid," and the consequences are not yet forgotten. They may not fear a recurrence of like results from future sectionalism, but they know that it can only mean danger in some form. "Every kingdom divided against itself is brought to desolation" is as true to-day, as when these words fell from the lips of the Divine Master eighteen centuries ago. This Republic cannot remain many years in that condition without perils which I am unwilling to contemplate. Were I speaking as a northern partisan I should say, "Let the sections solidify and we will triumph every time." The North can endure such a contest much better than the South, because she is richer and stronger. It is not, therefore, from any fear of the effect of sectionalism upon my party, that I deprecate it, and would try to destroy it, but because as an American citizen I am proud of my country and anxious for its future peace and prosperity.

There are things, however, much worse than sectionalism. Slavery is worse. National dishonor is worse. A failure to vindicate American citizenship is national dishonor in its most shameless form.

If the race question were out of politics there would be but little, if any, cause left for sectional antagonism, and in a few years the ugly wounds inflicted by the war would be healed, and the North and South could unite heartily in the development of their material interests, instead of wasting their time, weakening the bonds of union, and paralyzing our industrial prosperity in embittered contests for sectional supremacy. In view of its possible benefits to all classes and sections is it not worth while to institute the proposed inquiry as to whether the policy suggested for this purpose is expedient and practicable?

OBJECTIONS ANSWERED.

Let us now consider for a few moments some of the objections that may be urged to the migration policy.

ENFORCE THE CONSTITUTION AND THE LAWS.

"The Constitution and laws guarantee equal rights and full protection to all; let them be enforced," says some brave advocate of heroic measures. Yes, that sounds well. It is valiant and soul-inspiring. For more than a decade it has been the slogan of the best friends of the negro, until the power has for the present nearly passed from their hands to render him any service whatever. I will go with him who goes farthest, in every just and practical effort to enforce the Constitution and the law, but I am not content with patriotic but empty resolves, however heroic they may sound.

If, as the facts show, the prejudices of the "dominant class" at the South are ineradicable, and its hostile determination uncontrollable, by any means that we have yet deemed either practicable or expedient to employ, and if, by reason thereof, the colored majority cannot safely and fully exercise its constitutional rights and privileges, we must find some other means of securing their enjoyment. For, come what will, this shameless mockery of equal rights is not to be tolerated.

I know of but four ways by which the rights of the colored people can be secured under existing circumstances:

1. The negro must fight for them; or
2. The Government must enforce them by military power; or
3. They must be enforced by the courts; or
4. They must be secured through some such policy as that indicated by the pending resolution.

The first of these methods is impracticable and undesirable. The white people of those States control the arms, the military organizations, and all civil authority. It took all the armies and navies the United States could raise, more than four years, to compel the submission of these same men to national authority. It can hardly be expected that the negroes, with no arms, no money, no military organization, can do what the Government found so difficult a task. No, Mr. President, it would hardly be possible for colored voters, though numerically the stronger, to vindicate their rights in that way, even if an appeal to arms could be contemplated without horror. No sane man can desire that the problem be solved in that way, and yet there are those who regard it as one of the great dangers of the future which wise statesmanship should seek to avert, for the sake of the white man as well as the negro.

> It may be that the whole nation will yet be compelled to wrestle in the sweat of this great agony, for equal rights of all men, as it had to wrestle for independence and for existence. It may be that an Enceladus will yet arise from under this mountain of permitted prejudice and hate, in a manner at which all the world shall stand aghast—a Kemper County massacre in every hamlet of the land. It may be that we shall yet be compelled to cry out in bitterness of spirit,
>
> "Ah me! for the land that is sown
> With the harvest of despair!
> When the burning cinders, blown
> From the lips of the overthrown
> Enceladus, fill the air."
>
> God forbid that such a horror shall light upon our land! God will not forbid it, if we let his children's blood cry to him from the ground. God did not forbid, could not forbid, Cain's deluge from washing out Cain's sin.—*Bishop Haven.*

Rev. Mr. Conway, who was Mr. Lincoln's commissioner of freedmen for the Gulf States, and whose residence of eleven years at the South has been devoted to the study of the "negro problem," in a recent interview on the subject of the pending resolution, published in the Newark Daily Advertiser, says of the negro's fighting qualities:

> I fought with black soldiers at Port Hudson under Banks, and at Mobile under the gallant Canby, and I know that, though very patient and forbearing, the descendants of the slaves whom we stole from Africa are capable of courageous and spirited resentment as will make their oppression a very costly business for their oppressors. It may be slow in coming, as the wheels of eternal justice are sometimes very slow in rolling, but that it is certain to come is as sure as that the last war was the certain natural result of the state of things which the nation tolerated for nearly a century. Like causes produce like results. History repeats itself. Human nature under the skin of the Ethiopian is the same as human nature under the skin of the Anglo-Saxon. Nine-tenths of the blacks of the South who are under twenty-five years of age are now able to read, and history gives us no account of an intelligent people who century after century quietly submitted to inhumanity.

Henry Clay foresaw this danger, and thus expressed his apprehensions:

> In some of the States, the number of slaves approximates toward an equality with the whites; in one or two they surpass them. What would be the condition of the two races in those States upon the supposition of an immediate emancipation? * * * What would then certainly happen? A struggle for political ascendency; the blacks seeking to acquire and the whites to maintain, possession of the Government. * * * A contest would inevitably ensue between the

two races—civil war, carnage, pillage, conflagration, devastation and the ultimate extermination or expulsion of the blacks. Nothing is more certain.—*Mr. Clay to Mr. Mendenhall*, October 1, 1842.

History is full of warnings on this point. Can we be so unmindful of the laws of human nature, and the teachings of experience, as to see no peril in the effort to reduce to practical slavery five millions of people, who have not only tasted the sweets of liberty, but who have been clothed with full citizenship? Shall we supinely wait for these laws to assert themselves in chaos and blood, or wisely adopt some practical means to avert the threatened danger?

Surely a great Republic governed by law, and administered by statesmen, can find some better solution than anarchy and civil war.

2. The second method just suggested, namely, the enforcement of civil and political rights by military power, even if desirable, can hardly be deemed practicable at present. And this, if for no other reason, because the statutes forbid, under extreme penalties, the use of any part of the Army for such purpose, unless an act of Congress shall have first been passed expressly directing such use in each particular case. Of course this renders the Executive utterly powerless to employ the Army, or any part of it, for the vindication of citizenship. If an officer of the Army should witness the most inhuman and unprovoked infractions of the law in this regard, he could not order his command to prevent or check it, without subjecting himself to a fine of $10,000, and two years' imprisonment, unless he could quote some specific act of Congress authorizing the order in that particular case.

As Congress is now organized you can neither repeal that statute, nor pass one directing such use of military force in any case. The only condition upon which any appropriation could be secured to prevent the Army from being entirely disbanded, was that it should thus be shorn of all power to enforce civil and political rights in any part of the Union. Under such circumstances, it is hardly worth while at present to talk valiantly about vindicating the majesty of the Constitution and the law, by the armed power of the Government. Even if the law did not forbid it, I think the judgment of the nation would be against such a policy, except in the most extreme cases. It would certainly demand that all peaceful measures should be first exhausted.

The enforcement of civil and political rights by military power will probably be reserved, until the burden of national shame and dishonor from their ruthless violation shall have become so intolerable as to welcome any alternative. May we not find some policy by which a choice so deplorable can be avoided?

3. If we turn for relief to the courts of the South, we do not find a much more promising and practical instrumentality for the enforcement of the Constitution and law, so far as the negro or his friends are concerned. The public sentiment which dominates some parts of that section appoints judges, sheriffs, and jurors, and intimidates witnesses. Hence crimes against the colored citizen and his defenders incur but little risk of punishment, and justice finds but slight hope of vindication.

Of the truth of this statement the merciless but unpunished massacre of the Chisolms affords an illustration of world-wide notoriety and shame. On the 29th of April, 1877, an infuriated mob broke open a jail, in which an innocent and defenseless family were confined, and under circumstances which would shame a Sioux Indian murdered the father, son, and daughter. The whole civilized world cried shame! and waited impatiently for the punishment of the criminals. Nearly two years have elapsed since that brave and beautiful girl was mercilessly massacred, for no other offense than trying to shield her father's heart with her own shattered and bleeding arm, and yet nobody has been punished. It is true that to appease public indignation the perpetrators were indicted a year ago, but though their offense is not bailable, I am informed that they have never been imprisoned one day, and that they are now at liberty on their "parol of honor." Could there be more conclusive evidence of the impotency of these courts to punish crimes of a political character? The Chisholms were guilty of no offense but love of country, and friendship for the colored race.

Those who have looked to the southern courts for the protection of colored citizenship must long ere this have had their faith sadly shaken. The existing conditions are daily molding those courts more and more in sympathy with the dominant sentiment which surrounds them, and unless some policy shall be adopted which will operate to weaken that sentiment they will become, as in the days of slavery, the mere instruments to register the decrees of those who create them.

The gentleman from whom I have already quoted is not far wrong in saying:

The situation was bad enough when the republicans had power; it is simply horrible now, with every office in the hands of southern democrats. The truth is this, and it is undeniable, emancipation is a solemn farce and slavery is a stupendous fact; not the slavery that bought and sold men, but a slavery of robbery, cruelty, and death. * * * They (the negroes) have done nothing worthy of such suffering as they endure. It was only natural that they should be republicans, but it is because they are and have been so that their old masters entertain such animosity toward them. *With the southern blacks to-day it is colonization, slavery, or death.*

Some six years ago Mr. Frank P. Blair, then a Senator from Missouri, the Senator from Delaware, [Mr. BAYARD,] the present Senator from Kentucky, [Mr. BECK,] then a member of the other House, with several other distinguished gentlemen, constituted the democratic minority of a committee which devoted much time and labor to an investigation of the condition of the South, and as the result of such inquiry these eminent and conservative gentlemen deliberately embodied in their report this remarkable conclusion:

The truly sincere and rational humanitarian looks with sorrow upon the future status of the poor deluded negro; for, in the near state of things which is to come, when the two great parties which now exist shall have passed away, he sees either the *exodus* or the *extinction* of this disturbing element in the social and political condition of the more powerful race.

Mr. President, this is surely a deplorable state of things, if true. And no gentlemen had better opportunities for ascertaining its truth than those who made the statement. After having for many months patiently and earnestly sought among their political friends and confidants at the South for some solution of this race problem, these distinguished and honorable gentlemen sorrowfully place upon record their solemn conviction, that for five millions of American citizens there is no alternative but "*exodus* or *extinction*."

It must be admitted that the last five years have confirmed, with terrible emphasis, the correctness of their conclusions. Has not the work of "*extinction*" gone far enough? Is it not time now to try the "*exodus?*" If it be true that for the negro the only alternative is *migration* or *death*, may I not confidently appeal to those gentlemen, as well as to every other "sincere and rational humanitarian," to aid me in saving a race from destruction?

In view of all these facts, is it not expedient in the interest of peace, of Union, of justice, and of humanity that some such policy as I have suggested be tried? Bear in mind that the migration plan does not involve the abandonment of any other practical method nor the remission of any other proper effort, but, as I have said, will work in harmony with and supplement them all.

WILL THE COLORED PEOPLE GO?

It has been suggested as an objection to the policy that the negro will not migrate; that he loves his home and his old master too devotedly to leave them; or, as a Mississippi paper puts it:

What do the colored people think of the scheme? Are they ready to emigrate; to bid adieu to their homes and the graves of their fathers at the bidding of political agitators? Do they not pray to be saved from their friends?

To which I reply, try them. They doubtless entertain a profound reverence for the "graves of their fathers;" but that sentiment is more than counterbalanced, in many of them, by the fear of prematurely occupying a *grave* of their own—about the only thing, by the way, to which they can ever hope to possess an unquestioned title under existing circumstances.

In reply to the question just quoted I have a memorial, signed by many of the leading colored men of Mississippi, urging the passage of this resolution and expressing the opinion that in the migration policy is the best hope of their race. They say:

The republican party enfranchised colored men at the South into something besides *targets*, it is to be supposed. Since that party can no longer assure to them a fit enjoyment of their citizenship it may well consider whether it should not afford them a new field, as your resolution contemplates, rather than suffer them to continue *victims* instead of *beneficiaries* of the policy of reconstruction.

Not a word in all this about love for "the old master" or the "graves of their fathers," but an earnestly expressed desire to escape the shot-gun. Since the resolution has been widely published by the press, I have been astonished at the expressions which have come from the colored people in nearly every State, on this point. But two or three have opposed the plan of migration, and they live in States where, free from danger and outrage, they are anxious to see the race problem worked out by their brethren at the South. Among the more intelligent and ambitious colored people in the Southern States, the policy commands a cordial and enthusiastic approval. I have many letters and petitions from them, all urging the passage of the resolution and praying that this door of deliverance may be opened to them. They inform me that numerous emigration societies are already in existence among them, and that they have come to regard this as their only hope.

The representatives of the colored race in Washington are almost if not quite unanimous in their approval of the policy. They say that the negro has been the foot-ball of politics long enough, and they want to try some method based upon economical rather than political considerations. They are tired of resolutions that never ripen into laws, and of laws that are never enforced. That enough of them would go, to relieve the South of its hated and feared negro majorities, and thereby enable its "property, intelligence, and education" to control its political affairs in a peaceful, lawful, and constitutional way, without resort to fraud, intimidation, or violence, I think there can be no reasonable doubt. Extend to the millions of colored people, now almost in despair, the privilege of taking from forty to eighty acres of good land in a Territory suited to their wants, with the unquestioned and positive assurance that their manhood will be respected, and that an equality of political and personal rights will be forever secured to themselves and their posterity, and it will not be long until some Moses will lead them by thousands to the New Canaan.

Let it be understood that such a place is ready for them, and the bishops and ministers of their various churches will head the exodus to the promised land, with songs of praise and devout thanksgiving to God for this mighty deliverance. Do you say they are too poor to pay the expenses of the proposed journey? Doubtless the great majority are so, but the enterprising, the intelligent, and the ambitious will find some means of getting there; and should any difficulty occur at this point, the patriotism and philanthropy of the people may be confidently relied upon to organize and provide the needed funds.

It is not expected or desired that the entire colored population shall

emigrate. A quarter of a million, or less, transferred from the overcrowded districts of the South will effectually dispose of this troublesome question. Indeed, long before one-half of that number shall have gone, the inducements offered to the rest to remain will include a recognition of civil and political rights, which constitutional amendments and penal laws have been powerless to command. The change in sentiment, that will be wrought by such an exodus, will illustrate the fact, that an enlightened self-interest may exert a greater restraining power than legal enactments or physical force.

WILL THE COLORED EMIGRANT STARVE?

Some apprehensions have been expressed by those opposed to this measure, that if deprived of the guardianship and tender care of the white man, the negro would starve or degenerate into barbarism. The exquisite irony of this objection is its chief merit. Having supported both the white man and himself, for a century, he may safely be trusted to live when the incumbrance is withdrawn. As the owner of a farm with no rent to pay, he will probably make himself and family quite as comfortable, as when paying over nearly all the proceeds of his labor to some exacting landlord. Working as his own employer, he will be quite as likely to get on in the world as when working for another and receiving his pay in articles at three times their actual value, or in scrip which is never cashed. We do great injustice to the negro in assuming that he will not work when proper inducements are offered. True he does not like to work for nothing, and in this he is not very different from white men.

That the race is competent to found and build up a State that would be an honor to this Republic, history most fully attests. Malte Brun says of them:

It is certain that in early times African colonies carried the germs of civilization into savage Europe.

These same despised descendants of Ham in early times founded the most powerful empires, built the most renowned cities, were the first merchants, controlled the commerce of the Indian Ocean, Mediterranean and Red Seas, built the first great pyramid * * * and carried the arts and manufactures to a pitch scarcely rivaled in the nineteenth century.—*Professor Shepard.*

In our own country, during the entire existence of the Republic, the colored race has performed the labor which has supported a third of its white population, and which has given to our commerce much the larger share of its exports. It does not become us to charge upon the colored race an indisposition to work.

NOT A SURRENDER.

If it be said that such a policy would be an admission of weakness and a surrender of the Government to the mob, I reply that it is no surrender. It is merely an effort to reach the same end by more practicable and less expensive methods. It does not propose to omit one practical remedy for existing troubles, nor to relax one effort to assert the rights and maintain the dignity of every citizen of the Republic, but to supplement them all by a method which adapts itself to human nature as it is, and endeavors to secure success in conformity with its laws.

When Sherman found himself unable, without too great a sacrifice of life, to drive the enemy from his stronghold by an attack from the front, were his masterly flank movements regarded as a surrender? The enemy surely did not so consider them. We now find the enemies of impartial suffrage and equal political rights intrenched behind prejudices and sentiments, which have been the product and the growth of centuries, and defended by organizations which have thus far been able to defy constitutions and laws. The resolution proposes a flank movement, in order to accomplish by just and peaceful means, what would otherwise be attainable only after long effort, and at an incalculable cost to the Republic. In this encounter with a prejudice which rules with imperious sway the judgment, the feelings, and the conduct of ten millions of people, whose destinies are indissolubly linked with ours, and with that of the Republic itself, I propose to frankly recognize the fact that it cannot be exorcised by legislation, nor destroyed by physical force.

If strong enough, you may control the actions of a man who hates you, but you cannot legislate nor drive the dislike out of his heart, unless you crush the man himself. So, if you are strong enough, you can control the outward manifestations of a prejudice, but it will feed and fatten on the very antagonism which imprisons it. Starvation and education are its only deadly foes. Remove, if possible, the thing upon which it feeds, and it will die. Educate its possessor to disregard it, and it will cease to control him. The prejudice of the southern white man is nurtured by his dread of "negro rule."

Let this dread be withdrawn, and let him be educated to respect universal suffrage, as has already been done in some of the States where slavery once existed, but where the colored population was not so large as to inspire fear or race antagonisms, and in a few years the prejudice which now deprives the negro of his rights, and threatens the country with perpetual discord, will have passed away forever. The condition of the races in Maryland, Delaware, West Virginia, and in some of the other Southern States, confirms my theory. In all of those States the negro freely exercises the right to vote, and in some, if not all of them, he acts as a juror. Even in Massachusetts the status of the colored man has greatly improved within a few years. In all these States, and throughout the North, prejudice against the negro having nothing to feed upon has died, or is rapidly dying from sheer starvation, and the force of an educated public sentiment.

I repeat, therefore, that the policy of migration is not an admission of weakness, but the assertion of a renewed determination to succeed; not a surrender to the prejudice which causes all our sectional troubles, but an effort to flank and destroy it by starvation.

THE GREAT PRECEDENT.

Do you say it would be dishonorable and craven for the great Republic, with its proud record and its undoubted power, to suggest to these people the policy of migrating to some other part of the Union, as a relief from their oppressive and intolerable condition? I reply that such a policy finds its precedent and its sanction in the administration of the Great Ruler of all men, who, when His people were oppressed and maltreated in the land of their birth, commanded them to leave it, and to make for themselves and their posterity homes in another, which He provided for them.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 5534) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1880, and for other purposes.

The message also announced that the House had appointed Mr. WILLIAM A. J. SPARKS, of Illinois, a manager on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, and for other purposes, in place of Mr. HIESTER CLYMER, of Pennsylvania, excused.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 5313) making appropriations for the naval service for the year ending June 30, 1880, and for other purposes.

The message also announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN H. BAKER of Indiana, Mr. WILLIAM A. J. SPARKS of Illinois, and Mr. OTHO R. SINGLETON of Mississippi, managers at the further conference on its part.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 1962) for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johanson; and

A joint resolution (H. R. No. 229) making an appropriation for filling up, grading, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

COURTS IN COLORADO.

Mr. CONKLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 763) to provide for holding terms of the circuit and district courts in the district of Colorado having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same, with an amendment as follows:

Strike out the word "Lake" from the list of counties enumerated in said amendments as constituting the western division of said judicial district.

And the Senate agree to the same.

ROSCOE CONKLING,
D. DAVIS,
T. O. HOWE,
Managers on the part of the Senate.
J. A. McMAHON,
T. M. PATTERSON,
O. D. CONGER,
Managers on the part of the House.

The report was concurred in.

WOMEN AS LEGAL PRACTITIONERS.

Mr. McDONALD. I move to lay aside the present special order and all prior orders and take up the bill (H. R. No. 1077) to relieve certain legal disabilities of women.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Indiana moves that the present and all prior orders be laid aside for the purpose of considering the bill he has named.

Mr. EDMUNDS. Is that motion to lay aside in order? The motion must be to postpone, by the rule.

Mr. McDONALD. To postpone, then.

The PRESIDING OFFICER. The Chair understands that under the rules there are certain specified motions which can be made, of which this is not one, when a question is pending; but it has been usually considered by unanimous consent.

Mr. EDMUNDS. I object to any except a regular motion.

Mr. McDONALD. My motion is to postpone the present and all prior orders.

The PRESIDING OFFICER. The rule is that no motion shall be received when a subject is under consideration except those which are named in the rule. The Senator from Indiana now moves to postpone the pending order.

Mr. EDMUNDS. What is the pending order?

The PRESIDING OFFICER. The Clerk will report the pending order.

The SECRETARY. The unfinished business is the joint resolution (H. R. No. 201) proposing an amendment to the Constitution prohibiting the payment of claims of disloyal persons for property injured or destroyed in the late war of the rebellion.

Mr. McDONALD. On my motion I call for the yeas and nays.

Mr. SARGENT. I wish the Senate to understand the bill. It is a bill that has been rather a foot-ball during this whole Congress. It is very important to the class named in it, and we desire that there shall be a vote of the Senate upon it. I presume it will not take a long while to discuss it; but if discussion is desired we are ready for that.

The PRESIDING OFFICER. The Senator from Indiana asks for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. I ask that the bill be reported, that we may know what it is.

The PRESIDING OFFICER. The bill will be reported.

The Secretary read the bill (H. R. No. 1077) to relieve certain legal disabilities of women.

Mr. COCKRELL. I supposed it was the Birdsell clover patent, and that was the reason I desired the title to be read. I find it is an entirely different matter.

Mr. VOORHEES. I can inform the Senator from Missouri that he shall have an opportunity the very first moment I can get the floor to act on the bill for the relief of Mr. Birdsell, which was reported favorably by a committee of this body one year ago.

Mr. COCKRELL. I have no desire to avoid action upon the Birdsell patent bill by any means, and I have no disposition to avoid a fair and full discussion of that measure before the American people.

Mr. VOORHEES. Then I shall expect the Senator's conduct not to correspond hereafter with what it has been heretofore.

The PRESIDING OFFICER. Is the Senate ready for the question on the motion to postpone the pending order, upon which the yeas and nays have been ordered?

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) I am paired with the Senator from Ohio [Mr. THURMAN] on all political questions; but I feel so sure that he would vote "nay" on this proposition, that I shall venture to vote "nay" myself.

Mr. DAVIS, of Illinois. He reported the bill adversely.

Mr. EDMUNDS. I knew it.

Mr. WADLEIGH, (when his name was called.) I am paired upon political questions with the Senator from Maryland, [Mr. WHYTE.] Upon this question I vote "nay," not considering it to be such.

Mr. SARGENT. It is not a political question.

The roll-call having been concluded the result was announced—yeas 31, nays 20; as follows:

YEAS—31.

Barnum,	Cameron of Wis.,	Hoar,	Rollins,
Beck,	Coke,	Howe,	Sargent,
Blaine,	Dawes,	McCreery,	Saulsbury,
Booth,	Dorsey,	McDonald,	Spencer,
Bruce,	Ferry,	Matthews,	Teller,
Burnside,	Garland,	Mitchell,	Voorhees,
Butler,	Gordon,	Patterson,	Withers.
Cameron of Pa.,	Hamlin,	Ransom,	

NAYS—20.

Allison,	Eaton,	Hill,	Merrimon,
Anthony,	Edmunds,	Jones of Nevada,	Morgan,
Chaffee,	Grover,	McMillan,	Morrill,
Davis of Illinois,	Harris,	McPherson,	Wadleigh,
Davis of W. Va.,	Hereford,	Maxey,	Windom.

ABSENT—25.

Bailey,	Eustis,	Lamar,	Shields,
Bayard,	Ingalls,	Oglesby,	Thurman,
Christiancy,	Johnston,	Paddock,	Wallace,
Cockrell,	Jones of Florida,	Plumb,	Whyte.
Conkling,	Kellogg,	Randolph,	
Conover,	Kernan,	Saunders,	
Dennis,	Kirkwood,	Sharon,	

The PRESIDING OFFICER. The motion is agreed to, and the joint resolution is postponed.

Mr. McDONALD. I now move to take up the bill (H. R. No. 1077) to relieve certain legal disabilities of women.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill.

Mr. EDMUNDS. Let the question be put.

The PRESIDING OFFICER. The question is on motion to take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the supreme court of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States.

Mr. EDMUNDS. How was that reported, Mr. President, and by whom?

Mr. McDONALD. It was reported from the Judiciary Committee adversely.

The PRESIDING OFFICER. It was reported adversely by the Committee on the Judiciary.

Mr. EDMUNDS. By what member of the committee?

The PRESIDING OFFICER. The Clerk will report.

Mr. DAVIS, of Illinois. The Senator from Ohio [Mr. THURMAN] reported it adversely by direction of the Committee on the Judiciary; but my friend from Indiana was in the minority.

The PRESIDING OFFICER. The Calendar shows the bill to have been reported by Mr. THURMAN from the Committee on the Judiciary adversely on the 20th of May, 1878.

Mr. GARLAND. Is there a written report?

The PRESIDING OFFICER. There is no written report.

Mr. McDONALD. At the time this bill was reported by a majority of the Judiciary Committee adversely, I stated that I favored it, and I have but a word to say in support of it now.

The present rule of the Supreme Court provides that any person who shall have been a member of the bar of the highest court of any State or Territory or of the supreme court of the District of Columbia for the past three years and shall have maintained a good standing before such court and who shall be a person of good moral character, shall, on motion and the production of such record, if required, be admitted to practice before the Supreme Court of the United States.

This bill simply provides that any woman who has been thus admitted and stands as the rule of the Supreme Court requires in the profession shall also be admitted to practice in the Supreme Court, the Supreme Court in construing its own rules holding that although the word "persons" was used it did not intend the right of females to practice in that court. The Supreme Court of the United States is an appellate court and a court for the correction of errors. It has but a very limited original jurisdiction and one not often called into exercise. Now it seems to me that when a State court, the highest court of judicature in a State, or the supreme court of the District of Columbia, shall admit a woman otherwise qualified to practice in those courts, the court of highest resort, the court for the correction of errors, ought not to close the door to such persons. A cause may be carried by a female advocate in the court below; her adversary may appeal or take a writ of error to the Supreme Court of the United States and may follow the case into the Supreme Court as he has a right to be admitted under the rule as it now stands while the Supreme Court closes the doors to her. It seems to me to be but even-handed justice in a court of that kind to admit persons who are thus brought before it to appear at this bar to prosecute the causes intrusted to their keeping.

It is true that the Supreme Court might remedy this by a different construction of its own rule or by an amendment of its rule; but as it does not seem inclined to do so, I do not think it is wrong for us to prescribe in this case a rule for the Supreme Court, and therefore I hope that this bill which has received the sanction of the House will also receive the sanction of the Senate.

Mr. EDMUNDS. When this bill was reached on the Calendar of unobjected cases to-day, I called attention to the fact that the Senator from Ohio [Mr. THURMAN] who reported the bill adversely was necessarily absent from the Senate, and I supposed by a universal courtesy that conduces to the good order of business in all respects that no Senator would insist upon proceeding with it in his necessary and temporary absence——

Mr. McDONALD. Mr. President——

Mr. EDMUNDS. If the Senator will be kind enough to wait until I am through he can make his speech.

Mr. McDONALD. I have no desire to make a speech.

Mr. EDMUNDS. If the Senator will let me go on I shall be obliged to him. I shall be done in less than half a minute.

The PRESIDING OFFICER. The Senator from Vermont declines to be interrupted.

Mr. EDMUNDS. But the Senate has chosen to take it up with the knowledge of that fact. I am not prepared to defend the report made by Judge THURMAN although I entirely agree to it and shall vote that way. That is all I wish to say.

Mr. McDONALD. At the time the objection was made I asked the Senator from Vermont if the Senator from Ohio had expressed any desire to antagonize this bill in the Senate, or any desire that it should be delayed until his return. He was not prepared to answer the question then, and I do not suppose he is now. If any such objection had been made then I should not have pressed the bill; but I believed then as I believe now that the objection was made for the purpose of defeating the bill and not to enable an absent Senator to make any remarks upon it.

Mr. EDMUNDS. Mr. President, I will not make any retort to the imputation of the Senator from Indiana whatever. This is not the place for it. I will only say that I am not guilty of the imputation he bestows upon me—that is all—and if the Senator chooses in a case of this kind to go on in the absence of the Senator who has charge of the bill, of course he has a right to do it.

Mr. SARGENT. Mr. President, I hold in my hand a petition signed

by one hundred and sixty attorneys of this District, which petition reads as follows:

To the honorable Senate of the United States:

We, the undersigned attorneys and counselors at law, would respectfully request the passage of House bill No. 1077 entitled "An act to relieve certain legal disabilities of women."

This petition, headed by Thomas J. Durant, A. G. Riddle, and Samuel Shellabarger, &c., is signed by all the leading attorneys of this District, I believe. At any rate I recognize among the names those with whom I am familiar as holding that relation; and there is a very large number of excellent names to the petition. A similar petition has been sent on, as I understand, from the city of New York. That is in the possession of the Senator from Indiana, but inadvertently he left it at his house.

Now, sir, if this were a matter of contested facts requiring a particular examination of the Senator who reported the bill, having received his special examination, and upon which only he could enlighten the Senate, it might be well to put the bill over till another time when he could be present; but it is nothing of the kind. It is not abstruse in any of its parts; it does not depend upon a state of facts that can be contested. It is merely a measure of justice, recognized so by the profession themselves, recognized so in many of the States of the Union. The State of California last year passed a bill admitting women having the proper qualifications to practice in all the courts of the State, and it but followed the example of a number of other States in the Union.

It is generally recognized that women are taking to themselves a wider sphere of action and filling it well. There was a time in the history of the English people when it was looked upon as improper and degrading for a woman to appear upon the stage, and yet since that time women have made their way in that profession in spite of prejudice, in spite of the unadaptability of their sex, as it was claimed by what was called public taste, until now they have rendered the profession and themselves illustrious in it. The medical universities of the world are receiving women and instructing them in medicine and surgery, and there are many women engaged in these studies and practicing this profession. In France the universities are open to them. The prejudice in England has been gradually overcome in this direction, and the London Medical College receives them. They are admitted into the Scotch schools and into some of the best medical schools of the United States, and they are making their way in them all. There are in the various States of the Union women lawyers; and women in literature have won a very high place. No man has a right to put a limit to the exertions or the sphere of woman. That is a right which only can be possessed by that sex itself.

I say again, men have not the right, in contradiction to the intentions, the wishes, the ambition, of women, to say that their sphere shall be circumscribed, that bounds shall be set which they cannot pass. The enjoyment of liberty, the pursuit of happiness in her own way, is as much the birthright of woman as of man. In this land man has ceased to dominate over his fellow—let him cease to dominate over his sister; for he has no higher right to do the latter than the former. It is mere oppression to say to the bread-seeking woman, you shall labor only in certain narrow ways for your living, we will hedge you out by law from profitable employments, and monopolize them for ourselves.

Who fears the competition of women? Who pleads for a law to help him hold his medical or legal practice? Let him step down and out. It would be as well to enact that women should not mount the rostrum or pulpit, or engage in writing books in competition with men.

I do not imply that all who oppose this legislation fear such competition. Custom and education count for much in our opinions. Every Senator has a right to his judgment in such matters; but I have sought to show that the profession is prepared to welcome women among them, as shown by the petition I have presented.

Believing that the effect of the defeat of bills like this would be to prevent women from entering an honorable profession in which they are qualified to be useful to society and earn an honest and adequate living for themselves and those dependent on them, I am in favor of its passage, and I trust the Senate will give us a vote upon it to-day, and pass this bill as it came from the House.

Mr. HOAR. Mr. President, I understand the brief statement which was made I think during the last session by the majority of the Judiciary Committee in support of their opposition to this bill, did not disclose that the majority of that committee were opposed to permitting women to engage in the practice of the law or to be admitted to practice it in the Supreme Court of the United States, but the point they made was that the legislation of the United States left to the Supreme Court the power of determining by rule who should be admitted to practice before that tribunal, and that we ought not by legislation to undertake to interfere with their rules. Now, with the greatest respect for that tribunal, I conceive that the law-making and not the law-expounding power in this Government ought to determine the question what class of citizens shall be clothed with the office of the advocate. I believe that leaving to the Supreme Court by rule to determine the qualifications or the disqualifications of attorneys and counselors in that court is an exception to the uniform policy or the nearly uniform policy of the States of the Union. Would it be tolerated if the Supreme Court undertook by rule to establish any other disqualification, any of those disqualifications which have existed in regard to holding any other office in the country? Suppose the court were of the opinion that we had been too fast in relieving persons who took part in the late rebellion from their disabilities and that they would not admit persons who had so taken part to practice before the Supreme Court; is there any doubt that Congress would at once interfere? Suppose the Supreme Court were of opinion that the people of the United States had erred in the amendment which had removed the disqualification from colored persons, and declined to admit such persons to practice in that court; is there any doubt that Congress would interpose and would deem it a fit occasion for the exercise of the law-making power?

Now, Mr. President, this bill is not a bill merely to admit women to the privilege of engaging in a particular profession; it is a bill to secure to the citizen of the United States the right to select his counsel, and that is all. At present a case is tried and decided in the State courts of any State of this Union which may be removed to the Supreme Court of the United States. In the courts of the State women are permitted to practice as advocates, and a woman has been the advocate under whose direction and care and advocacy the case has been won in the court below. Is it tolerable that the counsel who has attended the case from its commencement to its successful termination in the highest court of the State should not be permitted to attend upon and defend the rights of that client when the case is transferred to the Supreme Court of the United States? Everybody knows, at least every lawyer of experience knows the impossibility of transferring with justice to the interests of a client a cause from one counsel to another. A suit is instituted under the advice of a counsel on a certain theory, a certain remedy is selected, a certain theory of the cause is the one on which it is staked. Now, that must be attended to and defended by the counsel under whose advice the suit has taken its shape, the pleadings have been shaped in the court below. Under the present system, a citizen of any State in the Union having selected a counsel of good moral character who has practiced three years, who possesses all-sufficient professional and personal qualifications and having had a cause brought to a successful result in the State court, is denied by the present existing and unjust rule of having counsel of his choice argue the cause in the Supreme Court of the United States.

The greatest master of human manners who read the human heart and who understood better than any man who ever lived the varieties of human character, when he desired to solve the knot which had puzzled the lawyers and doctors placed a woman upon the judgment-seat; and yet under the present existing law if Portia herself were alive, she could not defend the opinion she had given before the Supreme Court of the United States.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. Let us have the yeas and nays on the question of ordering the bill to a third reading.

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 20; as follows:

YEAS—39.

Allison,	Ferry,	Kirkwood,	Sargent,
Anthony,	Garland,	McCreery,	Sharon,
Barnum,	Gordon,	McDonald,	Shields,
Beck,	Hamlin,	McMillan,	Spencer,
Blaine,	Hoar,	McPherson,	Teller,
Burnside,	Howe,	Matthews,	Voorhees,
Cameron of Pa.,	Ingalls,	Mitchell,	Wadleigh,
Cameron of Wis.,	Jones of Florida,	Oglesby,	Windom,
Dawes,	Jones of Nevada,	Ransom,	Withers.
Dorsey,	Kellogg,	Rollins,	

NAYS—20.

Bailey,	Eaton,	Hereford,	Morgan,
Chaffee,	Edmunds,	Hill,	Randolph,
Coke,	Eustis,	Kernan,	Saulsbury,
Davis of Illinois,	Grover,	Maxey,	Wallace,
Davis of W. Va.,	Harris,	Merrimon,	Whyte.

ABSENT—17.

Bayard,	Cockrell,	Lamar,	Saunders,
Booth,	Conkling,	Morrill,	Thurman.
Bruce,	Conover,	Paddock,	
Butler,	Dennis	Patterson,	
Christiancy,	Johnston,	Plumb,	

So the bill was ordered to a third reading. It was read the third time, and passed.

SYVERT A. ANDERSON.

Mr. McMILLAN. The bill (H. R. No. 734) granting a pension to Syvert A. Anderson was on the 30th of January last reported adversely from the Committee on Pensions and postponed indefinitely. I present some affidavits in the case, and I move that the motion indefinitely postponing the bill be reconsidered and that it be recommitted with the accompanying papers I now present to the Committee on Pensions.

The motion was agreed to.

LIBRARY OF CONGRESS.

Mr. HOWE. I move that the Senate proceed to the consideration of Senate bill No. 1591.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1591) to provide additional accommodations for the Library of Congress. It proposes for the purpose of providing for such part of the Library of Congress as cannot be accommodated in the present apartments that a new build-

ing shall be erected on the reservation known as Judiciary Square, in the city of Washington, fronting on Fifth street, between G and D streets, capable of holding two millions of volumes, upon such design as shall be approved by the President of the United States; and appropriates $500,000 for the purpose.

Mr. COCKRELL. Is there a report accompanying the bill.

The PRESIDING OFFICER. The Chair is informed that there is no report in writing.

Mr. DAVIS, of West Virginia. From what committee does the bill come?

Mr. HOWE. The Committee on the Library.

The PRESIDING OFFICER. The Calendar shows that the bill was reported on the 13th of January, 1879, from the Committee on the Library, by the Senator from Wisconsin, [Mr. HOWE.]

Mr. DAVIS, of West Virginia. I do not know that I am opposed to the building of a new library, but I should like to hear some explanation of this bill. I desire to know to what extent it means to start at once, and whether or not all the locations have been taken into consideration, and whether there is a written report accompanying the bill.

Mr. HOWE. Mr. President, when this bill was reported I stated on behalf of the committee that the committee was not united in recommending the particular site proposed in this bill. I was, however, instructed to report this bill in order to get the subject before the Senate, in the earnest hope that the Senate would either agree to the site proposed in this bill or would propose some other and some better site.

I feel quite sure that I need not expend a word in enforcing the necessity of providing additional accommodations for the Library. The present Library is absolutely stifled for want of breathing room, so to speak. Books are stacked up; they are rendered inaccessible simply for want of space in which they can be placed on shelves, numbered, and brought within the reach of the Librarian and his assistants, and yet the Library is still growing under the influence of your purchases, under the influence of your exchanges, under the influence of your copyright laws. The accumulations go on from year to year, and the difficulty becomes constantly greater and greater.

Now, the first question for every Senator to settle for himself is whether the time has come when you will make provision for these constantly increasing accumulations; and if you will make provision for them, then you must do it somewhere and somehow. There is a great contrariety of opinion as to the best place. This bill proposes a reservation already owned by the Government, not utilized at all. It is proposed in the interest of economy; it will save the expenditure of any money for the purchase of a site; it is the only place proposed by any one which has that advantage, with the exception of a very recent suggestion which came to me within the last twenty-four hours for the first time, urged in the name of the late Professor Henry, said to have been a cherished wish of his, to wit, that the building should be placed near the Smithsonian Institution, on that reservation. The objection, the only objection I believe, urged against the erection of the building on Judiciary Square is that it is too remote, too distant from the Capitol. The reply to that objection is, that by the application of known mechanical methods the books in a building there may be practically as near the Senate Chamber as they are in the present Library apartments. The building can be connected with the Capitol, with any room in the Capitol designated for that purpose, by pneumatic tubes, by telephones, so that a book can be ordered from a building there and brought into any room in this building with as little expenditure of time as you can send a page to the present Library and get a book and bring it here. That is the only objection I have heard urged to that locality. Others for one reason and another favor other places. The hope of the committee is, it is my hope especially, that those who do favor other locations will make known their preferences and the reasons for their preferences, so that the Senate, hearing all that can be said in favor of any locality, may finally agree upon some one, so that we may before this next summer passes away commence the erection of a building somewhere, a building which I believe to be more needed by the Government of the United States than any other I can think of.

My own judgment leads me to favor this particular locality, has led me to favor it for years, and it is so rare that I continue constant to one idea for a series of years that I must think that fact a pretty conclusive evidence of the merits of this locality. Nevertheless, strongly wedded as I am to it, I think it of more importance that we should have a library than that we should have it in any particular place; and I would sooner agree to build a library in Georgetown than not to build one at all.

I do not care to occupy more of the time of the Senate now. I suppose other propositions are to be submitted. I beg the Senate to listen to them; I beg the Senate to choose between them finally.

Mr. MORRILL. Mr. President, I have an amendment to offer to this bill. I recognize as well as the Senator from Wisconsin the pressing necessity for a new library building. I regard it as almost shameful that there are some fifty or sixty thousand volumes now that are unable to be shelved in the present Library; but I regard it as vastly more important where this library shall be located than any present action. I do not want a library to be built here that shall not remain the Library of Congress. I am not in favor of putting up a building that will cost not less than $3,000,000 so remote from the Capitol as to be inconvenient of access to the members of the House and Senate. I do not desire to expend so large a sum merely to make a public library for the city of Washington. I desire to retain it here as the Library of Congress, and therefore nearer than Judiciary Square.

And further, as an objection to Judiciary Square, let me say that those who are acquainted with the present vast increase of the business of the Post-Office Department know that it will be indispensable within two or three years to put up a building for the accommodation of the General Post-Office Department. The Interior Department and Post-Office Department buildings to-day would not furnish more room than is absolutely needed for the Interior Department. We are paying large sums for rental outside for the accommodation of these departments, and we have got to recognize the growth of the country and make the public buildings commensurate with that growth.

Then, again, Mr. President, if we were entirely at liberty to take Judiciary Square, the ground there is on an inclined plane that would require a large expense to grade the streets approaching it so as to bring them up on the same level, an expense equal at least to the expense of purchasing, perhaps, new grounds.

Again, the sewer and water mains run across that square, and would subject the erection of a library building there to a large additional expense, provided that ground should be selected. As a competing point, it has been suggested that the library building should be placed upon the south side of the Capitol, and that that ground should be filled up. Unless we could remove mountains that vacant space could hardly be filled so as to make it a decent place for the location of a library building. To build the wall that would be necessary for that purpose merely for the basement of the structure would be much more than equal to the expense of purchasing the ground east of the Capitol.

Mr. President, I have had convictions upon this subject as long as my friend from Wisconsin, and therefore I have almost as much reason to suppose that my convictions may be right as the convictions in his case.

Mr. HOWE. My friend will allow me to suggest one very radical difference. He never was known to change a conviction in the world. So it is no evidence of his being correct.

Mr. MORRILL. I am very glad to get that certificate from the Senator from Wisconsin. But I desire to call the attention of the Senate to the fact that the competing point will be presented by the members of the Library Committee on the part of the House, and that point is south of the Capitol, where I say it would take the removal of a mountain in order to fill it up and make it a decent place for the Library of the country. Look at it. The Library would be a kangaroo library, with its hind legs much the longest. I certainly think the Senate would never consent to having the Library placed there, for it would be quite as remote and inconvenient, perhaps, as it would be if placed where I think is the most injudicious point for the building.

We have the report of the Secretary of the Interior in relation to the cost of the squares upon the east side of the Capitol. My amendment proposes to take all of the squares that directly front the east of the Capitol up to and including the first street next beyond. If Senators will get Executive Document No. 8 of the present session they will easily see the squares. The ground embraces two whole squares and parts of two others. By taking these squares it will be seen that we shall have to pay for 455,062 feet, while we obtain in the streets and avenues a much larger amount; that is to say, we shall obtain 585,110 feet. That is all that we need for this purpose. The expense of all this ground under the assessment of 1876 was $626,357, including all the improvements on the land; and in 1878 the assessment was a little more, that is, $627,114. Under the circumstances, it seems to me that we ought not to value the expense of buying a suitable site for these buildings. I wish to say that it would cost no greater sum to locate the building of the Library on the east side of the Capitol than it would on Judiciary Square or on the south side of the Capitol. Besides that, if placed in the center of these squares it would accommodate both Houses of Congress, be convenient of approach, and add much to the beauty of the grounds upon that side.

Of course we shall retain the central portion of the old library to be used as a working library for political, financial, and other subjects, embracing books that are constantly called for by members of Congress; and the two wings will be appropriated, one by each House, as a library for the public documents, and greatly needed they are for that purpose.

It seems to me that when we are about to start a building that is to last for centuries we should start it in the right place, that we should start it where it will be on appropriate ground. Look at the Department of the Interior and the Post-Office Department. If those buildings had been properly located with a sufficient amount of ground around them they would be subjects of beauty, the Interior Department being one of the finest structures we have; and yet both that Department and the Post-Office Department are right upon the brink of streets that surround all sides of them.

Under these circumstances, Mr. President, I think there can be no comparison of any other location with the east side of the Capitol. I propose to and offer an amendment to take these squares on that

side of the Capitol, and I hope the Senate will agree with me that it is a proper thing to be done. I offer the amendment which I send to the Chair.

Mr. SAULSBURY. I should like to ask the Senator what will be the cost of the site? What can these lots be procured for?

Mr. MORRILL. As I read from the assessment of 1877, $627,000, in round numbers; in 1878, $10,000 more, although there had been a good many buildings put up during that time.

Mr. KERNAN. How much land would that give us for the building?

Mr. MORRILL. It would give us all that, and more perhaps than, we require; but we should have to take it all.

Mr. KERNAN. I wish to ask the Senator if the Government has not land enough belonging to it somewhere that is eligible, and that would be a proper place upon which to erect this building?

Mr. MORRILL. No, sir; I do not think we have; and besides, if we had, I should be opposed to removing the Library away from the Capitol. The amount of land that we should get that we should have to pay for would be 455,000 square feet, and of the streets and avenues, that we should have nothing to pay for, 130,000 feet more, making 585,000 feet, including the streets and avenues.

Mr. HOWE. Will the Senator be good enough to inform me whether his amendment proposes taking the lots on the north or on the south side of East Capitol street?

Mr. MORRILL. It proposes to take them on both sides.

Mr. HOWE. Clear through?

Mr. MORRILL. Yes, sir; clear through the first range.

Mr. COCKRELL. I desire to ask the Senator from Vermont a question in regard to the provision of the amendment which he now offers.

Mr. CONKLING. May we hear the amendment reported?

Mr. COCKRELL. Let the amendment be reported, and then I will ask the question I desire of the Senator from Vermont.

The PRESIDING OFFICER. The amendment of the Senator from Vermont will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That in order to provide a suitable site for the Congressional Library and for other purposes, there shall be purchased the following parcels of land on the east side of the Capitol grounds, namely, squares designated on the plan of the city of Washington as Nos. 728 and 729, and triangular parcels designated as Nos. 726, 727, 730, and 731, and bounded on the north by B street north, on the south by B street south, on the east by Second street east, and on the west by First street east.

SEC. 2. That it shall be the duty of the Secretary of the Interior to purchase the ground above named from the owners thereof, the value of the property so purchased to be paid to the owner or owners thereof, out of any money in the Treasury not otherwise appropriated, on the requisition of said Secretary: *Provided*, That before such payment shall be made, the owner or owners of the property purchased shall, by good and sufficient deed or deeds in due form of law, and approved by the Attorney-General of the United States, fully release and convey to the United States all their and each of their several and respective rights in said titles to such lands and property so purchased.

SEC. 3. That to ascertain the value of said property, it shall be the duty of the Secretary of the Interior to make application to the supreme court of the District of Columbia by petition, containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, which court is hereby authorized and required, upon such application, in such mode, and under such rules and regulations as it may adopt, after notice to the owners of the said property, either by summons or order of publication, once a week, for four successive weeks, in one or more newspapers published in the city of Washington, and shall appoint five commissioners, freeholders of the District of Columbia, to make, under oath, a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon necessary to be taken for the public use, in accordance with the provisions of this act, which appraisement shall be subject to ratification by said court.

SEC. 4. That the fee-simple of all premises so appropriated for public use, of which an appraisement shall have been made under the order and direction of said court, shall, upon payment to the owner or owners respectively, or to such person as shall be authorized to receive the same for any such owner or owners, of the appraised value, or in case the said owner or owners refuse or neglect for thirty days after the appraisement of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, upon depositing the said appraised value in the said court to the credit of such owner or owners respectively, be vested in the United States; and the Secretary of the Interior is hereby authorized and required to pay to the several owner or owners respectively, or to such person authorized as aforesaid, the appraised value of the several premises, as specified in the appraisement of said court or pay into court by deposit, as hereinbefore provided, the said appraised values.

SEC. 5. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the inquiry and assessment shall be paid by the United States; and as to other costs which may arise, they shall be charged or taxed as the court may direct.

SEC. 6. That no delay in making an assessment of compensation or in taking possession shall be occasioned by any doubt which may arise as to the ownership of the property or any part thereof or as to the interests of the respective owners; but in such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases, as soon as the United States shall have paid the compensation assessed or secured its payment by a deposit of money under the order of the court, possession of the property may be taken; and the sum necessary to carry out the object of this act is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. KERNAN. Mr. President, I do not think we ought to pass a bill which substantially provides that we must either buy a certain piece of land agreeing with the owners upon a price for it, or take the chance of getting it for what it is worth by appraisement. The idea that in this city, with all the public ground owned by the Government here, we have to pay $600,000 or $700,000 for a site for a library building is to me entirely objectionable. In the first place, I should suppose that the building ought to be erected on the grounds about the Smithsonian Institution or below here near the Botanical Gardens, rather than pay any such price as that named. Again, if we have not eligible ground belonging to the Government, I think before we enact a law fixing the site we should ask for proposals. There are various parcels of land that would answer. Let us know something as to the price at which we could obtain suitable ground before we provide by an act of Congress that we must either buy this land at the price asked by the owners or take it on an appraisal, in which case there is often very great difficulty in fixing the value or agreeing upon the price. Real estate here is not so valuable. Possibly it is not so valuable but that we can procure a site for a reasonable sum; and I would rather wait, if that could not be done, than proceed now, at a time when it is the desire of the tax-payers to have the burden of taxation lessened, to erect such a building. Before we proceed with a building which will cost as much as this obviously will, we should look around and obtain all the information we can as to the cost at which a site can be bought, if it cannot be located on ground belonging to the Government. As I understand we have no estimates yet as to what the proposed building is to cost. I think we should move both as to the site and as to the building a little slowly, and see if we cannot purchase a site at a reasonable price that will answer the purpose of a permanent building for the Library. I am not opposed to a library building; I desire to see it erected, but I am opposed, when all the buildings are located here for the good of the land-owners in this District, to paying an enormous sum for the site of such a building.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. DAVIS, of Illinois. Mr. President, I really think this subject ought not to be disposed of this evening. It is a very important matter indeed. If it can be shown that the Library can be put into this building, this is evidently the best place for it. It is a pretty serious consideration whether we should purchase ground to the amount of $500,000 or $600,000 when we have ground of our own. This question is sprung on the Senate this afternoon; it is now about four o'clock; the bill will come up again to-morrow; and in order to give Senators time to consider it, I move to go into executive session, as I see there is some executive business to transact.

Mr. HOWE. Wait half an hour.

Mr. DAVIS, of Illinois. I think we had better not vote on this question to-day.

Mr. RANSOM. We cannot reach a vote on it this evening.

Mr. CONKLING. An executive session now will leave this bill as the unfinished business?

The PRESIDING OFFICER. The Chair so understands. The question is on the motion of the Senator from Illinois to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After ten minutes spent in executive session the doors were reopened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 7, 1879.

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

The Journal of yesterday was read and approved.

PUBLIC LANDS FOR EDUCATIONAL PURPOSES.

Mr. STEPHENS, of Georgia, by unanimous consent, presented resolutions of the General Assembly of Georgia, requesting the Senators and Representatives from that State to support measures for the application of the proceeds of the public lands to educational purposes; which were laid upon the table, and ordered to be printed in the RECORD. They are as follows:

Whereas certain measures are now pending before the Congress of the United States which propose to raise, from the sale of the public lands and other sources, a fund to be distributed among the States in aid of popular education; and,

Whereas these measures provide that this distribution should be made for a term of years upon the basis of illiteracy, and afterward upon the basis of school population; and

Whereas the measures referred to do not claim for the National Government the right to control education in the States, but provide simply for turning over the fund raised to the constituted authorities of the several States to be applied under State laws: Therefore,

Be it resolved, That this General Assembly does most heartily approve the adoption of some measures of national legislation which shall embody the principles set forth in the foregoing preamble.

Resolved, That, inasmuch as the educational wants of the Southern States are immediate and pressing, this General Assembly would suggest to Congress the consideration of the question as to whether it might not be best to distribute and apply the entire *corpus* of whatever educational funds that body from time to time may provide to the immediate relief of these wants.

Resolved, That as the educational laws of this State make no discriminations in favor of or against the children of any class of citizens, and as those charged with the administration of these laws have endeavored in the past to have them carried

into effect impartially, so does this General Assembly pledge every department of the State government to take the necessary steps to secure even-handed justice to all classes of citizens in the application of any educational fund provided by the National Government.

Resolved, That our Senators and Representatives in Congress are hereby requested to give their support to whichsoever of the measures now before the National Legislature that may in their judgment be best adapted to carrying into effect the views and objects expressed in the foregoing preamble and resolutions.

Resolved, That his excellency the governor is hereby instructed to transmit a copy of this preamble and these resolutions in customary form, to be laid before both Houses of Congress.

A. J. BACON,
Speaker House of Representatives.
HENRY R. GOETCHINS,
Clerk House Representatives.
RUFUS E. LESTER,
President of the Senate.
WILLIAM A. HARRIS,
Secretary of Senate.

Approved December 12, 1878.

ALFRED H. COLQUITT,
Governor.

STATE OF GEORGIA,
OFFICE OF THE SECRETARY OF STATE,
Atlanta, December 14, 1878.

I hereby certify that the foregoing three pages contain a correct copy of the original resolution on file in this office.

Given under my hand and official seal.

[L. S.] N. C. BARNETT,
Secretary of State.

NAVAL APPROPRIATION BILL.

Mr. CLYMER, from the Committee on Appropriations, reported back the bill (H. R. No. 5313) making appropriations for the naval service for the year ending June 30, 1880, and for other purposes, with amendments by the Senate, and moved that the House non-concur in the amendments.

The amendments were non-concurred in.

Mr. CLYMER moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER, of Indiana. I rise to present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

JOHN H. BAKER,
O. R. SINGLETON,
WILLIAM A. J. SPARKS,
Managers on the part of the House.
WILLIAM WINDOM,
S. W. DORSEY,
WILLIAM A. WALLACE,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. BAKER, of Indiana, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. BAKER, of Indiana. I move that the House ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of the conference on the part of the House Mr. BAKER of Indiana, Mr. SINGLETON, and Mr. SPARKS.

D. M. COOK.

Mr WARD, by unanimous consent, from the Committee on Patents, reported back the bill (H. R. No. 5394) for the relief of D. M. Cook, with a report thereon in writing; and moved that the report be printed and that the bill and report be recommitted to the Committee on Patents, not to come back on a motion to reconsider.

The motion was agreed to.

SECTION 709 OF REVISED STATUTES.

Mr. HARRIS, of Virginia, by unanimous consent, from the Committee on the Judiciary, reported back, with an adverse recommendation, the bill (H. R. No. 5079) to declare the true intent and meaning of section 709 of the Revised Statutes of the United States, and moved that the bill be laid upon the table.

The SPEAKER. Is there a report in writing?

Mr. HARRIS, of Virginia. There is no report in writing. The bill is reported back with an adverse recommendation.

The SPEAKER. The rule requires that there should be a written report. The gentleman from Virginia asks leave to submit a report hereafter.

The bill was laid on the table, and the report (to be submitted hereafter) ordered to be printed.

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

The latter motion was agreed to.

HENRY THOMAS.

Mr. EDEN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That there be paid, out of the contingent fund of the House, to Henry Thomas $20 for services as laborer and messenger to the Committee on War Claims during the first session of the present Congress.

DENNIS SMITH.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 6372) granting a pension to Dennis Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WADDELL, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. No. 6232) for the relief of John Cornell, postmaster at Transitville, Indiana, and the bill (S. No. 1037) for the relief of John B. Davis for mail services from Memphis, Tennessee, to White River, Arkansas, in the years 1868, 1869, and 1870; and the same were referred to the Committee of Claims.

DEATH OF MR. WELCH.

Mr. MAJORS. I desire to give notice that on Wednesday the 19th instant, at three o'clock, I propose to introduce resolutions touching the death of my predecessor, Hon. Mr. Welch, of Nebraska.

LOG SEIZURES IN LOUISIANA.

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

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish to the Committee on the Judiciary a copy of the report and accompanying evidence made to his Department by Special Agents Adams and Hale on the Calcasieu log seizures in Louisiana.

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

The latter motion was agreed to.

CHARLES DOUGHERTY.

Mr. KILLINGER, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 6373) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry; and moved that the bill be recommitted to the committee and the report be printed, not to be brought back on a motion to reconsider.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PRIGHT. I call for the regular order.

Mr. HEWITT, of New York. I raise the question of consideration. I desire to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill.

The SPEAKER. The Chair will have the rule read.

The Clerk read as follows:

Friday in every week shall be set apart for the consideration of private bills and private business in preference to any other, unless otherwise determined by a majority of the House.—*Rule* 128, page 131. And such bills may also be considered in their order on other days, notwithstanding their precedence on Friday.—*Journal*, 1, 19, page 795.

The SPEAKER. Under the terms of the rule, private business has precedence.

Mr. HALE. What antagonizes the morning hour?

The SPEAKER. The Chair supposes the Army appropriation bill.

Mr. HEWITT, of New York. That is my purpose in raising the question of consideration.

Mr. BRIGHT. What is the regular order?

The SPEAKER. The regular order is the morning hour, and the pending question is a report from the Committee on Public Lands; and after the morning hour, a motion to go into Committee of the Whole on the Private Calendar.

Mr. ATKINS. Would it be competent for me to ask unanimous consent that we shall occupy the morning hour this morning in the conclusion of the votes upon the Army appropriation bill? I ask unanimous consent for that purpose.

Mr. SCALES. I object.

The SPEAKER. The morning hour begins at thirty minutes past twelve o'clock, but the gentleman from New York [Mr. HEWITT] moves to dispense with the morning hour to-day.

The question was put, and the motion was not agreed to.

The SPEAKER. The morning hour then begins at thirty minutes past twelve o'clock.

Mr. PAGE. We would like to have a division upon the question.

The SPEAKER. The Chair has decided.

Mr. PAGE. Many of us did not understand what the decision of the Chair was.

The SPEAKER. The Chair announced that the morning hour commenced at half past twelve o'clock. [Cries of "Regular order!"]

Mr. PAGE. I wish the Chair would state the motion over again, for I do not think the House understood it; certainly I did not.

The SPEAKER. The Chair is not to blame for that.

The motion of the gentleman from New York [Mr. HEWITT] was to dispense with the morning hour. That question was submitted to the House, and the Chair decided that in his opinion an evident

majority was against dispensing with the morning hour, whereupon he announced that the morning hour commenced at thirty minutes past twelve o'clock.

Mr. PAGE. Oh! I do not object to that.

Mr. RICE, of Ohio. I wish to make an inquiry. My recollection is that on last Friday morning a report was pending from the Committee on Military Affairs.

The SPEAKER. That is so; but the gentleman will remember that at the commencement of the morning hour the House by unanimous consent resolved that this bill be postponed until the morning hour of this morning, with precisely the same rights which it possessed in that morning hour.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

The House then proceeded to the consideration of the bill (H. R. No. 4886) authorizing the correction of the boundaries of certain lands in San Mateo County, California, reported from the Committee on Private Land Claims.

The SPEAKER. The gentleman from California [Mr. DAVIS] has eight minutes of his hour remaining.

Mr. DAVIS, of California. I yield the balance of my time to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. During the last Congress I had occasion, as a member of the Committee on Private Land Claims, to give some little consideration to a bill similar to the one now before the House, for the purpose of reforming and correcting a disputed boundary-line between two California claimants. I then came to the conclusion that there was no propriety in the passage of such a bill, and since I have had occasion to refresh my memory as to the facts and the law I am more than strengthened in that opinion.

The object of this bill is to enable the court of California, which has now no jurisdiction of the subject, to take jurisdiction for the purpose of relocating, of resurveying, and rectifying the boundary-line between two Mexican claims, both of which have been surveyed and patented under the Government of the United States. Now, unless there are plain, important, and overruling considerations for doing such a thing as that, after the question has been considered in all the courts of California, in my opinion it should not be done.

This is not a matter in which the public at large have any great interest; it is not a public question, but it is a question of great importance to all settlers in the new States, where the policy of the law has been in regard to titles to land to maintain possession and stop litigation, and prevent that instability and insecurity which would result from uncertainty in regard to such matters. Hence I say that while gentlemen may feel no great interest in this matter, it not being a public question, it is a very important question to the whole State of California and wherever any of these Mexican land titles exist.

I say that the purpose of this bill is to reform a boundary-line between two patents which have been granted by the General Government. After the matter had been in litigation for twenty years, after the patents have been issued upon surveys made, this bill is brought forward for the purpose of unsettling these claims and giving jurisdiction to the United States courts of California in reference to the boundary-line between the claimants on the ground that there is an error in that boundary-line.

I am asked by a friend if this question has been settled. I say that it has been litigated and contested, in so far as I know, in all the courts of California—certainly in the supreme court—this very question as to the error in the boundary line.

Now, I say in the first place there is no error, by the application of any correct legal principle, according to my understanding. It is a mere question whether you shall apply to this case certain principles with regard to quantity or whether quantity, as indicated by certain words of the grant, shall yield to the higher evidence of permanent natural boundaries. I hold that it is a proposition of law that when you attempt to give the court of California jurisdiction over this subject, if that court shall decide according to the well-established principles of law in this country, not only in California but everywhere in the United States, as I understand it, it will decide that these parties have no such status, no such position as will enable them to obtain the relief asked.

It will be recollected that at the time of the cession of California to the United States by the treaty of Guadalupe Hidalgo, neither of these Mexican grants was complete; neither grantee had a perfect complete title; the titles were inchoate titles, yet such as the Government of the United States agreed to recognize under this treaty. These grantees had no complete, perfect, indefeasible titles. There was no such evidence of title as the United States gives when it grants a patent to a party. These parties come before the Government of the United States, which was pledged under the treaty to protect their rights.

The Government has gone to work and by its properly authorized agents surveyed and located this land by a precise location. The boundary of one is that of the other on a certain line. Now, these parties want to change the boundary. My proposition is that when the Government of the United States, in the exercise of its authority by its own agents, said to these parties "this is the boundary of the land," whether these parties accepted or not, is unimportant. No one claiming under the patent and under that survey is in position to dispute the correctness of that boundary; and if you send this case to the courts of California, assuming that there is an error, I maintain as a principle of law that if that court is governed by the law it must say that the Government of the United States has fixed the boundary and settled it as between these parties, and that the claimants under the patents have no right to interfere with the boundary.

Mr. MAISH. Has not the time of the gentleman expired?

The SPEAKER. It has not; the gentleman has one minute remaining.

Mr. BUCKNER. I shall not go into the question so ably argued by my friend from Georgia [Mr. CANDLER] as to the fact that this question has been decided in the courts of California upon a petition brought in that court to do this very thing; that is, to rectify this boundary. The courts say in the proceedings which I have here that these parties having accepted title from the Government, and the Government having by its officers established the boundary to these grants, they cannot now be permitted to come into court and say that the boundary so established is not the right boundary.

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

Mr. BUCKNER. I have no time to answer any one; if I had I would.

[Here the hammer fell.]

Mr. FINLEY. I would like to ask the gentleman a question before he takes his seat.

Mr. BUCKNER. My time has expired.

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. GUNTER] as entitled to the floor upon the pending bill.

Mr. GUNTER. I will yield fifteen minutes to my colleague on the committee, the gentleman from Indiana, [Mr. BICKNELL.]

Mr. PAGE. Is the previous question now operating?

The SPEAKER. It is not at present; and the Chair is not advised whether the gentleman from Arkansas intends to call the previous question to-day or not.

Mr. GUNTER. That is my purpose—to close debate at the end of this hour.

Mr. BICKNELL. Mr. Speaker, the Mexican grant of Los Pulgas was four leagues long and one league wide. It was bounded on the east by the bay of San Francisco, and on the west by Raymond's Valley, one league westward of the bay of San Francisco. The words of the grant are:

> The tract of which mention is made is four leagues of latitude and one of longitude.

The grant was made in 1835; its boundaries were too plain to be mistaken, they were well understood, and the grantees were put in possession by the Mexican authorities with their western boundary "one league westward of the estuary or bay of San Francisco." While the possession thus limited was continued, in the year 1840, the adjoining land on the west, known as Raymond's Valley, was granted to John Coppinger; it was described as bounded on the east by Los Pulgas. Coppinger took possession of it, occupied it up to the line one mile west of the bay, and remained in undisturbed possession of it until he died, in 1846. His grantees and representatives remained in undisturbed possession of it as long as the Mexicans governed the country.

Upon the conquest of California by the United States we became bound by treaty to recognize and protect valid Spanish and Mexican grants, and for that purpose in 1851 commissioners were appointed to settle private land claims in California. Under the act of March 5, 1851, it became the duty of the commissioners to confirm valid grants; it became the duty of the surveyor-general of California to survey the land according to the confirmations, and it became the duty of the Commissioner of the General Land Office to issue patents in conformity with the surveys.

All these officers thus became special tribunals to carry into execution the treaty with Mexico, and their action was not subject to review by any court of law or equity, except that Congress, by the same act of 1851, authorized an appeal by either party from the decision of the land commissioners to the district court of the United States, and thence to the Supreme Court of the United States. The Los Pulgas claimants appeared before the commissioners with a claim for twelve leagues of land, but only four leagues were confirmed.

The act of 1851 provided that the proceedings of the commissioners should be conclusive upon the claimants and the United States only; the Coppinger heirs were not claimants under the Los Pulgas grant. They sought to intervene before the commissioners in the name of the United States, for the purpose of showing the true western boundary of Los Pulgas, but were not permitted to do it. This was in 1852, before the Coppinger heirs had obtained their patent.

From that day to this, in all the litigation that has occurred, the Coppinger heirs have never in any court had a decision upon the merits of their case; but always, whether plaintiffs or defendants, have been met with this ruling: "You cannot show fraud or mistake in the survey, because the surveyor-general being an officer specially appointed by Congress to carry into execution a treaty stipulation, no court of general jurisdiction has authority to review his proceedings." It was once intimated by the Supreme Court of the United States, in 24 Howard, 268, that in such cases perhaps there might be a remedy in equity, but that has been distinctly overruled in later decisions. The statement, therefore, repeated here, that the merits of this case have been heretofore decided is not supported by the record; it is a naked, bald assertion, a voice, and nothing else. The decision of the

commissioners confirming four leagues for Los Pulgas went to the Supreme Court of the United States on appeal, and was there confirmed. That court, in 18 Howard, 539, declares:

The Mexican authorities have themselves given a construction to this grant, in 1840, when they granted Raymond's Valley to Coppinger, calling for Los Pulgas as its eastern boundary. Moreover, judicial possession was given establishing the western boundary of Los Pulgas one league west of the estuary or bay of San Francisco.

In 1853 the commissioners confirmed the Coppinger grant, bounded on the east by the west line of Los Pulgas. There is no conflict between these grants as thus confirmed, there is a common line between them, one league west of the bay of San Francisco. The surveyor-general of California ought to have surveyed Los Pulgas according to the decision of the Supreme Court, but his survey has doubled the size of the grant, has made it 35,240 acres instead of 17,750 acres, and three leagues wide at one end and a league and a half wide at the center and at the other end. Upon this survey the patent was issued; it not only gives Los Pulgas twice its quantity of land, and crowds the Coppinger tract out of Raymond's Valley on to the adjacent hills, but it defrauds the Government of 17,490 acres of land. These evils can be cured by Congress only. The survey and the patent are conclusive in the courts, however fraudulent or erroneous, but the Coppinger grantees are entitled to protection under the treaty with Mexico; they have been injured without their fault, by the wrongful act of an officer of the Government; they have not now, and have never had any remedy in the courts, and the bill under consideration gives them their only means of obtaining justice.

The bill gives the court jurisdiction to correct the boundaries and reform the patents of either or both of the grants and to give such further relief as justice may require; it seeks to unsettle no judicial decision; on the contrary, its object is to enforce the decision of the Supreme Court violated by the survey; it will disturb no title in California, except those of the Los Pulgas grantees, who bought beyond the true boundary, and they have no claim to sympathy, for they bought with notice that their grantors had no rights beyond a league westward of the bay of San Francisco.

It was decided in The United States *vs.* Sepulveda, 1 Wallace, 104, that Congress alone can furnish the means for executing a treaty stipulation, and in September, 1876, Mr. Justice Field in giving the opinion of the United States circuit court in California in the case of the United States *vs.* Flint said:

As to the alleged error in the survey, whether the survey conforms to the claim or varies from it, that is a matter with which the courts have nothing to do, they cannot order a new survey or change that already made.

Congress, however, has power to set aside the fraud or correct the mistakes of its officers acting in execution of a treaty; Congress has done so heretofore. I refer to the act of June 26, 1846, as to certain grants in Louisiana, (Stat., vol. 9, p. 110,) and to the act of May 5, 1864, as to a California grant, (Stat., vol. 13, p. 69.) In both these cases the relief granted was such as the present bill proposes.

For these reasons, Mr. Speaker, I submit that the report of our committee is right, and that our bill ought to be passed.

Mr. GUNTER. Mr. Speaker, the object of this bill now under consideration is to give jurisdiction to the United States district court in the State of California to enforce a judgment or decree of the Supreme Court of the United States made in 1855 in regard to a boundary-line between two Mexican grants—one made in 1835 and known as the Los Pulgas grant, and the other in 1840 and known as the Coppinger or de Raimando grant.

The original grant from Mexico describes the Los Pulgas rancho as being bounded on the north by San Mateo Creek, on the south by San Francisquito Creek, on the east by the bay of San Francisco, and on the west by the Cañada de Raimando, being four leagues in latitude by one in longitude.

The Coppinger grant was described in the original conveyance from Mexico as being bounded on the east by the Los Pulgas grant and running west, so as to embrace the Raimando Valley.

From 1835 until 1856 it was understood, fully recognized, and observed by all parties interested, that the western boundary of the Los Pulgas grant was but one league from the bay of San Francisco. With this definite understanding as to the dividing line between these two grants each original grantee took possession, occupied, and improved his lands.

In 1852 the Los Pulgas claimants petitioned the California land commission, established in 1851, by act of Congress, for a confirmation of their claim to twelve leagues of land, which they claimed under their grant. The commission recognized the validity of the grant to four leagues in length and one in width, rejecting the eight additional leagues claimed in their petition. An appeal was taken to the United States district court, a trial had, and the decision of the commission affirmed. The attorney for the Government and also the petitioners appealed the case to the Supreme Court of the United States, and at the December term, 1855, the decision of the court below was in all things affirmed.

In the decision of the commission and also the courts, the western boundary of the Los Pulgas grant was clearly and definitely fixed at one league from the bay of San Francisco and not to include the Raimando Valley.

My friend from Georgia, [Mr. CANDLER,] was evidently mistaken when he affirmed that the rights of these parties had been adjudicated in every tribunal from the land commission of California to the Supreme Court of the United States, and in every instance decided against the present petitioners and in favor of the Los Pulgas claimants.

What was the issue between these parties tried and settled by the courts? It was this: the Los Pulgas claimants asked for a confirmation of their claim for twelve leagues of land, four leagues in length and three in width; the Coppinger claimants resisted the confirmation for the twelve leagues, insisting that the original grant from Mexico only embraced four leagues in length by one in width, their object evidently being to prevent an extension of the Los Pulgas claim over their lands, improvements, and homes.

Mr. Justice Grier, in delivering the opinion of the court, referred to the decision of the commission and the court below in these words:

The commissioners confirmed the claim to the extent of four leagues in length between said creeks and one league in breadth, excluding the valley of Raimando, and bounded by it on the west. This decision of the commissioners was confirmed by the district court, and both parties have appealed to this court.

* * * * * * *

The commissioners and the court below having confirmed the claim of the appellants to the extent of this legal title, the question on their appeal is, whether they have shown any title to the valley of Raimando, or for any lands west of the boundary adjudged to Los Pulgas by the Mexican authorities so many years ago.

* * * * * * *

The Mexican authorities have themselves given a construction to this grant in 1840, when they granted the Cañada de Raimando to Coppinger, calling for "Los Pulgas" as its eastern boundary. Moreover, juridical possession was given to the Arguellos, establishing the western boundary of the Los Pulgas one league west of the estuary or bay of San Francisco. (18 How., 539.)

It is clearly shown by these quotations that the commission and the district court decided the issue as to this dividing line between these two grants, in favor of the Coppinger claimants, by definitely fixing it one league from the bay in place of three leagues, as claimed under the Los Pulgas grant. In my judgment the decision of the Supreme Court is equally definite and certain as to the location of this disputed line, as it alone affirms the decision of the court below.

Mr. Justice Grier, in the conclusion of his opinion, says:

On the whole, we are of opinion that the judgment of the district court is correct, and it is adjudged that the said claim of the petitioners is valid as to that portion of the land described in the petition which is bounded as follows, to wit: on the south by the Arroyo or creek of San Francisquito, on the north by the creek of San Mateo, on the east by the Esteras or waters of the bay of San Francisco, and on the west by the eastern borders of the valley known as the "Cañada de Raimando;" said land being of the extent of four leagues in length and one in breadth, be the same more or less, and it is therefore hereby decreed that the said land be and the same is hereby confirmed to them. (18 How., 539.)

The opponents of the bill insist as the court here uses the words more or less (and it is the only place in all this case that they are used) that it justifies the extension of the grant two leagues further west than originally recognized by the parties interested and as fixed by the commission and the district court. The court evidently intended no such construction, but applied the words more or less in reference to the distance between the two creeks lying north and south of the grant, as it was something over four leagues between the creeks.

Now, Mr. Speaker, after the decisions of these three tribunals confirming the title and definitely fixing the boundary and extent of the Los Pulgas rancho at four leagues in length and one in width, the trouble first arose as to this dividing line, the claimants, through a deputy United States surveyor-general for California, returned to the General Land-Office field-notes and a map purporting to be a survey of said lands, and on the 2d day of October, 1857, the Commissioner of the General Land-Office, evidently imposed upon by a false survey, issued a patent for the lands embraced in the survey and field-notes.

The survey by said deputy and the patent issued in accordance therewith of the Pulgas rancho, was not limited in quantity to the amount in the original grant or that specified in the decree of the Supreme Court of the United States confirming the same, but was, as appears by the certificate of the county surveyor of San Mateo County, three Spanish leagues wide at the southerly end, one and four-tenths leagues at the center, and one and six-tenths leagues at the northerly end, and embraced land in excess of the original grant of one league in width to the amount of 17,490 acres, or nearly double that of the original grant.

The practical effects of this survey and the patent by the Government of the United States were to force the claimants and occupants of the Coppinger grant two leagues further west upon Government land, to deprive them of their improvements and homes, the product of eighteen or twenty years' honest labor, and to take from the Government 17,490 acres of land, to which the individual claimants under the Los Pulgas grant had no title whatever.

Now, Mr. Speaker, the object of this bill, as intimated before, is not to readjudicate the title to lands once litigated and determined, as asserted by my friend from California, [Mr. DAVIS,] but to give jurisdiction to the district court of the United States with the right of appeal to the Supreme Court to enforce a former order, judgment, or decree of the Supreme Court of the United States rendered in this case, and thereby correct a fraud or mistake perpetrated and enforced against individuals and the Government. If this bill passes and becomes a law, in my judgment, after a careful investigation of the law and facts arising in the case, no injustice can or will be done the claimants under the Los Pulgas grant; they will get all that is justly due them. Law, equity, and justice will likely be adjudged and enforced in favor of the many claimants under the Coppinger grants, and 17,490 acres of land restored to the Government of the United States wrongfully taken by the apparent willful extension of the Los Pulgas grant.

In my judgment the amendment should be rejected and the bill should pass and become a law.

I now yield fifteen minutes to the gentleman from New York, [Mr. MAYHAM.]

Mr. MAYHAM. Mr. Speaker, in the Forty-first Congress I was, as a member of the Committee on Private Land Claims, charged with the duty of investigating the question now under consideration before this House. In that investigation I arrived at the conclusion which has been adopted by the present committee of this House as its report. On a re-examination of the question I have been forced to the conclusion that the opinion at which I before arrived was correct. Indeed I am more than confirmed in it by having the indorsement of the present committee of this House.

The question under consideration is as to the location of the boundary of two land grants in California. In 1835, before the United States acquired the Territory now constituting the State of California, the Mexican authorities by a valid grant conveyed to the heirs of Arguello a tract of land called Los Pulgas upon the bay of San Francisco. The governor of that Territory at that time, who was by virtue of his office authorized to do so, issued the grant. As there is some confusion and some misunderstanding between gentlemen on opposite sides of this question as to whether there has ever been any valid adjudication as to the location of the Los Pulgas grant, it is well for us to stop here and examine the language of the original grant. I will not undertake, in the fifteen minutes allowed me, to read the whole of that grant; but I beg to call the attention of the House to the salient point in it, that which controls the quantity of land granted and the extent of territory conveyed by the grant.

The concluding language of the grant is as follows:

> The land herein mentioned is four leagues in latitude and one league in longitude. The limits are on the south by the creek San Francisquito, on the north by the San Mateo, on the east by the estuary or waters of the bay—

And it extends one league west from the waters of the bay.

The Mexican government before the United States acquired jurisdiction over that territory had occasion to give the grantee what was called juridical possession of the grant; and we have the interpretation of the Mexican government as to the extent of that grant. It gives the boundaries of the tract known as the Los Pulgas, as follows:

> On the south the creek of San Francisquito, on the north the San Mateo, on the east the estuary, on the west the Cañada de Raimando; being four leagues in length and one in breadth.

Commenting on this language the Supreme Court of the United States, in 18 Howard's Reports say:

> The Mexican authorities have themselves given a construction to this grant in 1840, when they granted the Cañada de Raimando to Coppinger, calling for "Los Pulgas" as its eastern boundary. Moreover, juridical possession was given to the Arguellos, establishing the western boundary of the Los Pulgas one league west of the estuary or bay of San Francisco.

Thus we have a complete limit to the extent of that grant.

After the United States had acquired jurisdiction over this territory, the question was again presented in the tribunals of the United States as to the extent of this grant. The board of land commissioners of California were primarily charged with the duty of locating this grant; and they located it in accordance with the terms of the original grant, bounding it by a line one league from the bay. From this decision of the land commissioners an appeal was taken to the district court of the United States in California; and upon that appeal the boundary was confirmed by that court, limiting the extent of this grant to one league from the bay. From the decision of the United States district court in California an appeal was taken to the Supreme Court of the United States. The latter court, in delivering the opinion in that case, solemnly readjudicate the boundary at one league from the bay. The court say:

> On the whole we are of opinion that the judgment of the district court is correct, and it is adjudged that the said claim of the petitioners is valid as to that part of the land described in the petition, which is bounded as follows, to wit: On the south by the Arroyo or creek of San Francisquito, on the north by the creek San Mateo, on the east by the Esteras or waters of the bay of San Francisco, and on the west by the eastern borders of the valley known as the "Cañada de Raimando," said land being of the extent of four leagues in length and one in breadth.

Thus we have, first, the adjudication of the tribunals of the Mexican government; then the adjudication of the land commissioners appointed by the Government of the United States; we have their decision confirmed by the United States district court of California; and the decision of this court is solemnly confirmed by the decision of the Supreme Court of the United States, limiting the extent of this grant to one league from the waters of the bay.

Had the matter stopped here, there would have been no controversy, because in 1840, before the United States acquired jurisdiction over the territory now constituting the State of California, a grant had been made—not a perfect grant, but an inchoate grant—of the tract of land known as the Cañada de Raimando to John Coppinger and others. Coppinger's grant was bounded by the Los Pulgas grant, and the Los Pulgas grant extended to one league from the waters of the bay. Coppinger, by virtue of his grant from the Mexican authorities, was entitled to occupy down to within one league of the waters of the bay. After the giving of that grant, when the United States acquired jurisdiction over California, the claim of Coppinger came into the United States district court of California, and that court confirmed the grant down to within one league of the waters of the bay.

The court say:

> The western boundary-line of Los Pulgas as adjudged by the decree of this court had two several points of description to fix its location; one uncertain and vague, the other admitting of mathematical certainty. The call of the Cañada Raimando on the west is as vague as that for the Sierra Morena, a chain of mountains. But the breadth of one league from the estuary or bay was a certain and definite boundary on the east, and showed conclusively the precise location of the line. Los Pulgas could claim to extend but a league west, whether that reached to the hills on the east of the valley or not, and was entitled to have the league in breadth, whether it carried the western line over the hills or not.

Here we have a decision in 24 Howard fixing and reasserting and re-establishing, if I may use the term, the boundary of the Los Pulgas grant, limiting it to the league line.

I was not a little surprised when this question was under discussion the other day to hear it announced upon this floor that no court had ever declared in favor of the league line. On the contrary I feel bound to assert that no court has ever challenged the correctness of the league line, and that no court before which this has been presented has failed to affirm the league line in most positive and unequivocal language.

It is true after this line was established by the laws of Congress it was made necessary for the surveyor-general of California, in pursuance of the decree of the court, to lay out the grant by actual survey.

What was his manifest duty? Undoubtedly it was to lay it out in accordance with the terms of the decision of the court. He was but a ministerial officer charged with the execution of a ministerial duty, and he had no more power or jurisdiction to go beyond the limits fixed by the decision of the court than any private citizen. Being a ministerial officer, he proceeded to make a survey; but instead of limiting it to one league, as determined by the terms of the grant as well as by the decision of the court, he "floated" it three leagues beyond the point where he was bound to terminate it.

As has been well said, sir, the Coppinger owners had no hearing in that survey. They were not present to it at the time it was made. They had no opportunity to challenge the correctness of that survey. The surveyor-general forwarded his survey to the Commissioner of the General Land Office, and it was the duty of the Commissioner of the General Land Office, as another ministerial officer, to issue a patent predicated upon the boundaries of that survey. He did it and these parties then attempted to act by virtue of authority received under that patent. Actions of ejectment were immediately brought by the Los Pulgas owners against the owners under Cañada Raimando grant, and were tried in the courts of California. I need not say here that the patent would be conclusive in those suits. Every lawyer upon this floor knows when you try an action of ejectment the party having apparent good title will succeed. You cannot challenge or defeat that title. So in the courts of California it was adjudged they were bound by the patent, and the Supreme Court of the United States, properly reviewing the decision in California, held the courts of California had no right to disturb a patent; but on the contrary, in an action of ejectment, they were bound by it as conclusive evidence of title. That is the only class of decisions which has been used upon this floor to defeat the claim of the Coppinger owners.

Mr. CANDLER. Will the gentleman yield to me for a moment?

Mr. MAYHAM. Yes, sir.

Mr. CANDLER. Is not the decision rendered by the supreme court of California, Judge Curry delivering the opinion, an opinion rendered outside of the case mentioned by the gentleman, adjudicating this question adversely to the petitioners here?

Mr. MAYHAM. Adjudicating it adversely, on the ground the State courts of California or even the Federal courts of California had not the right to override a patent.

Mr. GUNTER. Or call it in question.

Mr. MAYHAM. Yes, or call in question the validity of a patent; therefore it is these gentlemen come to Congress for relief.

Mr. CANDLER. Not in the opinion delivered by Judge Curry in the supreme court of California. That was not an appeal from a decision rendered in an ejectment case, but was an appeal from a decision in a case brought under the practice act, section 254; is not that true?

Mr. MAYHAM. What case?

Mr. CANDLER. Was not the judgment rendered by the supreme court in California rendered on the merits of this case?

Mr. MAYHAM. Not on the merits, because the merits could not be reached, as every lawyer, it seems to me, well knows that a patent is conclusive when a party comes into court in an ejectment suit. The party proves his patent, and in an ejectment suit that patent cannot be challenged in any of the courts.

The patent, no matter how erroneous or fraudulent, is conclusive in the courts of law. But, Mr. Speaker, Congress is not powerless to correct this great wrong. The treaty of Guadalupe Hidalgo made it the solemn duty of this Government to protect the property rights of land-owners whose allegiance was transferred to the United States by virtue of that treaty. To fail to do that would be to violate the most sacred duty of this Government created by that treaty not only, but by the well-settled law of nations.

[Here the hammer fell.]

LEGISLATIVE APPROPRIATION BILL.

Mr. ATKINS. I ask that the legislative appropriation bill may be printed.

There was no objection, and it was so ordered.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

The House resumed the consideration of the bill (H. R. No. 4886) to authorize the correction of boundaries of certain lands in San Mateo County, California.

Mr. GUNTER. I yield five minutes to the gentleman from New York, [Mr. LAPHAM.]

Mr. LAPHAM. As one of the Committee on Private Land Claims in the Forty-fourth Congress it became my duty to examine the questions which arise in this case. By the terms of the treaty of Guadalupe Hidalgo the Government of the United States is solemnly bound to protect the rights of all persons holding grants under the Mexican government at the time of the treaty, whether they decided to remain citizens of Mexico or become citizens of the United States under the operation of the treaty. At the time of the adoption of that treaty these two land grants, out of which the present conflict arises, existed, one of them having been given in the year 1835 and the other about the year 1840.

In furtherance of the provisions of the treaty, and with a view of settling the boundary between these two grants, the land commissioners of California were authorized by a law of Congress to determine claims of this description. A petition was presented in the year 1852 to those commissioners on the part of the Los Pulgas claimants under the grant of 1835, asking for twelve leagues instead of four leagues of land as described in their original patent. The land commissioners denied the claim for twelve leagues, but granted them a tract of land embracing four leagues, or a tract four leagues in length and one league in width, bounded on one side by the bay of San Francisco, and upon the other by a line parallel with the bank of the bay and one league distant therefrom. An appeal was taken to the Supreme Court from this decision, and the Supreme Court affirmed the decision of the commissioners and declared the boundaries of the land, in express terms, to be one league in width and four leagues in length, as gentlemen who have preceded me have read from the description.

At a subsequent period, in the year 1856, the surveyor-general of California, by some process unknown to law, the reason for which I cannot ascertain, made a survey in pursuance of this decision; but instead of surveying a parallelogram of land he made a survey of a tract which is nearly three leagues in width at one end and about one and six-tenths leagues in width at the other end, embracing nearly double the amount of land which was included in the original grant and which is covered by the adjudication of the land commissioners and the decision of the Supreme Court. Upon that survey filed in the Land Office the Commissioner of the General Land Office issued a patent; but in that patent, Mr. Speaker, it is expressly provided by virtue of the fifteenth section of the act of the 3d March, 1851, that the confirmation of the claim by the issuing of this patent shall not affect the rights of third parties.

Now, sir, under the Coppinger grant the parties had gone into possession of the land to within one league of the shore of the bay long before the treaty between the United States and Mexico, and the grantees under the Los Pulgas grant had gone into occupation of only one league of land from the shore of the bay. These respective parties have made valuable improvements. The Coppinger heirs and their grantees have made improvements upon these lands in dispute to the amount of nearly $100,000, and are still in possession. No man has laid claim to these seventeen thousand acres in good faith; no man has become a purchaser in good faith. Whatever rights have been acquired under the decisions of the courts of California and of the district courts of the United States have been with notice of the occupancy of the Coppinger heirs and their grantees, and the bill in question provides only for the settlement of their respective rights by an accurate survey according to the original patents. I cannot believe there is any injustice to any of the parties in allowing the line to be thus established, and I am in favor of the bill reported by the committee.

[Here the hammer fell.]

Mr. GUNTER. I yield five minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER. Mr. Speaker, I ask the attention of the House a moment while I state the question. I do not intend to argue it, although provided with the various authorities and decisions of the court. Two grants were made by the Mexican government; one in 1835, the Los Pulgas, and one in 1840, which we may call, for short, the Coppinger grant. The Coppinger and Los Pulgas grants were bounded on their east and west limits by the same line; one bounded on the other. That line was to be one degree west of the bay of San Francisco. That grant of Los Pulgas was confirmed by the authorities of the United States and that line fixed forever; and in all the confirmations and in all the legal proceedings there never has been any controversy what that line was so far as the title was concerned. The Coppingers went into possession up to that line; the Los Pulgas claimants went into possession up to that line. After the confirmation of the Los Pulgas grant the surveyor-general carried over that line from one league to three at one end, one league to one and six-tenths at the other end, on to the Coppinger heirs. They say that was a mistake; that was not according to his charter and his instructions from the court, the Supreme Court of the United States.

Now, when this case was carried into the courts of California they said that they could not interfere with the patent granted by the United States; that they were bound by that; and the patent of course was granted upon the survey. All that is asked by this bill is that authority shall be given to have that survey corrected and put where it ought to be, if it ought not to be where it is now.

Mr. BUCKNER. I wish to ask the gentleman a question. Do not the courts of California, in 26 California Reports, say also that the survey is right?

Mr. BUTLER. Pardon me. They first say they cannot say anything about it; and I do not care what they say afterward. They say they have no jurisdiction to alter it and they would not entertain the question whether it was right or not. This proposition is to allow the courts power to investigate and determine whether there was a mistake in the magnetic quality of the surveyor's compass or whether there was a mistake in the honest purpose of his mind; one or the other; and to correct that mistake and nothing else. And we are bound in law, bound by authority, and bound in justice to do that and no more.

Mr. GUNTER. I yield five minutes of my time to the gentleman from California, [Mr. LUTTRELL.]

Mr. LUTTRELL. Mr. Speaker, the question or bill under consideration amounts to simply this: was the survey made by the surveyors a proper and a correct one, or was it a fraudulent survey? Was the survey made in accordance with the decrees of the board of the United States land commissioners and the decrees of the Supreme Court of the United States, or not? I contend, and the decrees of the Supreme Court of the United States bear me out in asserting this, that the survey was not in accordance with the decrees; and that by reason of this erroneous survey the Los Pulgas grant was extended to three times the original amount of said grant, thereby defrauding the Government and the settlers on the "Cañada de Raimando" grant out of 17,490 acres. I call the attention of my colleague from California, [Mr. DAVIS,] the gentleman from Georgia, [Mr. CANDLER,] and the gentleman from Missouri [Mr. BUCKNER] to the fact—and I defy either of them to deny it—I charge that the survey was a fraud from the beginning, and that it was not made in accordance with the decrees of the board of United States land commissioners, the Supreme Court of the United States, nor was it made in accordance with the grant of Governor Castro, made on the 27th day of November, 1835, to the Arguellos, which is as follows:

MONTEREY, *November 27, 1835.*

The governor executed the following document to serve as a title or letters-patent. It is signed by the governor and secretary, and recorded in the archives. "Whereas, citizen José Estrada has petitioned in the name of his wards, José Ramon and Luis Arguello, and the girls M'a Concepcion and M'a Josefa, minors and legitimate children of the deceased citizen, Luis Arguello, having previously taken the deposition of proper witnesses, and they having declared the land called 'Los Pulgas' to have been the property of the deceased ever since the year of 1800. Whereof the limits are on the south the Arroyo of San Francisquito, on the north that of San Mateo, on the east the estuaries, and on the west the Cañada de Raimando, and using the faculties which are conferred on me by decree of this day, and in the name of the Mexican nation, I have come to declare him the owner thereof by the present letters, this grant being understood as made in entire conformity with the disposition of the laws, with the reservation of the approval of the most excellent territorial deputation. *The land herein mentioned is four leagues in latitude and one in longitude.* In consequence, I order that the present serving as a title to him, and to be held as firm and valid, be recorded in the book thereto corresponding, and be delivered to the petitioner for his security and other purposes."

You will observe that the grant itself was issued by Governor Castro, and commenced at the bay of San Francisco, extending one league in breadth by four leagues in length. The decision of the United States land commissioners defined the boundaries of the Los Pulgas as follows:

On the south the creek San Francisquito; on the north by the San Mateo; on the east the estuary; on the west the "Cañada de Raimando"—*four leagues in length and one in breadth.*

On page 543 of the same report the learned judge who gave the opinion says:

The Mexican authorities have themselves given a construction to this grant in 1840, when they granted the Cañada de Raimando to Coppinger, calling for "Los Pulgas" as its eastern boundary. Moreover, juridical possession was given to the Arguellos, establishing the western boundary of the Los Pulgas one league west of the estuary or bay of San Francisco.

Now, we find that the decision of the land commissioners and the decision of the Supreme Court both agree with the very wording of the grant made by Governor Castro to the claimants of the Los Pulgas, namely, that there were but *four leagues in length, and that the western line was one league from the bay of San Francisco;* yet this erroneous survey shows the present boundary-line to be three leagues from the bay of San Francisco. Again the court says in the report above referred to, on page 546:

Here for the first time we have a juridical investigation to ascertain and fix the boundaries of Los Pulgas. A name which represented heretofore an unknown quantity has been reduced to certainty. This grant has been registered among the public archives, accepted by the claimants, and possession delivered accordingly. Having thus by a regular juridical proceeding ascertained the boundaries and quantity of land represented by the name of Los Pulgas, the valley of Raimando, being without the boundary so fixed, is, in 1840, granted as public land to Coppinger. There is no evidence to show either fraud or mistake in these proceedings. The appellants have got Los Pulgas by a valid title, according to the boundaries ascertained by the proper public authorities, and cannot now be permitted to recur to vague tradition of a vague and uncertain boundary to unsettle the titles to a large territory since granted to others.

Here the court states positively that the Raimando or Coppinger grant is not within the territory known as the "Los Pulgas grant."

What the bill under consideration proposes is that this survey may be corrected, and that instead of including the Raimando Valley or Coppinger grant of 17,490 acres within the line of the survey it be corrected, and that this 17,490 acres shall be given to the settlers or the rightful owners to whom it belongs. But let us see what the court says in conclusion. On page 549 of the same report the court concludes as follows:

On the whole we are of the opinion that the rendering of the district court is correct, and it is now adjudged that the said claim of the said petitioners is valid as to that portion of the land described in the petition which is bounded as follows: *On the south by the creek of the San Francisquito; on the north by the creek San Mateo; on the east by the estuary or waters of the bay of San Francisco; and on the west by the eastern portions known as Cañada de Raimando; said land being in extent four leagues in length and one in breadth.*

This is the final decision of the Supreme Court. (See No. 77, Arguello *et al. vs.* United States; No. 78, The United States *vs.* Arguello *et al.;* No. 92, The United States *vs.* Cervantes; No. 94, The United States *vs* Vaca and Pena; No. 99, The United States *vs.* Larkin and Missroon.) Again, the decision of the United States Supreme Court which you will find in 24 Howard, in the case of Greer *et al. vs.* Mezes *et al.;* and on page 274 the court again affirms the decision of the land commissioners and the decision of the district court of the northern district of California. The Supreme Court of the United States uses the following language:

Their grant as confirmed by this court is bounded on the south by the San Francisquito, on the north by the San Mateo, on the east by the estuary, and on the west by the Cañada de Raimando, being four leagues in length and one in breadth.

Here we find the Supreme Court of the United States, in 24 Howard, confirming its former decision and the decision of the lower courts strictly in accordance with the grant made in 1835 to the Arguellos and the grant made in 1840 to Coppinger.

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

Mr. LUTTRELL. I must decline to be interrupted as I have only a few minutes allotted to me.

There was no proof adduced before the court or before the land commissioners that the Arguellos ever claimed any land beyond one league west from the bay of San Francisco. There was no proof adduced before the court that the claimants of the Los Pulgas ever claimed one acre of land in the valley of the Cañada de Raimando; that from the year 1800 to 1840—forty years—the Arguellos claimed no more than four leagues in length by one in width, excluding from this the valley of the Cañada de Raimando; that in 1840 Juan Coppinger settled in the valley of the Cañada de Raimando, and that Governor Castro granted to him the valley of the Cañada de Raimando, bounding his grant on the east by the Los Pulgas, namely, commencing one league from the bay of San Francisco; that he located these lands alongside of the Los Pulgas, and that Coppinger and the Arguellos resided upon these lands, lived there as neighbors for nearly twenty years, recognizing the boundary or west line of the Los Pulgas as being on the east of the valley of the Cañada de Raimando and outside of the line then claimed by Arguello but inside of the boundary as now claimed by the grabbers of this fraudulent or erroneous survey; and further, that no question or dispute was ever raised between the original parties until the speculators or land-grabbers secured this erroneous survey, which is not in accordance with the decrees of the courts. If there ever was a question raised between Arguellos and Coppinger as to the boundaries no one has yet heard of it. But each of the original parties, Arguello and Coppinger, recognize the line fixed by the governor in the grant of 1835, and again in the grant of 1840 as a just and legal one. The district court of the northern district of California and the Supreme Court of the United States have passed upon the question and have decided that that was the proper boundary-line, and that the grant of the Los Pulgas was but for *four leagues in length by one in breadth.*

But was the patent issued in accordance with the decrees of the court in this case? No. The facts are as my friend from New York [Mr. MAYHAM] has stated, that a deputy surveyor went out upon the ground, and instead of running his line and making the survey of four leagues in length and one in width, as per the decree of the Supreme Court of the United States, commencing at the bay of San Francisco, he surveyed four in length and three in width, making a difference of 17,490 acres. His plat or survey was made and the patent was issued, and the first thing that the settlers on the Coppinger grant knew the patent had been issued in favor of the land-grabbers and they were dispossessed. They brought their cases before the supreme court; but what was the result? The supreme court of the State of California decided that they had no jurisdiction in the case; that the settlers must look to Congress; that this land was granted by the Mexican nation; that under the treaty of Guadalupe Hidalgo, between the United States and the Mexican government, the supreme court of the State of California had no jurisdiction. In Tuttle's California Reports, No. 26, page 628, we find the following language used:

Before then the legal title to the land was in the Mexican nation, and upon the cession of the country the same passed to the United States, charged with the equitable interest of Coppinger therein, which the Government of the United States was in good faith bound to protect on such just terms as the Congress of the nation might devise and prescribe.

Our Government is bound under the treaty to protect the rights of American citizens and the property acquired under said treaty. It is the duty of Congress to pass the bill under consideration providing for a resurvey of this land in order that justice may be done to all parties interested.

But my colleague [Mr. DAVIS] tells this House that it will disturb the land titles of California. I deny it; and he has no good reason for making such an assertion. This bill applies to one grant alone. But he tells you that twenty years have elapsed, and we should not disturb the parties who are in possession of this land fraudulently obtained by reason of this erroneous survey. I will ask you, Mr. Speaker, is it too late to correct an error; is it too late to expose a fraud and do justice to a people living under the protection of the Government? I contend, sir, that one of the very first principles of our Government is to protect its citizens by correcting an error and exposing fraud wherever it may exist. Mr. DAVIS tells you that the courts of California have decided against the settlers in this case. Such is not the case. The courts of California simply decided that they had no jurisdiction; that under the treaty with Mexico we could not go behind the United States patent; that our remedy was in Congress, which should protect the rights of citizens. This, sir, is the opinion of Chief-Justice Crockett, one of the most eminent judges on the bench in California. The gentleman from California tells us that it will be the means of driving away settlers who settled on the land in good faith, and driving honest settlers from their homes acquired in good faith. I deny it.

Now, let us see who are the claimants of this land in dispute; let us see who are the occupants of this land under this fraudulent and erroneous survey. I have before me a copy of the records from the county recorder's office of San Mateo County, California. This 17,490 acres of land is claimed by T. G. Phelps and seven or eight others, who claimed the whole of it under the patent issued to the Arguello heirs. Phelps claims, as per the records, by purchase or otherwise, 2,183.51 acres, at $2.33 per acre—land that is worth to-day from $250 to $500 per acre. This land is held by those men, Phelps and seven or eight other persons, as shown by the certificate of George H. Rice, county recorder for San Mateo County, California; that Phelps and others purchased this land in 1857, and gave mortgages therefor, which mortgages still remain on the said book, as shown by the recorder's certificate, which I have here, under his seal; that those mortgages remain still uncanceled, and as I believe that Phelps and the others have bought that land with the understanding that if they won the fight they should have the land. Now, sir, that land lays there to-day, claimed by Phelps and others, while the honest settlers—hundreds of them—who bought their land in good faith from Coppinger, and settled there away back twenty-five years ago, were dispossessed by reason of this fraudulent patent which was obtained under this erroneous survey and driven from their homes. When these many settlers had expended thousands, yea, tens of thousands of dollars in beautifying their homes, they had to forsake all, Phelps and company stepping into the homes built up by the industry and toil of these settlers.

The records show that these settlers took an appeal to the Supreme Court of the United States, Attorney-General Bates taking the appeal. Mr. Phelps, then being a member of Congress from California, wrote letters to Attorney-General Bates, telling him that he must dismiss the bill, and unless he did so the people would join the rebellion. This appeal was dismissed, and when this man Phelps charged in his letters to Attorney-General Bates that the people of San Mateo County were disloyal he knew at the time that every word of it was untrue, for the reason that San Mateo County polled nearly two thousand votes, and nearly all republican, excepting one hundred and twenty-five. But Phelps secured the dismissal of the appeal, hence the settlers have left to them the only alternative of coming to Congress to plead and ask that as good and loyal citizens of the Government they should be protected. They now ask you to pass this bill that they may be righted. Sir, this is a contest narrowed down to land-grabbers on the one side, and honest industry and good citizens on the other. I stand here to-day as the friend of the settlers who settled upon these lands in good faith, and demand at your hands the passage of this bill. The passage of the bill cannot hurt an honest man. I regret to find my friend from California [Mr. DAVIS] advocating the cause of the land-grabbers in opposition to the honest settlers of San Mateo County.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. No. 4986) granting a pension to H. Louise Gates;

An act (H. R. No. 4975) granting an increase of pension to Mrs. Eliza H. Frailey;

An act (H. R. No. 4364) granting a pension to Lydia A. Morris;

An act (H. R. No. 3572) granting a pension to Andrew J. Morrison;

An act (H. R. No. 3583) granting a pension to William Denene;

An act (H. R. No. 4971) granting a pension to Mary Frazee;

An act (H. R. No. 5219) granting a pension to Belinda Macdonald;

An act (H. R. No. 837) granting a pension to William B. Browne;

An act (H. R. No. 1789) granting a pension to Miles L. Reed, of Newcastle, Indiana;

An act (H. R. No. 3070) granting a pension to Mrs. Eliza Bayard Anderson, widow of General Robert Anderson, United States Army;

An act (H. R. No. 124) granting a pension to James B. Treadwell, major of the Eighty-fifth Regiment Pennsylvania Volunteers;

An act (H. R. No. 309) for the relief of Andrew F. Higgins, of Brown County, Ohio; and

An act (H. R. No. 2296) to authorize the Secretary of the Interior to place upon the pension-roll the name of John Ward, late sergeant of Company K, Second Regiment West Virginia Volunteer Cavalry.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

Mr. WIGGINTON. I desire to state, Mr. Speaker, that this is not a question as to the establishment or the validity of a Mexican grant. There is no controversy here upon that question. There is no one here who pretends to deny that any owner of the Los Pulgas has a title to the lands confirmed to him by the Supreme Court. It is simply a question as to whether the owners or claimants of the Los Pulgas shall be confined by the survey of their grant to the amount of land confirmed to them by the Supreme Court of the United States.

There is no attack made upon land titles in California. This measure will not disturb land titles; it will tend to settle them, and settle them honestly and properly.

Land monopoly has become a great curse to California. It seriously retards the prosperity of her people. Too much land in that State has legally and legitimately fallen into the hands of a few. None should be permitted to be acquired or held by fraud.

Many fraudulent Mexican grants have been secured by individuals in that State, and in surveying the genuine grants it seems to have been the practice to include all the claimants wanted in the survey. In many of the surveys made they obviously include more land than was originally granted and more than was confirmed to them by the courts, and I speak with knowledge of the facts when I say this is true as to a great many of the grants that have been surveyed and patented, notably the Los Pulgas. From the best and most reliable authority, I learn that the number of acres improperly included within surveys of private land claims in California is at least six hundred thousand acres of the best land in the State. Well might my colleague [Mr. DAVIS] say, "More than one-half of the arable lands there (in California) is held under Spanish grants," for under the system pursued, as shown by the facts in this case, it is only a matter of surprise that grant claimants did not get it all; and in representing those who are endeavoring to hold on to the land they got improperly surveyed into their grant I am not surprised he should invoke the statute of repose. But limitation runs only against those who had a right of action, and in this case the settlers have not had that right. They seek that right through the provisions of this bill. I would say to the gentleman from Georgia, [Mr. CANDLER,] when he says that in every form this question has been fairly met and adjudicated against the petitioners, that in no form have they ever had a hearing on the merits of their case. This bill will give them that hearing. I would state to the lawyers on this floor that this case presents probably the only instance in the history of the jurisprudence of the United States, or any other civilized country, in which the courts do not have the power to enforce their own decree. That is precisely this case, and the purpose of this bill is to give to the courts of the United States the power to enforce their own decree.

The Supreme Court of the United States confirmed to the Los Pulgas claimants a piece of land four leagues long and one league wide. The claimants had double that quantity surveyed by a deputy United States surveyor. The court lost the power over its own decree the moment that it made it. After these claimants had secured double the quantity of land by means of the survey and by the patent of the Interior Department, they shook their patent in the face of the court and said to the court, "You cannot take it away from us."

The gentleman from Georgia, [Mr. CANDLER,] who says that he made the only report in this case that contains all the facts, knows well, as does the gentleman from California, [Mr. DAVIS,] that the claimants under the Los Pulgas grant are to-day holding 17,490 acres of land that never was decreed to them, which they obtained by a fraudulent survey. They will not deny that the Los Pulgas claimants are holding that land not only from other claimants but from the United States. When they obtained their patent under the fraudulent survey they crowded the Coppingers over on to the public lands, and made them take 17,490 acres of the public lands of the United States. Then it is a question not merely between two claimants, but between the people of the United States and claimants who now hold 17,490 acres of the public domain because they managed to obtain a patent for it, and not because they had any right to it. The amendment virtually destroys the effect of the bill. I hope it will be voted down and that the bill will pass.

Mr. GUNTER. I now call the previous question on the bill and amendment.

The previous question was seconded and the main question ordered.

The first question was upon the amendment of Mr. DAVIS, of California, to add to the bill the following:

Provided, That no question heretofore settled by adjudication of the courts of the United States and the State of California, conformably to the laws thereof respectively, shall be again open for consideration under the provisions of this bill.

The question was taken upon the amendment; and upon a division there were—ayes 65, noes 75.

Before the result of the vote was announced,

Mr. DAVIS, of California, called for the yeas and nays.

The yeas and nays were ordered, there being 46 in the affirmative; more than one-fifth of the last vote.

RECESS FOR EVENING SESSION.

Mr. STEPHENS, of Georgia. As I desire to leave the Hall, I have a request to make of the House. By order of the House the session of this evening from half past seven o'clock has been assigned for the consideration of reports from the Committee on Coinage, Weights, and Measures. I now ask unanimous consent that order be made that at half past four o'clock this afternoon the House shall take a recess until half past seven o'clock this evening.

There was no objection, and it was so ordered.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

The question recurred upon the amendment of Mr. DAVIS, of California, to the bill (H. R. No. 4886) to authorize the correction of boundaries of certain lands in San Mateo County, California.

Mr. BRIGHT. I rise to a parliamenty inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRIGHT. Has not the morning hour expired?

The SPEAKER. It has; but before the expiration of the morning hour the previous question was ordered upon the pending bill, which continues it beyond the expiration of the morning hour.

Mr. SPARKS. I rise to make a privileged report.

The SPEAKER. That is not in order at present; the House is dividing on an amendment to the pending bill upon which the yeas and nays have been ordered.

The question was taken; and there were— yeas 83, nays 128, not voting 77; as follows:

YEAS—83.

Aldrich,	Davis, Horace	Hungerford,	Price,
Bagley,	Deering,	Ittner,	Rea,
Bayne,	Denison,	James,	Robinson, G. D.
Blair,	Dwight,	Jorgensen,	Ryan,
Blount,	Errett,	Joyce,	Sapp,
Brewer,	Evans, James L.	Keifer,	Scales,
Briggs,	Felton,	Keightley,	Sexton,
Browne,	Fort,	Killinger,	Shallenberger,
Buckner,	Foster,	Lathrop,	Smith, A. Herr
Burchard,	Garfield,	Lindsey,	Stewart,
Calkins,	Hale,	Majors,	Stone, John W.
Camp,	Hanna,	Marsh,	Thompson,
Candler,	Harmer,	McKinley,	Tipton,
Cannon,	Harris, Henry R.	Mitchell,	Townsend, M. I.
Caswell.	Hazelton,	Monroe,	Van Vorhes,
Clark, Rush	Hendee,	Neal,	Wait,
Cole,	Henderson,	Norcross,	Ward,
Conger,	Henkle,	O'Neill,	White, Michael D.
Crapo,	Hewitt, G. W.	Overton,	Williams, C. G.
Cummings,	Hubbell,	Page,	Wren.
Cutler,	Humphrey,	Patterson, T. M.	

NAYS—128.

Acklen,	Crittenden,	Herbert,	Robbins,
Aiken,	Danford,	Hewitt, Abram S.	Roberts,
Atkins,	Davis, Joseph J.	Hooker,	Robertson,
Bacon,	Dean,	House,	Robinson, M. S.
Bailey,	Dibrell,	Jones, Frank	Ross,
Bell,	Dickey,	Jones, John S.	Sampson,
Benedict,	Dunnell,	Jones, James T.	Singleton,
Bicknell,	Durham,	Kelley,	Smith, William E.
Bliss,	Eames,	Kenna,	Southard,
Boone,	Eden,	Kimmel,	Sparks,
Bouck,	Eickhoff,	Landers,	Starin,
Boyd,	Elam,	Lapham,	Steele,
Brentano,	Ellis,	Ligon,	Strait,
Bridges,	Evins, John H.	Luttrell,	Swann,
Bright,	Ewing,	Maish,	Throckmorton,
Brogden,	Franklin.	Manning,	Townshend, R. W.
Bundy,	Fuller,	Martin,	Tucker,
Burdick,	Gardner,	Mayham,	Turner,
Butler,	Garth,	McKenzie,	Turney,
Cabell,	Gibson,	Metcalfe,	Vance,
Cain,	Giddings,	Mills,	Waddell,
Caldwell, John W.	Goode,	Money,	Warner,
Caldwell, W. P.	Gunter,	Morgan,	Watson,
Campbell,	Hamilton,	Muldrow,	Whitthorne,
Carlisle,	Hardenbergh,	Muller,	Wigginton,
Chalmers,	Harris, Benj. W.	Oliver,	Williams, James
Clark of Missouri,	Harris, John T.	Patterson, G. W.	Williams, Jere N.
Cobb,	Harrison,	Phelps,	Willis, Albert S.
Cook,	Hart,	Phillips,	Wilson,
Covert,	Hartzell,	Rainey,	Wright,
Cox, Samuel S.	Hatcher,	Reagan,	Yeates,
Cravens,	Hayes,	Rice, Americus V.	Young, John S.

NOT VOTING—77.

Baker, John H.	Evans, I. Newton	McGowan,	Smalls,
Baker, William H.	Finley,	McMahon,	Springer,
Ballou,	Forney,	Morrison,	Stenger,
Banks,	Freeman,	Morse,	Stephens,
Banning,	Frye,	Peddie,	Stone, Joseph C.
Beebe,	Gause,	Pollard,	Thornburgh,
Bisbee,	Glover,	Potter,	Townsend, Amos
Blackburn,	Haskell,	Pound,	Veeder,
Bland,	Henry,	Powers,	Walker,
Bragg,	Hiscock,	Pridemore,	Walsh,
Chittenden,	Hunter,	Pugh,	White, Harry
Claflin,	Hunton,	Randolph,	Williams, Andrew
Clark, Alvah A.	Ketcham,	Reed,	Williams, Richard
Clarke of Kentucky,	Knapp,	Reilly,	Willis, Benj. A.
Clymer,	Knott,	Rice, William W.	Willits,
Collins,	Lockwood,	Riddle,	Wood,
Cox, Jacob D.	Loring,	Sayler,	Young, Casey.
Culberson,	Lynde,	Shelley,	
Davidson,	Mackey,	Sinnickson,	
Ellsworth,	McCook,	Slemons,	

So the amendment of Mr. DAVIS, of California, was not agreed to.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with the gentleman from New Jersey, Mr. PUGH.

Mr. TUCKER. My colleague, Mr. HUNTON, is paired with the gentleman from New York, Mr. HISCOCK, both gentlemen being absent by order of the House.

Mr. HASKELL. I am paired with the gentleman from Kentucky, Mr. KNOTT.

Mr. DENISON. The gentleman from Virginia, Mr. PRIDEMORE, and the gentleman from New York, Mr. WILLIAMS, are paired.

Mr. ELLSWORTH. I am paired with the gentleman from New York, Mr. LOCKWOOD.

Mr. EAMES. My colleague, Mr. BALLOU, is absent by leave of the House.

Mr. GUNTER. My colleague, Mr. SLEMONS, is absent on account of indisposition.

The result of the vote was announced as above stated.

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

The question being taken on the passage of the bill, there were—ayes 103, noes 59.

So the bill was passed.

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

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SPARKS submitted a report; which was read, as follows:

That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5534) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 7, and 9.

That the House recede from its disagreement to the amendments numbered 1, 11, 12, 13, and 14, and agree to the same.

That the Senate recede from its amendment numbered 6, with an amendment striking out, in lines 12 and 13, page 21, of the bill the matter in parenthesis and the parenthesis marks, and inserting in lieu thereof the words "and roaming;" and the House agree to the same.

That the Senate recede from its amendment numbered 8, with an amendment striking out, in line 8, page 31, of the bill the words "twenty-one thousand," and in line 11, page 31, the words "fourteen hundred and twenty;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 10, with an amendment substituting for the sum proposed $4,800; and the Senate agree to the same.

That the Senate recede from its amendment numbered 15, with an amendment, as follows. At the end of the section add:

And provided further, That any diversions which shall be made under authority of this section shall be reported in detail, and the reasons therefor, to Congress, at the session of Congress next succeeding such diversion.

And the House agree to the same.

WILLIAM A. J. SPARKS,
JOHN H. BAKER,
O. R. SINGLETON,
Managers on the part of the House.
WILLIAM WINDOM,
W. B. ALLISON,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. SPARKS. The bill as reported from the Committee of Conference is, so far as the amount is concerned, the bill as it passsd the House, excepting in two particulars. For the Indian police there is an increase of $30,000 upon the amount originally reported; and touching a tribe of Indians at Fort Griffin, Texas, there is an increase of $2,800.

The report was adopted.

Mr. SPARKS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN COLORADO.

Mr. PATTERSON, of Colorado, submitted a report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 763) providing for holding terms of the circuit and district courts in the district of Colorado, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same, with an amendment as follows:

Strike out the word "Lake" from the list of counties enumerated in said amendment as constituting the western division of said judicial district.

And the House agree to the same.

J. A. McMAHON,
T. M. PATTERSON,
O. D. CONGER,
Managers on the part of the House.
ROSCOE CONKLING,
S. W. DORSEY,
T. O. HOWE,
Managers on the part of the Senate.

The report was adopted.

Mr. PATTERSON, of Colorado, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1962) for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johanson; and

A joint resolution (H. R. No. 229) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced concurrence in the House resolution in relation to the publication of Professor Hayden's Atlas of Colorado.

It further announced the passage, without amendment, of a bill (H. R. No. 3111) granting a pension to Julia Watkins, widow of Thomas H. Watkins, late captain Company B, of Purnell Legion, Maryland.

It further announced the passage of a bill (H. R. No. 6225) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, approved June 20, 1878, with an amendment in which concurrence was requested.

It further announced the passage of a bill (S. No. 1685) to provide for taking the tenth and subsequent censuses; in which concurrence was requested.

PRIVATE CALENDAR.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, this being objection day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX, of New York, in the chair,) and proceeded to the consideration of the Private Calendar.

UNIVERSITY OF NOTRE DAME DU LAC, INDIANA.

The first business on the Private Calendar was the bill (H. R. No. 2323) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of $2,334.07 in gold coin, that being the amount paid on certain imported articles, &c.; reported by Mr. DICKEY from the Committee of Claims.

The bill was read. It provides that the sum of $2,334.07 in gold coin be appropriated, out of any money in the Treasury not otherwise appropriated, as and for a repayment to the University of Notre Dame du Lac for moneys paid by it as duty on the following articles, namely: For impost duty on twenty-two cases of paintings on glass, per steamer Ville de Paris, of date December 14, 1874, at the rate of 40 per cent. *ad valorem*, amounting to the sum of $731.80 in gold coin; also on a church lamp, March 9, 1875, paid as impost duty, the sum of $749.39 in gold coin; also, on twenty-one cases of paintings on glass, received per steamer France, of date April 1, 1876, upon which was paid an impost duty of 40 per cent. *ad valorem* tax, amounting to the sum of $852.88, amounting to the total sum of $2,334.07 in gold coin. The Secretary of the Treasury is authorized and directed to pay the said sum to the university upon the execution and delivery to him by the president thereof of proper receipts therefor.

Mr. FORT. I move to amend by striking out the clause which provides that this money be paid "in gold coin."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

WILLIAM G. FORD.

The next business on the Private Calendar was the bill (H. R. No. 4557) for the relief of William G. Ford of Memphis, Tennessee; reported by Mr. DICKEY from the Committee of Claims.

Objected to by Mr. CONGER.

FRANKLIN LEE AND CHARLES F. DUNBAR.

The next business on the Private Calendar was the bill (H. R. No. 1284) for the relief of Franklin Lee and Charles F. Dunbar reported from the Committee of Claims by Mr. LOCKWOOD.

Objected to by Mr. DURHAM.

JOHN N. REED.

The next business on the Private Calendar was the bill (H. R. No. 4558) for the relief of John N. Reed; reported from the Committee of Claims by Mr. LOCKWOOD.

The bill, which was read, appropriates the sum of $4,128.25 to pay John N. Reed for material delivered, labor, time, and demurrages, upon the contract of Reed, Pitt & McPherson, approved by the Secretary of War on the 3d day of September, 1860, and assigned to said Reed, which shall be in full discharge of all claim against the United States in any manner arising upon or by reason of the said contract, or for any non-fulfillment thereof.

The report was read, as follows:

That on the 4th of July, 1860, the said John N. Reed, together with Alexander Pitt and W. McPherson, entered into a contract with the United States, by their agent, Lieutenant W. H. Stevens, to furnish at the wharf at the north end of Pel-

ican Spit, Galveston Bay, one hundred thousand cubic feet of fine shells, one hundred thousand cubic feet of clear clam or cockle shells, and ten thousand cubic feet of clear sharp sand, the whole amount delivered not to be less than forty thousand cubic feet of each kind of shell, and ten thousand cubic feet of sand per month; the price of fine shells to be two and a half cents per cubic foot, six and one-quarter cents per cubic foot for clam or cockle shells, and eight and three-quarter cents per cubic foot for sand.

The United States, by the terms of their contract, agreed to receive the shells and sand at the rail of the vessel alongside the wharf on the north end of Pelican Spit, Galveston Bay.

From a communication furnished a previous committee by the then Secretary of War, it appears that the said contract was duly approved by the then Secretary of War on the 3d day of September, 1860, and from a letter before the committee from the Secretary of the Treasury, dated March 5, 1874, he reports that Lieutenant W. H. Stevens, United States Engineers, who was engaged in building the fort at Galveston, paid the contractors upon said contract on the 4th day of October, 1860, the sum of $2,040.

There is proof made by A. J. Moore, the clerk, and by other employés of Lieutenant Stevens, that the said contractors furnished, and the United States received from them under said contract, 52,214 feet of shell.

52,214 feet at 2½ cents per foot	$1,305 35
14,684 feet cockle-shell at 6¼ cents per foot, which at contract price is equal to	954 46
15,926 feet mixed, half fine and half cockle, at 4⅜ cents	696 76
14,567 feet sharp sand, at 8¾ cents per foot	1,274 68
	4,231 25
These deliveries are all proved by the receipts of the officers. Deducting the payments made by the Secretary of the Treasury	2,040 00

there remains a balance due for actual delivery, $2,191.25. The same officers prove that the Government was not prepared to receive the shell and sand at a wharf at the north end of Pelican Split, Galveston Bay, according to the terms of the contract. The agents of the Government could not therefore receive the shells and sand at the rail of the vessel, but, on the contrary, these agents employed the hands of the contractors for a time equal to one hundred and thirty-eight days of labor, to wheel off the shell and sand from the vessels to the fort; the claimant shows that such labor was worth $1,50 per day, thus making a just charge of $237. The same officers also certify that the steamer San Antonio and the two schooners, Dinslow and Jane, the vessels owned and used by the contractors in transporting the shells and sand, were detained seventeen days because the United States were not ready to receive the shells and sand at the rail of the vessel, as provided in the contract; for this demurrage the petitioner claims $2,550, or at the rate of $150 per day. Your committee think that the sum of $1,700, or $100 per day, would be a just and proper sum to allow for demurrage.

The balance for material actually delivered	$2,191 25
Labor of the petitioner's hands while employed by the United States	237 00
Demurrage or detention of the vessels	1,700 00
Makes a balance of	4,128 25

Your committee believe that this whole sum should be allowed to John N. Reed, to whom the whole contract has been assigned.

The claimant insists that, owing to the failure to construct a wharf, and the consequent detention of his vessels, and the fact that the United States failed to comply with the contract after the constructors had purchased a steamer, schooners, and barges for compliance on their part, they should be entitled to the whole benefit of the contract, which they claim would amount to $9,625, besides the labor of their hands and the demurrage.

The contract was not complied with in consequence of the secession of the State of Texas and the civil war which followed; and while it is quite true that the claimant lost his vessels, which were seized by the confederate authorities, and he was deprived of the further benefit of his contract, the Government cannot be held responsible.

The committee may add that it was in proof that the claimant, John N. Reed, remained loyal to the United States, and immediately after the close of the war he was appointed one of the deputy collectors of internal revenue in the district of his residence in Texas.

The committee therefore recommend the passage of the accompanying substitute for the bill.

Mr. LATHROP and Mr. FRANKLIN objected, but afterward withdrew their objection; and there being no further objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. FRASER.

The next business on the Private Calendar was the bill (H. R. No. 2217) for the relief of J. Fraser; reported from the Committee of Claims by Mr. REILLY with an amendment.

The bill, which was read, directs the Secretary of the Treasury to pay to J. W. Fraser, of Philadelphia, Pennsylvania, the sum of $3,000, for expenses of trip from Philadelphia to Washington and services in examining foundation of new jail.

The report was read, as follows:

By an act of Congress approved July 25, 1866, and a joint resolution approved March 2, 1867, the erection of a jail in the District of Columbia was authorized under certain conditions and provisions therein specified. Contracts were entered into for the erection of the building, and work commenced on the same in the year 1867. On the 20th December, A. D. 1867, the following resolution was adopted by the House of Representatives, namely:

"Whereas there are good reasons to believe that the contract for building the jail in and for the District of Columbia was improperly let: Therefore,

"*Resolved*, That the Secretary of the Interior be requested to withhold any further payments upon the contract referred to until the Committee on Public Buildings and Grounds have an opportunity to investigate said contract; and for such purposes said committee is hereby authorized to make such investigation, and to send for persons and papers, to administer oaths to witnesses, and report the result of their investigations to the House at the earliest possible moment: *Provided*, No expense shall be incurred in such investigation."

Pursuant to said resolution an investigation was made, and the claimant, who is an architect by profession, with others, was called upon to testify before said committee, and directed to furnish certain information, as appears by the following letter:

WASHINGTON, *January* 24, 1868.

SIR: You are requested, with B. Oertly, esq., assistant supervising architect at Treasury Department, and Captain A. Grant, architect and builder, to come before the Committee on Public Buildings and Grounds at the Capitol, on January 29, 1868, at ten o'clock a. m., to give testimony in relation to the proposed new jail for the District of Columbia, and the plans and specifications therefor; and preparatory thereto that you—

First. Examine the sketches presented by E. Faxon, esq., to the board appointed under resolution of Congress of March 2, 1867, consisting of General M. C. Meigs, A. B. Mullett, esq., and E. Clark, esq., and see that they are perfected plans for the entire work.

Second. Examine plans on which work was let to Allen, and see that they are perfected plans for the entire work; whether they are complete; whether they are full enough for the protection and guidance of the Government and of contractors in contracting for the work. Also examine such plans as to their fitness in all respects for the proposed (not covered by Allen's) contract, using a reasonable price. Also complete cost of all things necessary to complete the entire building, with the necessary appurtenances that are not embraced in Faxon's plans and specifications, and do all in such manner as to show what the entire work will probably cost.

Third. Examine specifications of work required and materials to be used, and if they are not complete, then see wherein they are defective. Look at the matters necessary to show whether these plans and specifications are sufficient to enable a builder to estimate and bid on the work intelligently and safely, and also to show whether there could be fair competition in bidding on them, and whether a bidder not specially in favor of the supervising architect could safely take the contract.

Fourth. Inspect the work already done on the new jail, and see whether it is done according to the plans and specifications; whether any additions have been made, and see whether the work is in any way defective, and examine the work generally.

Fifth. Examine the lot on which the jail is commenced, and be prepared to speak of its fitness for the purpose in all respects.

JOHN COVODE, *Chairman.*

JOHN FRASER, Esq.,
Supervising Architect of Government store-house,
Schuylkill arsenal, at Philadelphia.

It appears that the claimant faithfully carried out these instructions, neglecting his private business and leaving his home to obey the directions of the committee, and that he furnished the information called for in a very elaborate report in writing. It also appears that his testimony and information given by him was valuable, not only to said committee in conducting said investigation, but finally to the Government. As a result of said investigation it may be mentioned that many irregularities and violations of said act of Congress were exposed, and the erection of said building abandoned, and the Government protected against the perpetration of great fraud in constructing the same. To this result the evidence of the claimant contributed largely. He never received any compensation for these services, not even witness fees. The character of the work performed by him was such as required great labor and high professional skill. Although the resolution authorizing said investigation contains a proviso that no expense should be incurred thereby, your committee are of opinion that it should not prejudice the just rights of claimant, which it does not appear was made acquainted with that provision, and who left his home and business at the request of said committee, and in good faith performed the services which said committee and the Government have had the benefit of, and for which he seeks payment.

From the evidence before your committee it appears that the ordinary rate of compensation for such services as were rendered by claimant is a percentage on the cost of the work measured and valued, varying from 1 to 2 per cent., depending upon the nature of the work done. The total amount of work measured and estimated by claimant and two other architects and engineers was $403,872.19; allowing 1 per cent., the compensation would be $4,038.72, or a little over $1,300 for each one. In the opinion of one of the experts whose statements were before your committee, the sum of from $1,200 to $1,500 is considered a fair compensation for the work performed by claimant. By the act of Congress above recited the cost of said building was not to exceed the sum of $200,000, and rating the compensation at 1 per cent. of this sum it would be $2,000, or $666⅔ apiece to each of the three architects. Your committee regard this as a fair basis on which to estimate the value of claimant's services, and are of opinion that the sum of $600 is but a just compensation to him, and return said bill with an amendment as follows, namely: In line 5, strike out the words "three thousand" and insert in lieu thereof the words "six hundred," and thus amended recommend its passage.

The amendment of the committee was to strike out "J. W. Fraser" and insert "J. Fraser."

The amendment was agreed to; and there being no objection, the bill, as amended, was laid aside to be reported to the House with the recommendation that it do pass.

NEHEMIAH GARRISON.

The next business on the Private Calendar was the bill (H. R. No. 966) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins; reported from the Committee of Claims by Mr. REILLY.

Mr. FORT moved to strike out the payment of interest.

The amendment was agreed to.

The bill was objected to by Mr. BREWER; but the objection was subsequently withdrawn.

No further objection being made, the bill was laid aside to be reported favorably to the House.

THOMAS A. WALKER.

The next business on the Private Calendar was the bill (S. No. 954) for the relief of Thomas A. Walker; reported from the Committee of Claims by Mr. CUMMINGS.

The bill, which was read, authorizes and requires the Secretary of the Interior to allow and pay to Thomas A. Walker, late register of the United States land office at Des Moines, Iowa, the sum of $5,117.75, on account of money paid out and expended by him as such register for hire of clerks and office rent in his said office during his incumbency, to be in full satisfaction and payment of all claims and demands whatsoever on the part of said Walker against the Government for clerical and other expenses of his said office.

The report was read, as follows:

In the petition No. 1, petitioner asks to be reimbursed moneys expended by him for clerk hire and office rent, rendered necessary by the unusually large quantity of land entered at his said office for the first two years of his official term.

And petition No. 2 asks to be reimbursed money expended by the petitioner for the hire of one additional clerk and the rent of a larger office, rendered absolutely necessary by the consolidation of the Iowa City land office with the Fort Des Moines office during the third and last year of his official incumbency.

Petition No. 1 was referred to the Senate Committee on Claims, second session of the Forty-fourth Congress, when the following report was made by said committee, which report your committee find, upon examination, well sustained by the evidence, and adopt the same, as follows:

"Your committee wrote a letter of inquiry to the Secretary of the Interior, and

received through him the following report from the Commissioner of the General Land Office to wit:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., February* 14, 1877.

"SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a letter from Hon. F. M. COCKRELL, for Committee on Claims of the United States Senate, dated the 8th instant, and in reply to the inquiries therein contained respectfully state that Thomas A. Walker, late register of the United States land office at Fort Des Moines, Iowa, (bond dated June 1, 1854,) entered upon the duties of his office June 15, 1854, and turned over to his successor the books, papers, &c., of the office, September 15, 1857.

"The public lands disposed of during his official incumbency, the amount of military bounty-land warrant fees collected, and the amount paid him, pursuant to a decision of the United States Supreme Court, January term, 1841, in the case of the United States *vs.* Dixon, receiver of Choctaw district, Mississippi, (15 Peters, 141,) for salary, commissions, and fees, were as follows:

Years.	Area sold for cash.	Area located with military bounty-land warrants.	Amount of military bounty-land warrant fees received.	Amount paid register as salary, commissions, &c.
1854, June 15 to December 31..	709, 444. 22	80, 680. 00	$2, 017 00	$2, 771 98
1855, January 1 to December 31.	908, 794 09	752, 740. 35	18, 818 87	3, 000 00
1856, June 1 to December 31...	63, 388. 41	353, 996. 00	8, 849 94	1, 756 11
1857, January 1 to September 15.	400. 00	2, 815. 85	....	365 66
	1, 682, 026. 72	1, 190, 232. 20	29, 685 81	7, 892 75

"It has been held that the entire amount of register's and receiver's fees collected for locating military bounty-land warrants is to be accounted for by the receiver, to be by him deposited in the United States Treasury, as other proceeds from the dispesal of public lands; the said fees to be again paid out by warrant, with limitation as regards the legal maximum of compensation to the respective officers alluded to.

"The fees received, amounting to $29,685.81, referred to in the foregoing table to have been accounted for by the former receiver, and is presumed to have been paid into the Treasury, inasmuch as but a small balance appears against him upon the books of this office.

"The following United States land offices were allowed for payment to clerks, rendered necessary in consequence of the magnitude of the sales of Osage and other Indian lands, the sums paid to them having been charged against the proceeds as expenses incident to the sale of such lands, namely:

David B. Emmert, receiver at Humboldt, Kansas $3, 145 00
William Q. Jenkens, register at Wichita, Kansas 3, 207 50
M. W. Reynolds, receiver at Independence, Kansas........................ 2, 041 66

"The act of Congress of 7th July, 1876, allowed Ariel K. Eaton, late receiver, and James D. Jenkins, former register, at Decorah and Osage, Iowa, $3,600 each on account of payments for the services of clerks, upon the ground that such employment was necessary, owing to the large number of entries of land at that office.

"By act of 18th February, 1861, section 2255, Revised Statutes of the United States, the Secretary of the Interior is authorized to approve the employment for a limited period, and at a reasonable per diem compensation, of one or more clerks in the office of a register of a consolidated land office, &c.; but with this exception there is no direct authority of law for the employment of clerks at the expense of the United States in the offices of the registers and receivers of the United States district land offices.

"I have not the data which enable me to state precisely what additional force was necessary or was employed at the Des Moines office during the period referred to, but know that the requirements were far greater than those of most other offices, on account of the large excess in sales of land over other offices, and it was during this period that it became a consolidated land office; and I know that clerks were employed, and the merits of a claim for reimbursement, therefore, are to my knowledge far superior to those of the Decorah and Osage offices, in regard to which the evidence was ample beyond all doubt.

"The letter of Senator COCKRELL is herewith returned.

"Very respectfully, your obedient servant,

"J. A. WILLIAMSON,
"*Commissioner.*

"Hon. Z. CHANDLER,
"*Secretary of the Interior.*

"The following certificate accompanied the petition, to wit:

"DES MOINES, IOWA, *November* 22, 1876.

"I, F. G. Clarke, register of the United States land office at Des Moines, Iowa, do hereby certify that the records of this office show that while Colonel T. A. Walker was register of said office there was entered from the 15th day of June, 1854, to the 15th day of June, 1856, at said office, the following amount of public lands, to wit:

	Acres.
By military land warrants, various acts................................	1, 169, 831. 00
By cash entries..	1, 558, 196. 75
Making a total entered during said time of......................	2, 728, 027. 75

"I also certify that quite a proportion of said lands entered by warrants were small warrants, calling for forty and eighty acres each.

"F. G. CLARKE, *Register.*

"The claimant in his petition, verified by affidavit, states that during his first two years he was obliged to employ a large clerical force to discharge the duties of his office and to accommodate the public, and that he did so believing that he and the receiver were entitled to the land-warrant fees received, and that during these two years he paid out $5,340 for clerk hire and never received any allowance or compensation therefor, and only received his salary, $3,000 per annum, and that the force of clerks hired by him was absolutely necessary to subserve the public.

"The facts stated are substantiated by the sworn evidence of many witnesses, who were present and had personal knowledge of what they say.

"The necessity for this course is so forcibly started by Judge Love, of the United States circuit court, in his opinion in Babbitt's case, that your committee introduce the following extract from his opinion:

"'The history of the land sales of 1855 will place the object of Congress in passing the sixth section (act of 1855) in a clear and definite light. The rage of speculation had during the year nearly reached its height. Multitudes of people besieged the land offices, clamorously demanding the location of their warrants. Many millions of acres of land were disposed of in Iowa in an incredibly short space of time. Under these circumstances it was manifest that no ordinary force of clerks and no ordinary means and appliances were sufficient to meet the exigencies of the service. The salaries of the officers were wholly inadequate to meet these expenses. Hence Congress had either to provide the means of paying such expenditures out of the public Treasury or of enabling the land officers to do it by authorizing them to receive fees adequate to that purpose from those for whose benefit the services were performed and the expenses incurred. Congress chose the alternative least burdensome to the public Treasury.'

"Under the belief which prevailed generally at that time, that the fees received for locating warrants belonged to him, the receiver, and were intended to compensate him for his services and expenses in locating warrants, Mr. Walker employed the necessary clerks and incurred the other necessary expenses to enable him to transact the immense business crowding upon him promptly, correctly, and to the entire satisfaction of his customers and the Government.

"In the opinion above referred to, Judge Love points out the greatly increased labor and responsibility of land officers under the land-warrant system. He says:

"'In cash sales the officer had but to count the gold and issue the certificate. In cash sales one written application and one certificate were sufficient for a whole section. How different is it under the land-warrant system. In the location of warrants the officers have to examine the assignments, oftentimes numerous, and sometimes by guardians, &c., and pass upon their validity. This is often a delicate and responsible duty. A separate application and separate certificate have to be written for every warrant. With one-hundred-and-sixty-acre warrants four applications and four certificates were required for a section of land, and with forty-acre warrants sixteen applications and sixteen certificates were required for the same quantity of land.'

"No allowance whatever has ever been made him for any clerical or other expenses. Hence the officer has paid out of his own pocket all the expenses for running the office and transacting this large amount of business in so short a time.

"Under these circumstances, your committee are of the opinion that the Government ought to reimburse this officer for the money he thus necessarily paid out and expended for clerical assistance for the benefit of the Government and the public.

"In the case of Ariel K. Eaton and James D. Jenkins, receiver and register at Decorah and Osage, Iowa, referred to in letter of Commissioner of General Land Office, this Congress, at its first session, allowed each of them $3,600. The claim of Mr. Walker is equally if not more meritorious.

Your committee therefore recommend that the petitioner be paid the sum of $3,600, to reimburse him for money paid by him for clerk hire and office rent for and during the two years beginning June 15, 1854, and ending June 15, 1856.

In petition No. 2, petitioner asks to be reimbursed the sum of $1,517.75, paid by him for the hire of an extra clerk and the rent of an additional room from April 15, 1856, at which time the Iowa City land office was consolidated with the Fort Des Moines office, to September 27, 1857, at which time petitioner retired from the office.

The petition, which is sworn to, recites—

"The undersigned, being register of the land office at Fort Des Moines, was compelled, in consequence of the increase of business, to remove his office into larger rooms and to employ an additional clerk, the vouchers for which are herewith transmitted. The additional business devolved upon the office by the consolidation rendered the employment of one additional clerk indispensable, as well as added to the labors and duties of the undersigned.

"The clerk employed, James A. Moore, (see voucher No. 1,) was engaged upon business thrown into the office after its consolidation, and the room rent paid (see voucher No 2) was paid for rooms occupied and rendered necessary by the consolidation, and at no time during the period charged for could the services of the additional clerk have been dispensed with, or could suitable rooms have been obtained for less price."

This statement is corroborated by the vouchers referred to and various affidavits.

The act of February 18, 1861, (12 Statutes at Large, page 131, being section 2255 of the Revised Statutes,) authorizes reasonable allowance for the hire of clerks, &c., on application to and approval by the Secretary of the Interior.

But the petitioner, being at the time ignorant of this statute, and believing himself entitled to the fees collected, expected to and would have been abundantly able to have paid all of these expenses out of said fees, and reserved to himself after paying them a much larger compensation than the $3,000 per annum allowed by law.

Hence, without consulting the Department, he incurred and paid these expenses out of his own funds, and subsequently paid into the Treasury, as he was required to do by law, the fees collected by him, amounting to over $29,000, and received his salary of $3,000 per annum.

Clear as the sworn petition and accompanying vouchers and affidavits seem to make this case, your committee addressed a letter to the Secretary of the Interior, asking such information as the records of that Department contained touching this claim, and received the following answer:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., January 28, 1878.

SIR: Your letter of the 23d instant, calling for information concerning the claim of T. A. Walker, formerly register of the land office at Des Moines, Iowa, for allowance for office rent and clerk hire, was received and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith a copy of his report on the subject, received to-day.

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

C. SCHURZ, *Secretary.*

Hon. ISHAM G. HARRIS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 26, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference of the 24th instant, of a letter from Hon. ISHAM G. HARRIS, dated the 23d instant, requesting, on behalf of the Senate Committee on Claims, such information as the records of this department afford, touching the claim of T. A. Walker, esq., some time register of the Fort Des Moines (Iowa) land office, for an allowance of $1,517.75, as reasonable compensation for expenses incident to the consolidation of the Iowa City office with his, in 1856, said claim being presented under act of February 18, 1861, Statutes, volume 12, page 131, now embraced in section 2255 of the Revised Statutes.

Respecting this claim I find from the records that it was duly filed for settlement in January, 1862, but for some unexplained reason was not acted upon at that time.

On February 2, 1877, J. M. Walker, esq., filed in this office a sworn statement requesting that the matter be taken up for action; and on the 8th of the same month I addressed your predecessor as follows:

"SIR: Herewith I have the honor to transmit an account of T. A. Walker, late register of the land office at Des Moines, Iowa, for clerk hire and rent paid by him under the terms of the act of Congress February 18, 1861, in relation to consolidated land offices.

"This account was filed in this office on January 25, 1862, but has never been acted upon. It appears to be just and regular, and is sustained by the affidavits of the register. Although held in abeyance for a long period, there seems to have been no sufficient reason why it should not have been allowed at the time, and, if so, it is now doubly important that it be settled without further delay.

"The third section of the act referred to indicates cases of this character, and in my opinion the account may be defrayed out of the appropriation for contingent expenses of local land offices for the current year.

"I, therefore, submit the matter for your consideration, with the recommendation that this office be authorized to state the account and submit it to the Treasury Department for payment.

"Very respectfully, your obedient servant,

"J. A. WILLIAMSON,
"Commissioner."

To this communication the following reply was received:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1877.

SIR: I have received your letter of the 8th instant, inclosing a claim of T. A. Walker, former register of the land office at Des Moines, Iowa, for office rent and clerk hire, amounting to $1,517.75.

The account appears to have been filed in the Department and referred to your office in January, 1862. Why it has been permitted to sleep these fifteen years is not apparent from the papers; but I cannot reconcile it with my sense of official duty to approve it at this late day. The papers are herewith returned.

Very respectfully,

CHAS. T. GORHAM,
Acting Secretary.

Hon. J. A. WILLIAMSON,
Commissioner General Land Office.

These communications appear to cover the matter now before me, and I have only to repeat what I at the first reported, that in my judgment Mr. Walker was justly entitled to the compensation which was especially provided by the act of 1861 for precisely such cases; and if by reason of long and obviously improper delay the claim has passed beyond the power of the Department to satisfy, it should be placed by Congress on its proper footing, and rendered capable of speedy adjustment.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

Being satisfied that the petitioner is entitled and should be reimbursed the sum of $3,600 for clerk hire and office rent paid by him during the first two years of his official term, and the sum of $1,517.75 for clerk hire and office rent rendered necessary by the consolidation of the two offices during the third and last year of his term, and paid by him, the committee report the accompanying bill and recommend that it pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CITY DISTILLING COMPANY, PEKIN, ILLINOIS.

The next business on the Private Calendar was the bill (H. R. No. 2604) for the relief of the City Distilling Company, of Pekin, Illinois; reported from the Committee of Claims by Mr. CUMMINGS.

The bill, which was read, directs the Secretary of the Treasury to pay to the City Distilling Company of Pekin, Illinois, the sum of $481.60, for money paid by said distilling company for tax-paid spirit-stamps, the packages having been burned and destroyed before the packages were withdrawn from the bonded warehouse of the company.

The report was read, as follows:

The facts in this case are fully set forth in the following letter from the Commissioner of Internal Revenue:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 17, 1878.

SIR: In reply to your reference of the communication of H. E. Kickler, addressed to you under date of January 4, 1877, (1878?) I have to say that on the 15th of December, 1873, a claim for the refunding of $481.60, signed by H. E. Kickler as secretary of the City Distilling Company, of Pekin, Illinois, was filed in this office.

From the papers filed in this claim it appears that on the morning of November 28, 1873, Mr. Kickler purchased of Deputy Collector Turner, at Pekin, Illinois, ten tax-paid spirit-stamps, representing the payment of the tax on eight hundred and sixty-three taxable gallons of alcohol contained in ten packages numbered from 3421 to 3430, inclusive. That subsequent to the purchase of the stamps, but before they could be affixed to the packages and the packages withdrawn from the bonded warehouse of the company the said bonded warehouse and eight of the ten packages of alcohol were destroyed by fire. It further appears that this destruction occurred without fraud, collusion, or negligence on the part of the company; that no portion of the spirits was covered by insurance, and that no unauthorized allowance or withdrawal has been allowed or permitted.

The eight packages of spirits destroyed contained six hundred and eighty-eight taxable gallons of spirits, and the tax thereon amounted to $481.60.

This claim was rejected by Commissioner Douglass on the 24th of November, 1874, "for the reason that the act of May 27, 1872, does not provide for a case where the tax was paid before the spirits were destroyed."

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. THOS. F. TIPTON, M. C.,
House of Representatives, Washington, D. C.

The committee recommend the passage of the bill.

Mr. FORT moved to amend so as to provide for the payment to Archibald Riddle, of Illinois, $200 for taxes so paid.

Mr. EDEN. I object.

Mr. FORT. Then I withdraw my objection.

There being no further objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ASBURY DICKINS.

The next business on the Private Calendar was the bill (H. R. No. 1216) for the relief of the heirs of Asbury Dickins; reported from the Committee of Claims adversely by Mr. CUMMINGS.

The bill was laid aside to be reported to the House with the recommendation that it be laid on the table.

H. K. BELDING.

The next business on the Private Calendar was the bill (H. R. No. 737) for the relief of H. K. Belding; reported from the Committee of Claims by Mr. LINDSEY.

The bill, which was read, appropriates $1,566 to H. K. Belding, of Minnesota, the amount due him for carrying the mails of the United States between the years 1858 and 1862.

The report was read, as follows:

That they find that said H. K. Belding was contractor on mail-route No. 13585, from Brownsville, Minnesota, to Carimona, in the same State; that the contract was for four years from July 1, 1858. The contract price for carrying the mail on this route was $1,800 per annum. Mr. Belding performed the service under the contract until May, 1859, and was paid the contract price therefor. In 1859 there was a failure of sufficient appropriation for this route, and an order was issued by the Post-Office Department reducing the service on the same one-third.

There was some correspondence between the contractor and the Post-Office Department about continuing the full service, and the contractor was informed there was no objection except there was no money to pay until Congress convened and made an appropriation.

Mr. Belding did perform full service from May 1, 1859, to October, 1860, and has received but two-thirds of the contract price therefor, and claims that having rendered the service in good faith he should receive the full compensation named in his contract.

This full service was performed for seventeen months after the order of reduction, and at the contract rate Mr. Belding should have received $150 per month. He did receive but $100 per month, and he asks to be paid $50 per month additional, or $850 for the service so performed.

The service having been performed with the knowledge of the Department and for the manifest benefit of the community, the committee think it just and equitable that Mr. Belding should be paid for the service actually performed the contract price for the same.

They therefore recommend the payment to Mr. Belding of the sum of $850 for the seventeen months of service, as above stated.

Mr. Belding makes an additional claim, and the committee find the following facts:

Prior to the 1st of October, 1860, the route from Brownsville to Carimona was extended, and the contract with Mr. Belding annulled. Mr. Belding complained to the Department that he had left a good business and made large investments to perform his contract, and would suffer very great injury if compelled to give it up. He was informed that he would be reinstated and his contract renewed. The service at this time was lessened five miles at one end of the route and increased twelve miles at the other, and the compensation was increased $110 per year.

Negotiations continued between Mr. Belding and the Post-Office Department from October 1, 1860, to February 14, 1861, four months and fourteen days, when the contract was renewed with Mr. Belding. During this four months and fourteen days Mr. Belding performed the service, and has received no pay therefor. This route over which Mr. Belding performed the service had been included in a much larger one and let to other parties. They never performed any service upon it, but collected the pay under their contract for the service performed by Mr. Belding.

It clearly appearing that the original contract with Mr. Belding was annulled for no fault or omission on his part; that he continued to perform the service in good faith under the assurance that he would be reinstated; that his doing so was well known to the Post-Office Department, and that he was subsequently reinstated, we are of the opinion that the payment to other parties for this service under the circumstances should not relieve the Government from paying Mr. Belding therefor. We therefore report back the bill without amendment, said bill including payment of the two sums allowed by the committee, and recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SABIN TROWBRIDGE.

The next business on the Private Calendar was the bill (H. R. No. 4559) for the relief of Sabin Trowbridge; reported from the Committee of Claims by Mr. LINDSEY.

The bill, which was read, directs the Secretary of the Treasury to place to the credit of the post-office fund the sum of $214; and the Auditor of the Treasury for the Post-Office Department is hereby directed to credit Sabin Trowbridge $214 in his account as postmaster at Lee Centre, Illinois, being for postage-stamps stolen from said office without fault or neglect on the part of said postmaster.

The report was read, as follows:

It appears from the evidence submitted to the committee that the post-office at Lee Centre was broken open and entered by burglars on the night of the 10th day of November, 1877, and postage-stamps to the amount of $214 were stolen, no part of which have been recovered.

The evidence shows that the post-office was kept in a substantial wooden building with double doors in front, each door of two thicknesses of plank, and blinds to all the windows, with inside fastenings. The entrance was effected by boring and cutting out the catch to lock of the front door, which was heavy and strong.

The stamps stolen were in a new safe manufactured by Hall's Safe and Lock Company, of Cincinnati and Chicago, with combination lock. The safe was removed from its place back of the delivery of the post-office to the middle of the floor, and there drilled and blown open with gunpowder.

The robbery was made public immediately, and every effort appears to have been made to detect and apprehend the burglars and recover the stamps, but without success.

A special agent of the Post-Office Department investigated the case soon after the loss, and reported that the postmaster was in no wise to blame for the robbery of his post-office.

In view of the foregoing facts, the committee report the accompanying bill for the relief of said Sabin Trowbridge, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON MILEY.

The next business on the Private Calendar was the bill (H. R. No. 4560) for the relief of Aaron Miley; reported from the Committee of Claims by Mr. LINDSEY.

The bill, which was read, directs the Secretary of the Treasury to place to the credit of the post-office fund the sum of $114.30; and the Auditor of the Treasury for the Post-Office Department is hereby directed to credit Aaron Miley $114.30 in his account as postmaster at Sullivan, Illinois, being for postage-stamps and post-office funds stolen from the post-office at said Sullivan, May 29, 1877, without fault or neglect on the part of said postmaster.

The report was read, as follows:

That it appears from the evidence that the post-office at Sullivan, Illinois, on the night of May 29, 1877, was broken into and the following property and money of the United States stolen therefrom, to wit:

Twenty-nine hundred three-cent postage-stamps, worth	$87 00
Money-order funds on hand, cash	3 80
Mutilated currency, about	9 00
Silver coin, ten-cent pieces	5 00
One legal-tender, United States	1 00
Two and three-cent coins, United States, about	4 00
Paper scrip, ten and twenty-five cents	1 50
Nickels (coin)	3 00
Total	114 30

The Post-Office Department was immediately notified of the robbery, and a special agent was sent by the Department to investigate the same, who reported as follows: "The result of my investigation shows that said post-office was entered and robbed of Government property as set forth in the annexed affidavit, &c.; that the postmaster has (without success) used all means in his power to find out and punish the guilty parties; that he used all due caution in the care of the office and Government funds contained therein; and it is my firm belief that the robbery occurred through no fault or neglect of the postmaster." The petition of the postmaster is supported by that of several citizens of Sullivan.

In view of the foregoing facts, the committee are of opinion that the postmaster is entitled to relief, and report the petition with the accompanying bill, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

D. D. WEAD.

The next business on the Private Calendar was the bill (H. R. No. 16) to reimburse D. D. Wead, postmaster at Sheldon, Vermont, for stamps and money stolen from him December 31, 1873; reported from the Committee of Claims by Mr. LINDSEY.

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury, in settling the accounts of D. D. Wead as postmaster at Sheldon, Vermont, to credit and allow to him the sum of $20 for postage-stamps and money, of which he was robbed by burglars on the night of December 31, 1873, without fault or negligence on the part of said postmaster.

The report was read, as follows:

That the bill ought to pass, it appearing satisfactorily that the stamps and money were stolen by burglars, who broke and entered the post-office premises and blew open the safe in which the money and stamps were, and that the postmaster was guilty of no negligence in the use of all means at his command for the security of the Government property.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EBENEZER WALKER.

The next business on the Private Calendar was the bill (S. No. 771) for the relief of Ebenezer Walker; reported from the Committee of Claims by Mr. LINDSEY.

The bill, which was read, provides that in the settlement of the accounts of Ebenezer Walker, late postmaster at Okemos, in the State of Michigan, with the proper department, he shall be allowed, in such settlement, as a credit, the sum of $78.90.

The report was read, as follows:

That it appears from the evidence that Ebenezer Walker, late postmaster at Okemos, Ingham County, Michigan, had been postmaster for sixteen years, and kept the office in the same place; that on the night of June 20, 1877, the post-office was broken open and robbed by persons unknown of $78.90 in postage-stamps. It also appears that on the same night five stores of private citizens were entered and robbed. All the evidence goes to show that the loss was not the result of any negligence or fault on the part of the postmaster. Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDGAR A. BEACH.

The next business on the Private Calendar was the bill (H. R. No. 4561) to pay Edgar A. Beach, of Essex, Vermont, the sum therein named; reported from the Committee of Claims by Mr. LINDSEY.

The bill was read. It directs the Secretary of the Treasury to pay Edgar A. Beach, of Essex, Vermont, from any money not otherwise appropriated, the sum of $67.88, being the amount of stamped envelopes stolen from his office as postmaster at Essex Junction, Vermont, August 7, 1875.

There being no objection, the bill was laid aside to be reported favorably to the House.

PEASLEY AND M'CLARY.

The next business on the Private Calendar was the bill (S. No. 364) for the relief of Peasley and McClary, of Nashua, New Hampshire; reported from the Committee of Claims by Mr. HENDERSON.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Peasley and McClary, of Nashua, New Hampshire, out of any money in the Treasury not otherwise appropriated, the sum of $125, in full compensation for their services in transferring the mails, and the route agent in charge of them, from the depot of the Worcester and Nashua Railroad to the depot of the Wilton Railroad, in said city of Nashua, from the 2d day of December, 1867, until the 18th day of January, 1869.

Objected to by Mr. FORT.

Subsequently Mr. FORT withdrew his objection; and the bill was laid aside to be reported favorably to the House.

SAMUEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. No. 1761) for the relief of Samuel W. Abbott, postmaster at Menomonee, Michigan; reported from the Committee of Claims by Mr. HENDERSON.

The bill was read. It authorizes the Secretary of the Treasury to pay Samuel W. Abbott, postmaster at Menomonee, Michigan, the sum of $551.50, being the value of postage-stamps and money belonging to the United States and stolen from the post-office at Menomonee, Michigan, on the night of September 4, 1874.

There being no objection, the bill was laid aside to be reported favorably to the House.

M. D. TITSWORTH.

The next business on the Private Calendar was the bill (H. R. No. 3539) for the relief of M. D. Titsworth, postmaster at Adams Centre, New York; reported from the Committee of Claims by Mr. HENDERSON.

The bill was read. It authorizes and directs the proper officers of the Post-Office Department to credit, in the account of M. D. Titsworth, postmaster at Adams Centre, New York, the sum of $526.60, being the amount of money and postage-stamps, belonging to the United States, stolen from the safe in said post-office on the 11th day of July, 1877, without the fault or negligence of said postmaster.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM J. PIPER.

The next business on the Private Calendar was the bill (H. R. No. 2200) for the relief of William J. Piper, of Frankfort, New York; reported from the Committee of Claims by Mr. HENDERSON.

The bill was read. It authorizes and directs the proper officers of the Post-Office Department to credit, in the account of William J. Piper, postmaster at Frankfort, New York, the sum of $72.50, being the value of postage-stamps, postal cards, and money belonging to the United States, stolen from the safe in said post-office on the 6th day of September, 1873, without the fault or negligence of said postmaster.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOEL A. BILLUPS.

The next business on the Private Calendar was the bill (H. R. No. 245) for the relief of Joel A. Billups; reported adversely from the Committee of Claims by Mr. HENDERSON.

The bill was laid aside to be reported to the House with the recommendation that it do not pass.

SIDNEY P. LUTHER.

The next business on the Private Calendar was the bill (H. R. No. 917) for the relief of Sidney P. Luther; reported, with an amendment, from the Committee of Claims, by Mr. HENRY.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Sidney P. Luther, of Pittsburgh, New Hampshire, the sum of $85, with interest thereon from the 14th day of October, 1870, in full satisfaction of his claim on account of the wrongful seizure of one pair of white-faced steers and wrongful detention of the same by the collector of customs for the district of Portsmouth.

The amendment was to strike out the words "with interest thereon from the 14th day of October, 1870."

The amendment was adopted.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

ISAIAH PICKARD.

The next business on the Private Calendar was the bill (H. R. No. 916) for the relief of Isaiah Pickard; reported, with an amendment, from the Committee of Claims, by Mr. HENRY.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Isaiah Pickard, of Stewartstown, in the State of New Hampshire, the sum of $100, with interest thereon from the 27th day of December, 1869, in full satisfaction of his claim by reason of the wrongful seizure and sale of one gray colt by the collector of customs for the district of Portsmouth.

The amendment was to strike out in the sixth and seventh lines the words "with interest thereon from the 27th day of December, 1869."

The report was read, as follows:

In October, 1869, the said Isaiah Pickard was the owner of a gray colt, which had been imported from Canada some days before, and duly entered by the importer, William H. Tibbetts, at the port of Canaan, in Vermont, and on which the legal duties had been duly paid. Afterward, on the 10th day of December following, the said colt was seized by the inspector of customs for the district, on the ground of an alleged undervaluation, and on the 27th of the same month sold at auction for the sum of $100, which amount, less $10, the expenses of sale, was deposited in the Treasury. The said Pickard, a few days before the sale of said colt, duly filed his claim, accompanied by a proper bond, for the said colt, according to the provisions of section 3076 of the Revised Statutes.

The United States district attorney for the district of New Hampshire, after a due examination of the case, and a report upon it by the United States commissioner, to whom it was referred, became satisfied that there was no ground for the forfeiture or condemnation of said colt, and declined to file any information or other proceedings for that purpose. The said Pickard thereupon made application to the Secretary of the Treasury to refund to him the proceeds of sale of said colt, but the Secretary of the Treasury declined to refund the same without authority from Congress, for the reason that the application had not been made to him within

the three months limited by the law, and that the proceeds of the seizure had been distributed. At the same time, the Secretary admits the merits of the claim, and recommends it to the favorable consideration of Congress. The said Pickard did not present his claim to the Secretary of the Treasury within the time prescribed for two reasons: first, because he was not aware of the law upon the subject; and, secondly, because he was expecting the United States district attorney to file a libel or information against said colt, whereby the said Pickard would have an opportunity to maintain his right and recover the proceeds of said sale through judgment of the court.

From the facts above stated, your committee are of opinion that injustice has been done to the said Pickard, and that limitations ought not to bar him from relief.

They therefore report the said bill to the House, with a recommendation that it be passed with the following amendment:

Strike out in the sixth and seventh lines the words "with interest thereon from the 27th day of December, 1869."

The amendment was adopted.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

ESTATE OF AMOS IRELAND.

The next business on the Private Calendar was the bill (S. No. 99) for the relief of the estate of Amos Ireland, deceased; reported from the Committee of Claims by Mr. HENRY.

The bill was read. It authorizes and directs the proper accounting officers of the Treasury to adjust and settle the account of Amos Ireland, as captain of the light-vessel at Brandt Island Shoals, North Carolina, and allow to the administrator of the estate of Amos Ireland, deceased, the sum of $208.33, for his services from January 1, 1861, until May 31, 1861, upon producing proper evidence of qualification as administrator of his estate; and the bill appropriates a sufficient sum for that purpose out of any moneys not otherwise appropriated by law.

There being no objection, the bill was laid aside to be reported favorably to the House.

JACOB J. FLEISHELL.

The next business on the Private Calendar was the bill (H. R. No. 4562) for the relief of Jacob J. Fleishell, of Washington City; reported from the Committee of Claims by Mr. HENRY.

The bill was read.

Objected to by Mr. BREWER.

EDWIN DE LEON.

The next business on the Private Calendar was the bill (H. R. No. 1655) for the relief of Edwin De Leon, late United States consul-general in Egypt; reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It provides that the sum of $473.11 be paid to Edwin De Leon, late consul-general of the United States in Egypt, by the Secretary of the Treasury, out of any moneys not otherwise appropriated, being the balance found due him on adjustment of his official accounts by the First Comptroller of the Treasury of the United States.

There being no objection, the bill was laid aside to be reported favorably to the House.

CUMBERLAND VALLEY RAILROAD COMPANY.

The next business on the Private Calendar was the bill (H. R. No. 2220) to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read, as follows:

Whereas, by section 103 of the internal-revenue act of June 30, 1864, a tax of 2½ per cent. was imposed upon the gross receipts of railroad companies; and

Whereas, by section 9 of the act of July 13, 1866, the said tax was limited to receipts from passengers and mails after August 1, 1866, and as to the transportation of property after that date the act imposing said tax was repealed; and

Whereas, by section 2 of the act of July 14, 1870, all parts of acts imposing said taxes after October 1, 1870, were repealed; and

Whereas it is represented that the Cumberland Valley Railroad Company of the State of Pennsylvania was compelled to pay, and did pay, taxes upon the gross receipts of their road, including a tax for the transportation of property, from the said 13th of July, 1866, to the 1st of October, 1870: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to examine and adjust the claim of said company for the taxes alleged to be so erroneously assessed and collected upon said gross receipts after August 1, 1866, and to refund to said company the amount of said taxes collected as aforesaid without the authority of law; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the necessary sum, not exceeding $36,000, to pay said claim when adjusted as aforesaid.

Mr. DAVIS, of North Carolina. I move to amend by substituting for the House bill the bill (S. No. 1263) which is on the Speaker's table and has passed the Senate.

Mr. EDEN. We cannot substitute a Senate bill for this bill. It is not in Committee of the Whole.

The CHAIRMAN. The Chair would have to rule that the bill if amended would still be a House bill. The right of amendment in this committee is guaranteed by the rules.

Mr. EDEN. That does not reach the object of the gentleman from North Carolina. He wishes to pass the Senate bill.

Mr. DAVIS, of North Carolina. The Senate bill is substantially the same as the House bill. It makes but one slight amendment, which I propose to adopt.

The CHAIRMAN. The Senate bill will be read.

The bill (S. No. 1263) was read, as follows:

A bill to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company.

Whereas, by section 103 of the internal-revenue act of June 30, 1864, a tax of 2½ per cent. was imposed upon the gross receipts of railroad companies; and

Whereas, by section 9 of the act of July 13, 1866, the said tax was limited to receipts from passengers and mails after August 1, 1866, and as to the transportation of property after that date the act imposing said tax was repealed; and

Whereas, by section 2 of the act of July 14, 1870, all parts of acts imposing said taxes after October 1, 1870, were repealed; and

Whereas, it is represented that the Cumberland Valley Railroad Company of the State of Pennsylvania was compelled to pay and did pay taxes upon the gross receipts of their road, including a tax for the transportation of property, from the said 13th of July, 1866, to the 1st of October, 1870: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to examine and adjust the claim of said company for the taxes alleged to have been so erroneously assessed and collected upon said gross receipts after August 1, 1866, and to refund to said company the amount of said taxes found by him on examination to have been collected as aforesaid without the authority of law; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the necessary sum, not exceeding $36,000, to pay said claim when adjusted as aforesaid.

Mr. DAVIS, of North Carolina. I move that the bill be amended by substituting therefor the Senate bill.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

WILLIAM H. RHETT.

The next business on the Private Calendar was the bill (H. R. No. 2436) for the relief of William H. Rhett; reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read.

Objected to by Mr. EDEN.

JENNIE K. MOORE.

The next business on the Private Calendar was the bill (H. R. No. 4563) for the relief of Jennie K. Moore; reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It authorizes and directs the Secretary of the Treasury of the United States to pay to Jennie K. Moore, widow of Thomas L. Moore, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $628.95, in full payment for fees, mileage, and per diem of her husband, Thomas L. Moore, as clerk of the district court for the western district of Virginia in 1858.

The report was read, as follows:

The memorialist sets forth the facts that her husband, Thomas L. Moore, was clerk of the United States district court for the western district of Virginia, and that for the year 1858 he had earned, as such clerk, the sum of $628.95 for services rendered. That her husband came to his death by suicide, having become mentally deranged. His estate was committed to the sheriff of Harrison County, David W. Robinson, for settlement, under the laws of West Virginia. That the said Robinson never knew of the existence of the claim for fees and services rendered in 1858 till 1875, and it was not till that year that it was known, the statements having been found in that year by A. C. Moore, a brother of the deceased, in a box in an unusual place for such papers. That the said fees have never been paid, and the said sheriff having completed his office, she asks that an appropriation be made to pay the same to her. She sets forth the condition of her husband's mind and the general confusion and suspension of business in that country to explain the delay and account for the fact of non-presentation of the claim.

The memorial is accompanied by the affidavits of Jasper Y. Moore and Alexander C. Moore, setting forth the facts that the services were rendered, and the manner in which the accounts for fees, mileage, and per diem were found in a box in September, 1875, and also the affidavit of D. W. Robinson, setting forth that he was sheriff from the year 1864 to 1867, and that in the former year the estate of the said Thomas L. Moore was committed to him for administration; that as such administrator he made diligent search through the papers of the deceased for his effects, but did not find the accounts for fees, mileage, and per diem due to him as clerk, and that he did not know that they were in existence until informed in 1875 that they had been found. He further sets forth that he has no interest in the claim. Thomas L. Moore died in 1864. The account, as made out by the said Thomas L. Moore, in 1858, and certified, is filed with the memorial. The account embraces a large number of items, all of them verified by affidavits, some by Thomas L. Moore himself, as clerk, and others by his deputies, and all of them certified as "examined and allowed" by John W. Brockenbrough.

Mr. Brockenbrough was the judge. These accounts or bills amount in the aggregate to $628.95. They were never paid, and Mr. Tayler, of the First Comptroller's Office of the Treasury, under date of February 12, 1877, says: "Owing to the lapse of time, and to the want of an appropriation, said accounts cannot be allowed and paid without special authority from Congress."

It appears that the administrator has discharged the duties of his office and that there is no claim to these accounts on his part for the purpose of settling the estate, and as the amount has not been paid, we think it just that the prayer of the memorialist, the widow of said Thomas L. Moore, should be granted.

We therefore report the accompanying bill, and recommend that it do pass.

Mr. CONGER. Does this bill pay the money to the widow?

Mr. WILSON. Yes, sir.

Mr. CONGER. All right.

Mr. FORT. The report does not show that the fees come from the United States.

Mr. DAVIS, of North Carolina. The report, I think, does show that. At any rate, that is the fact.

The CHAIRMAN. Argument is not in order.

There being no objection, the bill was laid aside to be reported favorably to the House.

A. F. WHITMAN.

The next business on the Private Calendar was the bill (H. R. No. 4564) for the relief of A. F. Whitman, administrator, &c., of Samuel Kimbro and E. V. Kimbro; reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It authorizes and directs the Secretary of the Treasury of the United States to pay to A. F. Whitman, administrator *de bonis non* of Samuel Kimbro, deceased, and administrator of E.

V. Kimbro, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $3,414, in full payment of a draft drawn by the Treasurer of the United States, in favor of the intestate of the said A. F. Whitman, on the First National Bank of Washington, District of Columbia, for $3,414, dated March 9, 1867, and which has not been paid.

Mr. LATHROP. I call for the reading of the report.

The report was read, as follows:

The Government of the United States was indebted to the estate of Samuel Kimbro, and on the 9th day of March, 1867, the Treasurer of the United States issued a draft to Mrs. E. S. Kimbro, his widow, of which the following is a copy:

Draft No. 9,243, on war warrant No. 915.

$3,414] TREASURY OF THE UNITED STATES,
Washington, March 9, 1867.

Pay to the order of E. S. Kimbro three thousand four hundred and fourteen dollars. No. 9,243. Registered March 9, 1867. Issued on requisition No. —. $3.414.

S. B. COLBY,
Register of the Treasury.
F. E. SPINNER,
Treasurer of the United States.

To the FIRST NATIONAL BANK, WASHINGTON, D. C.

The First National Bank was then a national depository. In April, 1867, some unauthorized person having got in possession of this draft, presented it to the said bank with a forged indorsement of the payee, and it was paid by the bank to the person so presenting it. Mrs. Kimbro was not aware of the payment of said draft, or of its issue, until some time thereafter. When made aware of the fact she took immediate steps to recover the amount, and applied to the United States Treasurer, Mr. Spinner, for that purpose. She was advised that the bank, having paid it to an unauthorized person, was liable to her for the amount; and acting under this advice she employed counsel and instituted suit against the bank in the circuit court for the District of Columbia. This court gave judgment in her favor. The bank appealed from this judgment to the Supreme Court of the United States, and the Supreme Court, at the October term, 1876, reversed the decision of the court below. The decision of the Supreme Court is filed with the petition. The court says "that the funds of the Government deposited by the Treasurer in a national bank are treated by the Government, for the purpose of keeping accounts, as in the Treasurer's own charge and custody; that they are charged to him, and he is chargeable precisely as if the funds had been in his own office, and that he had power to make the draft in question."

After detailing the facts, showing that in April, 1867, the bank made its weekly statement to Mr. Spinner of deposits received and payments made, returning the draft of Mrs. Kimbro, as made on the 22d of April, and that in the statement of the account the draft was entered to the credit of the bank, it adds:

"It comes to this, then, that upon a settlement of accounts between them a credit was by mistake allowed to the bank to which it was not entitled. The law is that neither party is to be benefited or injured by the mistake. The bank must refund the amount by handing over the sum or by crediting the same to Mr. Spinner in his next account. * * * The real indorsement of the payee was as necessary to a valid payment as the real signature of the drawer, and in law the check remains unpaid. Its pretended payment did not diminish the funds of the drawer in the bank or put money in the pocket of the person entitled to the payment. The state of the account was the same after the pretended payment as it was before."

Mrs. Kimbro having died, A. F. Whitman became her administrator and also administrator *de bonis non* of Samuel Kimbro. The Supreme Court having decided that "in law the check remained unpaid," the administrator applied to the Secretary of the Treasury of the United States for payment of the amount. This application was referred to the Solicitor of the Treasury, who in an opinion dated June 11, 1877, after reciting the facts and the decision of the Supreme Court, says: "There can be no doubt that the claim, as in favor of the administrator of Mrs. Kimbro, is just and correct, and the United States is bound to pay it to the legal representative of Mrs. Kimbro, who is alleged to be dead; and that the Government has also the right to retain the amount of this draft out of the assets, if any, of the bank, which is now in process of liquidation." This was the opinion of G. F. Talbot, then Solicitor of the Treasury. His successor, Mr. Raynor, in an opinion dated August 9, 1877, reaffirms the opinion of his predecessor. The bank having gone into liquidation, and Henry D. Cooke, jr., having become the purchaser of its assets, a controversy arose between him and the Treasurer in regard to refunding the amount of this draft, which seems not yet to have been determined. The Solicitor of the Treasury, in a letter addressed to the Secretary of the Treasury December 5, 1877, recognizing the liability of the Government to pay the amount to the administrator, concludes as follows:

"There are only two ways open to the Secretary of the Treasury to find a fund to pay this claim. The first is (if not too late) to demand repayment of Mr. Cooke, and if refused by him, to invoke the court in bankruptcy to compel its repayment; and, secondly, to ask an appropriation from Congress to pay the claim."

Whatever may be the rights of the Government as against Cooke, it is clear that under the decision of the Supreme Court made in this case the Government is liable to the administrator for the amount.

We therefore report the accompanying bill, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

LIEUTENANT GEORGE M. WILLIS.

The next business on the Private Calendar was the bill (H. R. No. 4565) for the relief of Lieutenant George M. Willis, of the Marine Corps; reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It provides that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to First Lieutenant George M. Willis, of the United States Marine Corps, the sum of $645, being the difference between furlough and retired pay, found to be due him in the adjustment of his accounts at the Treasury.

Mr. DAVIS, of North Carolina. I move to amend the bill; the name is wrongly spelled. I move to strike out "Willis" and insert "Wells."

I also move to strike out "$645," and insert in lieu thereof "$225," which is the balance now due him, for since this report was made there has been a payment made to the claimant by the proper Department.

The amendments were agreed to; and the bill, as amended, was laid aside to be reported favorably to the House.

JOHN HENDERSON.

The next business on the Private Calendar was the bill (H. R. No. 1727) for the relief of John Henderson; reported from the Committee of Ways and Means by Mr. SAYLER.

The bill was read. It provides that the Secretary of the Treasury is hereby directed to refund and pay to John Henderson, out of any money not otherwise appropriated, the sum of $5,000, in full satisfaction of the amount paid by said Henderson upon a bond for the release of one hundred barrels of spirits given by him as claimant, under the order of the United States district court for the eastern district of Missouri, and upon which spirits the said Henderson in good faith had paid the taxes assessed by the United States officers.

There being no objection, the bill was laid aside to be reported favorably to the House.

JULIET LEEF AND JOHN M'KEE.

The next business on the Private Calendar was the bill (H. R. No. 4573) to provide for the settlement of the claims of Juliet Leef and John McKee; reported from the Committee on Commerce by Mr. ROBERTS.

Objected to by Mr. LATHROP.

LOWELL A. CHAMBERLIN.

The next business on the Private Calendar was the bill (H. R. No. 4576) for the relief of Lowell A. Chamberlin, first lieutenant First Artillery, United States Army; reported from the Committee on Military Affairs by Mr. BANNING.

The bill was read. It provides that Lowell A. Chamberlin, first lieutenant First Artillery, United States Army, be, and he is hereby, relieved from the payment of the sum of $507.07, the money value of a deficiency in his accounts as acting assistant quartermaster at Fort Wadsworth, New York, in 1872; and the proper accounting officer of the Treasury is hereby authorized and directed to settle his accounts accordingly.

Mr. ELLSWORTH. I call for the reading of the report.

The report was read, as follows:

That from September 1, 1870, until November 16, 1872, Lieutenant L. A. Chamberlin was acting assistant quartermaster at the post of Fort Wadsworth, New York; that by two boards of survey, successively convened when Lieutenant Chamberlin was ordered to other duty, a deficiency of 203,073 pounds of coal was alleged to have been discovered.

The committee also find that Lieutenant Chamberlin at the time protested against the findings of the board, as the coal had been delivered to him by weight, and was receipted for by measurement, whereby some discrepancy would naturally arise.

The committee further find, upon the testimony of Lieutenant-Colonel J. M. Brannan, First Artillery, commanding the post, that for a long period the coal could not be properly secured, owing to the dilapidated condition of the store buildings and the inadequate number of men for guard duty, and that consequently it was impossible to prevent the enlisted men, laundresses, and others from appropriating to themselves, in the severe winters of the latitude of Fort Wadsworth, more fuel than they were by law entitled to. From the fact, too, that the president of the board dissented from the final finding and that Lieutenant Chamberlin is commended by his commanding officer as having during the period of his charge given entire satisfaction in the performance of all his duties as acting assistant quartermaster, and as having exercised due care and diligence in the storage and issue of fuel, the committee recommend that he be given the relief asked for. Hereto attached are the petition of Lieutenant Chamberlin and the affidavit of Lieutenant-Colonel J. M. Brannan, First Regiment Artillery, which we make a part of this report:

To the Senate and House of Representatives
of the United States in Congress assembled:

Your petitioner, First Lieutenant Lowell A. Chamberlin, First Artillery, United States Army, respectfully represents:

That on the 12th of November, 1872, he was serving with his company at Fort Wadsworth, New York Harbor, and was at the same time acting assistant quartermaster of said post.

That on or about said date he was ordered to turn over his property to First Lieutenant L. Lomia, Fifth Artillery, United States Army, and to sail with his company for Fort Pulaski, Georgia, on the 16th of November, 1872, to relieve a company of the Third Artillery, which was to take post at Fort Wadsworth.

That during the transfer of said property two lots of coal were found containing the following amounts: Secured, 710,630 pounds; exposed, 166,643—total, 877,273. For which only this amount was allowed: Secured, 604,455 pounds; exposed, 69,745—total, 674,200. Leaving a deficiency: Secured, 106,175 pounds; exposed, 96,898—total, 203,073.

That this deficiency in greater part was made by inaccurate measurement by Lieutenant Lomia, especially in that part marked "Secured."

That petitioner protested against taking receipts for the smaller amounts from Lieutenant Lomia, and that it was agreed that the coal should be weighed on the arrival of the Third Artillery company, an officer of which was to receive the property from Lieutenant Lomia, and that new receipts should be forwarded to petitioner.

That it was reported to petitioner that the coal had been weighed, and the deficiency still existed.

That about one year afterward petitioner discovered that none of the coal had been weighed.

That as soon as practicable thereafter petitioner laid the matter before a board of survey, proceedings of which are hereto annexed.

Attention is invited to the following points in evidence before the board:

1. The coal was delivered to petitioner by weight.
2. It was receipted for by measurement to petitioner.
3. A great part of the coal, greater in amount than petitioner obtained receipts for, was stored in a secure place, and had been on hand but three months.
4. That it was impracticable to secure the exposed coal faster than was being done.
5. Evidence that immense quantities of coal were carried away from the exposed pile after petitioner had transferred his property.

Petitioner also invites attention to the fact that the president of the board dissents from the finding of the board on its final session.

Also to the affidavit of Lieutenant-Colonel Brannan, setting forth—

1. That petitioner performed his duties entirely to his satisfaction.
2. That it was impossible to furnish guards for all the fuel and other property.

3. That from this and other reasons he is of opinion that fuel was used in excess of the allowance from the exposed pile by enlisted men and others.

4. That petitioner exercised due care and diligence in the storage and issue of said fuel, and should not be held responsible for said deficiency.

And your petitioner prays to be relieved from the responsibility for said deficiency of 203,073 pounds of coal, and that the money value thereof, $507.07, which has been withheld from his pay, may be reimbursed him.

And your petitioner will ever pray, &c.

L. A. CHAMBERLIN,
First Lieutenant First Artillery.

FORT MONROE, VIRGINIA, *October* 15, 1877.

Brevet Major-General John M. Brannan, lieutenant-colonel First United States Artillery, being duly sworn, deposes and says that he was in command of the post of Fort Wadsworth, New York Harbor, from February 20, 1870, until November 8, 1872. That from September 1, 1870, until November 16, 1872, Lieutenant L. A. Chamberlin, First Artillery, was acting assistant quartermaster of said post. That in the performance of all his duties as acting assistant quartermaster said Chamberlin gave entire satisfaction to deponent. That deponent is now aware that said Chamberlin is held responsible for the loss of 203,073 pounds of coal, and has carefully read the proceedings of the board of survey which fixed the responsibility on him. That from the evidence submitted to him and from personal knowledge of the circumstances, deponent believes the deficiency to have arisen from the following causes:

That the barracks occupied by the troops and laundresses were old, dilapidated buildings of wood, erected for temporary recruiting purposes during the late war; that it was extremely difficult to warm them; and there is no doubt in deponent's mind that fuel was used greatly in excess of the allowance by the troops and laundresses during the severe winters of that latitude.

That owing to the unfinished condition of the works at Fort Wadsworth no place of security could be provided for fuel until August, 1872, and it was therefore exposed to being stolen and used in excess as above described. That owing to the small size of the garrison the necessary guards for the protection of all the public property at a post of such great extent could not be furnished. That as soon as a secure place was provided the coal was placed therein directly from the vessels as they arrived, and the coal exposed on the glacis was also placed therein as rapidly as the limited means of transportation would permit. That in deponent's opinion due care and diligence was exercised by said Chamberlin in the storage and issue of said fuel, and that he should not be held responsible for the deficiency.

J. M. BRANNAN,
Lieutenant-Colonel First Artillery,
Brevet Brigadier-General, United States Army.

Then personally appeared the above-named Brevet Major-General J. M. Brannan, lieutenant-colonel First Artillery, and made oath that the foregoing statement by him made is true to the best of his knowledge and belief.

Sworn and subscribed before me at Fort Trumbull, Connecticut, this 10th day of May, 1877.

JOS. S. OYSTER,
Second Lieutenant First Artillery, Post Adjutant.

A true copy.

H. T. CROSBY,
Chief Clerk War Departmen.

Mr. ELLSWORTH. I move to strike out all after the word "Army, in line 4, and insert in lieu thereof "be, and the same is hereby, referred to the Court of Claims, and authority is hereby conferred upon said court to fully adjudicate upon said claim, and to render such judgment in favor of said Chamberlin as shall be just and equitable."

The amendment was agreed to.

Mr. ELLSWORTH. I move further to amend by inserting, in line 3, after the word "that," the words "the claim of."

The amendment was agreed to; and the bill, as amended, was laid aside to be reported favorably to the House.

JULIA A. NUTT.

The next business on the Private Calendar was the bill (H. R. No. 4671) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; reported from the Committee on War Claims by Mr. KEIFER.

The bill was read. It provides that Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, Mississippi, is hereby authorized and empowered to commence suit against the United States in the Court of Claims for quartermaster or commissary stores taken from the said Haller Nutt in his life-time, or his estate after his death, by the acts of the Army or any officer thereof, or other authorities of the United States, including all moneys and stores taken, held, and used by the United States or the armies thereof during the late rebellion and before the formal announcement of peace by the President's proclamation of August 20, 1866; and full jurisdiction is hereby given to said Court of Claims to try and determine the same on the justice of the claims and render judgment thereon; and the said Court of Claims may consider the evidence heretofore taken on said claims, so far as applicable, before the southern claims commission, and such other evidence as may be adduced by the legal representatives of Haller Nutt, deceased, or on behalf of the United States, provided that no part of said claims upon which the said southern claims commission have passed on the merits shall be again considered by said Court of Claims.

Mr. BOUCK. I object.

Mr. CONGER. My impression is that this bill was up on objection day once before and was objected to; therefore it now requires objection from five members.

The CHAIRMAN. The Clerk reports that this bill has never been objected to before.

Mr. BOUCK. I withdraw my objection.

The bill was then laid aside to be reported favorably to the House.

ABRAHAM FORRY.

The next business on the Private Calendar was the bill (H. R. No 4690) granting an increase of pension to Abraham Forry; reported from the Committee on Invalid Pensions by Mr. RIDDLE.

Mr. HAMILTON. I think that bill was withdrawn, for since it was introduced a pension has been granted to this party by the Department.

The CHAIRMAN. Then the bill will be laid aside to be reported to the House adversely.

Mr. HAMILTON. I do not like to make that motion, because it might influence the Commissioner of Pensions. The bill was withdrawn at the last session of Congress and ought not to have been on the Calendar, but I do not want it reported adversely, because, I repeat it, that might influence the decision of the Commissioner of Pensions.

The CHAIRMAN. The record shows that the bill was not withdrawn. The Committee on Pensions reported an amendment to the bill to strike out "$48 per month" and insert in lieu thereof "$60 per month."

Mr. HAMILTON. I think that is right. The Commissioner of Pensions is now allowing this man a pension of only $50 per month. The man was all shot to pieces, and I think he ought to have $60 per month.

Mr. WHITE, of Pennsylvania. I object to the bill.

HENRY FISHBURN.

The next business on the Private Calendar was the bill (H. R. No. 693) granting a pension to Henry Fishburn, private Company A, Twenty-fifth Regiment Iowa Volunteers; reported adversely from the Committee on Invalid Pensions by Mr. RAINEY.

Mr. DENISON. I move that the bill be laid aside to be reported to the House with a recommendation that it do not pass.

The motion was agreed to.

ANNA M. MEIXSELL.

The next business on the Private Calendar was the bill (H. R. No. 2679) for the relief of Anna M. Meixsell; reported adversely from the Committee on Invalid Pensions by Mr. RAINEY.

Mr. DENISON. I move that the bill be laid aside, to be reported to the House with a recommendation that it do not pass.

The motion was agreed to.

BYRON S. MORRIS.

The next business on the Private Calendar was the bill (H. R. No. 620) for the relief of Byron S. Morris; reported adversely from the Committee on Invalid Pensions by Mr. RAINEY.

Mr. DENISON. I move that the bill be laid aside to be reported to the House with a recommendation that it do not pass.

The motion was agreed to.

WILLIAM S. FONDA.

The next business on the Private Calendar was the bill (H. R. No. 103) granting a pension to William S. Fonda; reported adversely from the Committee on Invalid Pensions by Mr. RAINEY.

Mr. DENISON. I move that the bill be laid aside to be reported to the House with a recommendation that it do not pass.

The motion was agreed to.

MILLEY ANDERSON.

The next business on the Private Calendar was the bill (H. R. No. 2306) granting a pension to Milley Anderson, widow of David Anderson, a soldier of the late civil war; reported adversely from the Committee on Invalid Pensions by Mr. RAINEY.

Mr. DENISON. I move that the bill be laid aside to be reported to the House with a recommendation that it do not pass.

The motion was agreed to.

SCHOOL BUILDING IN DENVER, COLORADO.

The next business on the Private Calendar was the bill (H. R. No. 4779) donating to the board of education of school district No. 1, Arapahoe County, Colorado, block No. 143, in the east division of the city of Denver, Colorado, for common-school purposes; reported from the Committee on Public Lands by Mr. PATTERSON, of Colorado.

The bill was read. It provides that block No. 143, in the east division of the city of Denver, in the county of Arapahoe and State of Colorado, be, and the same is hereby, donated and set apart to the board of education of school district No. 1, Arapahoe County, in the State of Colorado, upon the following conditions, namely: the said board of education shall cause to be erected and maintained thereon a public school building or buildings, to be used solely for educational purposes, and attendance at which, with full and equal rights and privileges, shall be free to all the residents of the city of Denver, in said county, with restrictions only as to the number and age of attendants and the grade of scholarship, under such rules and regulations as may be legally adopted for the control and management of said school or schools; and the above conditions shall be binding forever, under the penalty of the reversion of said block to the United States.

Section 2 provides that the said board of education shall cause to be erected upon said real estate a superstructure for the purpose aforesaid, which shall cost not less than $25,000; and the donation of said block provided for in the preceding section shall take effect and be binding only from the time the said board shall in good faith commence the erection of said superstructure.

There being no objection, the bill was laid aside to be reported favorably to the House.

GEORGE M'DERMOTT.

The next business on the Private Calendar was the bill (H. R. No. 1860) for the relief of George McDermott; reported from the Committee on Military Affairs by Mr. STRAIT, with an amendment to strike out in the ninth line "the 17th day of July," and insert in lieu thereof "the 1st day of October."

The amendment was agreed to.

The bill was read. It provides that there be appropriated, out of any moneys remaining in the Treasury not otherwise appropriated, a sufficient sum to pay George McDermott, now first lieutenant Fifth United States Infantry, for services rendered by him as second lieutenant Fifth United States Infantry, from the 5th day of January, 1862, to and including the 17th day of July, 1862, under orders of Colonel Edward R. S. Canby, United States Army, commanding the district of New Mexico; provided that there shall be deducted from such pay the amount already received by him during the time above specified.

Mr. EDEN. I call for the reading of the report.

The report was read, as follows:

Your committee find, from the evidence submitted and the report of Adjutant-General E. D. Townsend, United States Army, the following facts:

George McDermott enlisted as private in Company B, Fifth United States Infantry, November 8, 1850, and was twice re-enlisted, the last time in November, 1860. In January, 1862, his company formed part of the command at Fort Craig, New Mexico, under Colonel E. R. S. Canby, who was commanding the Military Department of New Mexico, awaiting the approach of the confederate column from Texas. Colonel Canby was in great need of additional officers at the time, and for what is believed to have been for the interest of the service he selected the claimant and other non-commissioned officers, who had been recommended to the President for promotion in the regular Army, and by a general order, dated January 5, 1862, appointed them acting second lieutenants and ordered them to duty in the several regiments of the regular Army which were there. McDermott was assigned to the Fifth Infantry, and took command of Company I on the same date, (January 5, 1862.) While in command of this company he was engaged, February 21, 1862, in the battle of Valverde, New Mexico, where he received a severe gunshot wound through the right thigh, and which disabled him for several months. Upon discharge from hospital he took command of another company, and, as the Adjutant-General reports, "It appears that he performed the duties of such office, (acting second lieutenant,) in accordance with the requirements of the order, until he received the appointment of second lieutenant." It appears that he received, receipted for, and became responsible for arms and the usual property pertaining to a company of infantry, and made regular returns to the Quartermaster-General and Chief of Ordnance, and performed all the other duties and requirements of a regularly sworn officer. During the period he was so acting he was not in receipt of pay, except as a sergeant, yet he was obliged necessarily to incur the expense of the uniform, outfit, and mode of living as an officer, which was far in excess of the ability of a sergeant's pay to support.

The claimant, it appears from the record, has served continuously in the Fifth Infantry to the present date, and is now a first lieutenant, to which rank he was promoted July 14, 1864, making over twenty-eight years of service in the regiment. He was appointed second lieutenant October 1, 1862, to rank from July 17, 1862, and has been paid from the latter date as a lieutenant to October 1, 1862. It appears that all payments from July 17, 1862, to October 1, 1862, the date of appointment, were unauthorized by law, and your committee therefore recommend that the bill be amended by striking out the words "17th day of July," in the ninth line, and inserting the words "1st day of October," so as to legalize the payments made subsequent to July 17, 1862, and prior to October 1, 1862, and that the bill as thus amended be passed.

The bill, as amended, was then laid aside to be reported favorably to the House.

Mr. BRIGHT. I move that the committee now rise and report to the House the action taken upon the Private Calendar.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report sundry bills to the House with various recommendations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 763) to provide for holding terms of the circuit and district court in the district of Colorado.

BILLS PASSED.

The SPEAKER. The bills reported from the Committee of the Whole without amendment, and with a favorable recommendation, will be first considered.

The following bills were then ordered to be engrossed, and were read the third time, and passed:

A bill (H. R. No. 16) to reimburse D. D. Wead, postmaster at Sheldon, Vermont, for stamps and money stolen from him December 31, 1873;

A bill (H. R. No. 737) for the relief of H. K. Belding;

A bill (H. R. No. 966) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins;

A bill (H. R. No. 1655) for the relief of Edwin De Leon, late United States consul-general in Egypt;

A bill (H. R. No. 1761) for the relief of Samuel W. Abbott, postmaster at Menomonee, Michigan;

A bill (H. R. No. 2200) for the relief of William J. Piper, of Frankfort, New York;

A bill (H. R. No. 2604) for the relief of the City Distillery Company, of Pekin, Illinois;

A bill (H. R. No. 3539) for the relief of M. D. Titsworth, postmaster at Adams Centre, New York;

A bill (H. R. No. 4558) for the relief of John N. Reed;

A bill (H. R. No. 4559) for the relief of Sabin Trowbridge;

A bill (H. R. No. 4560) for the relief of Aaron Miley;

A bill (H. R. No. 4561) to pay Edgar A. Beach, of Essex, Vermont, the sum therein named;

A bill (H. R. No. 4563) for the relief of Jennie K. Moore;

A bill (H. R. No. 4564) for the relief of A. F. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro;

A bill (H. R. No. 4671) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; and

A bill (H. R. No. 4779) donating to the board of education of school district No. 1, Arapaho County, Colorado, block numbered 143, in the east division of the city of Denver, Colorado, for common school purposes.

The following bill reported from the Committee of the Whole, without amendment, was then read:

A bill (H. R. No. 1727) for the relief of John Henderson.

Mr. ELLIS. There is upon the Speaker's table a bill from the Senate for the same purpose; identically the same bill. I ask unanimous consent that the Senate bill be taken up and passed.

The SPEAKER. In the same words?

Mr. ELLIS. In the same words.

Mr. SAYLER. I desire to state that this subject has been under consideration by the Committee of Ways and Means, and has been unanimously agreed to.

There being no objection, Senate bill No. 796, for the relief of John Henderson, was then taken from the Speaker's table, read three several times, and passed.

The bill (H. R. No. 1727) for the relief of John Henderson was laid on the table.

The following Senate bills reported from the Committee of the Whole, without amendment, were then ordered to a third reading, read the third time, and passed:

A bill (S. No. 99) for the relief of Amos Ireland;

A bill (S. No. 364) for the relief of Peasley and McClary, of Nashua, New Hampshire;

A bill (S. No. 771) for the relief of Ebenezer Walker; and

A bill (S. No. 954) for the relief of Thomas A. Walker.

Mr. CONGER moved to reconsider the votes by which the various bills reported from the Committee of the Whole were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The following bills reported from the Committee of the Whole on the Private Calendar, with amendments, were severally taken up, the amendments concurred in, the bills respectively ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 2323) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of $2,334.07 in gold coin, that being the amount paid on certain imported articles, &c.;

A bill (H. R. No. 2217) for the relief of J. Fraser;

A bill (H. R. No. 917) for the relief of Sidney P. Luther;

A bill (H. R. No. 916) for the relief of Isaiah Pickard;

A bill (H. R. No. 4565) for the relief of Lieutenant George M. Wells, of the Marine Corps; and

A bill (H. R. No. 1860) for the relief of George McDermott.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 1287) for the relief of Burr S. Craft.

CUMBERLAND VALLEY RAILROAD COMPANY.

The bill (H. R. No. 2220) to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company (the bill having been reported from the Committee of the Whole on the Private Calendar with amendments) was taken up.

Mr. DAVIS, of North Carolina. I ask unanimous consent that Senate bill No. 1263, which is now on the Speaker's table, and which is identical in language with the bill now before the House, be taken up and passed.

There being no objection, the bill (S. No. 1263) to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company was taken from the Speaker's table, read three times and passed.

The SPEAKER. The House bill on this subject, the passage of which is rendered unnecessary by the action just taken on the Senate bill, will be laid on the table.

ADVERSE REPORTS.

The following bills reported adversely from the Committee of the Whole on the Private Calendar were taken up and severally laid on the table:

A bill (H. R. No. 1216) for the relief of the heirs of Asbury Dickins;

A bill (H. R. No. 245) for the relief of Joel A. Billups;

A bill (H. R. No. 693) granting a pension to Henry Fishburn, private Company A, Twenty-fifth Regiment Iowa Volunteers;

A bill (H. R. No. 2679) for the relief of Anna M. Meixsell;

A bill (H. R. No. 620) for the relief of Byron S. Morris;

A bill (H. R. No. 103) granting a pension to William S. Fonda; and

A bill (H. R. No. 2306) granting a pension to Milley Anderson, widow of David Anderson, a soldier of the late civil war.

LOWELL A. CHAMBERLAIN.

The bill (H. R. No. 4576) for the relief of Lowell A. Chamberlain (reported from the Committee of the Whole on the Private Calendar with amendments) was taken up, the question being on concurring in the amendments.

ORDER OF BUSINESS.

Mr. DUNNELL. I move that the House adjourn.

The SPEAKER. The Chair desires to state that this morning the House, on motion of the gentleman from Georgia, [Mr. STEPHENS,] ordered that there be a recess at half past four o'clock this afternoon, and that the House meet at half past seven o'clock this evening for the consideration of reports from the Committee on Coinage, Weights, and Measures.

Mr. DUNNELL. Still it is competent for the House to adjourn.

The SPEAKER. It is; but the Chair thought it incumbent upon him to make this statement.

Mr. EDEN. I move that the House take a recess.

The SPEAKER. The motion to adjourn takes precedence of the motion for a recess.

The question was taken on the motion to adjourn, and there were—ayes 73, noes 55. [Cries of "No quorum!"]

Mr. CONGER. I make the point that the time has arrived at which the House agreed to take a recess.

The SPEAKER. The Chair ruled the other day on nearly a similar point.

Mr. CONGER. I supposed the House had decided the question of adjournment.

The SPEAKER. The Chair thinks the House had better decide this question for itself; and will appoint as tellers the gentleman from Michigan [Mr. CONGER] and the gentleman from Tennessee, [Mr. ATKINS.]

The House divided; and the tellers reported—ayes 69, noes 57.

Mr. MULDROW. I raise the question of a quorum. The House has made an order for a recess; and I submit that less than a quorum cannot vacate that order.

Mr. CHALMERS and others addressed the Chair.

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

Mr. CHALMERS. I rise to a parliamentary inquiry. The House has adopted an order that it will take a recess at half past four o'clock. Now, can less than a quorum set aside that action of the House?

Mr. MULDROW. That is the point I made.

The SPEAKER. The Clerk will read the rule on this subject.

The Clerk read as follows:

A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order, and these motions shall be decided without debate.—*Rule* 44, page 109. It has been decided and acted upon that the motion "to fix the *day* to which the House shall adjourn" takes precedence of a motion "to adjourn;" the reason being that before the House adjourns it is proper to fix the time to which it shall adjourn.—*Note to same rule;* but when less than a quorum is present, no motion can be entertained except to adjourn or for a call of the House.—*Journal*, 1, 29, page 356, and *Constitution*, 1, 5, 8.

The motion to adjourn would of course, under such circumstances, take precedence.

The question being taken on ordering the yeas and nays upon the motion to adjourn, there were—ayes 24, noes 97.

So (less than one-fifth voting in the affirmative) the yeas and nays were not ordered.

The SPEAKER. The Chair is of opinion that the House cannot, except by the action of a quorum, set aside an order made for an evening session under the circumstances presented in this case; and the hour for recess having arrived, therefore declares the House in recess until half past seven o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock. p. m.

ORDER OF BUSINESS.

Mr. STEPHENS, of Georgia. The Committee on Coinage, Weights, and Measures, for whose business this evening was assigned, have several bills which they desire to report. Supposing the chairman of the committee to be entitled to the floor, I yield for the present to my colleague on the committee, the gentleman from Mississippi, [Mr. MULDROW,] that he may report, in accordance with the instructions of the committee, two bills.

EXCHANGE OF SILVER COIN FOR UNITED STATES NOTES.

Mr. MULDROW, from the Committee on Coinage, Weights, and Measures, reported back, with a favorable recommendation, the bill (H. R. No. 5429) authorizing and requiring the Treasurer of the United States to receive the coins of the United States in exchange for United States notes.

The bill was read. It provides that, upon presentation and delivery of any coins of the United States to the Treasurer of the United States at the Treasury at Washington, the Treasurer shall, to the extent and amount that such coins shall have been declared by law a legal tender, pay out and deliver in exchange therefor the United States notes in the Treasury in his possession and belonging to the United States.

Mr. MULDROW. Mr. Speaker, new features in our financial problem are constantly presented. Every day brings to view some new scene under its kaleidoscope, and it seems as though we were nearly as far from the port of financial rest as when we entered upon its ocean at the beginning of the present Congress. It seems that the battle between Wall street and the people is never to have an end. It does seem that legislation will never cease to be demanded to thwart the efforts of the money-kings to use the Government for the promotion of their own selfish ends by the augmentation of their already overgrown fortunes and protect the people in the enjoyment of the earnings of their honest toil.

The legislation in behalf of the people which the bondholder and the banker cannot prevent, they would nullify by bringing to bear all the powers of their vast machinery, their private and political influence, and the lobby constructed by their money.

We have despite their opposition and over the veto of their *de facto* President passed a bill for the restoration of the silver dollar and its legal-tender character. This measure, it seems now, is sought to be defeated in its practical operation by the efforts of its opponents through indirect means. They refuse to recognize it, as it was intended, as a standard monetary metal of the country and the people, and by all the means in their power seek to defeat it and render coined silver useless for monetary purposes, and Congress must again come to the rescue of the people and adopt some measure which will have the effect of keeping silver abreast with the other currency of our country.

We have nothing to do with the action of foreign countries in reference to this coin. It is one of our metals, disemboweled from our mines. It is a part of the intrinsic wealth of our people and our country. It is of intrinsic value in the commerce of the world nearly equal to that of our gold, and we cannot afford to debase it.

The recent conference at Paris has established the fact that we can expect at no early period to be able to agree with foreign powers upon any international ratio with regard to coin, either gold or silver. Each State in the exercise of those rights and powers through which it may labor to promote the prosperity and happiness of its own people must fix its own policy in reference to the metals which it would use as money. The laws of each State or people in this regard must be adapted to its own wants and to its own interests. The monetary system of each must be so planned as to give the greatest encouragement to its own industries. We must, therefore, look to ourselves and not to others for the relief which we need in this direction.

The interests of the different countries of the world are so diverse, their sources of wealth so different, that it is not strange that the Paris conference was unable to do more than to declare that this diversity of interests effectually prevented the establishment of any international ratio for coin.

Those countries which produce both gold and silver in about equal quantities, according to present values, as does our own, are, in my judgment, interested in establishing and maintaining an equilibrium, as far as possible, in their respective values. Those which produce gold in greater quantities than silver are interested in giving gold the greater value; and the converse of this proposition is true in those countries where silver is the greater product.

Unable, therefore, to look with faith or expectation abroad for aid in the solution of this question, we must rely upon the wisdom of our own councils to demonstrate the utility and the good policy of our former legislation in reference to the coinage of silver and making it a legal tender for the payment of all debts, both public and private. That that legislation was not only wise but demanded by every consideration of duty and good faith to our people I have never for a moment doubted; and the question now is, how can we best aid the legislation of the last session of Congress in which we restored the legal-tender power of this metal?

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then prophecied our failure; and now they are determined, if they have the power, to prove the truth of their predictions by rendering fruitless and abortive all our efforts in again establishing the silver coin as money to increase the volume of the people's currency, and thus add to the aggregate wealth of the Republic. Exercising all of their ingenuity to depreciate the value of this coin, they are determined to set at defiance the legislation of the representatives of the people. Although a two-third majority of both branches of Congress united in the passage of the modified silver bill, yet these men who have grown rich upon the bounties of the Government, extorted from the substance and toil of the people, are determined, if they can prevent it, that this effort for the common good shall not be crowned with any practical success. There is a settled determination, unequaled, it seems to me, in the history of any country, on the part of a minority of the actual voters of the country and a minority of the actual representatives of the people, to render futile the efforts of both the majority of the people and the majority of the representation in the Federal Congress. And in this connection I trust I will be pardoned for a diversion in saying that it does seem that the rules of this House generally prove sufficient to render the task of the agents of those who are the authors of the people's woes an easy one to defeat the will of that majority which can be counted by millions of the American people.

Bill after bill has been introduced, measure after measure proposed by the members of this Congress for the amelioration of the wretched condition of the people, and yet under its rules the privilege has not been accorded of having many of them submitted for determination to the votes of its members, to say nothing of the utter inability on the part of their friends to be heard in advocacy of them. They have been consigned to committees, and from present indications seem destined to sleep and sleep forever.

That a majority of this branch of Congress favor legislation for the benefit of the people has been demonstrated beyond question on more than one occasion, and yet under these rules, which seem to me to smack of despotic power, they have been practically overridden by the minority on the floor of Congress, and nearly all the efforts of members in this direction have been practically abortive.

I do not doubt that the majority of this body favor the increase of the volume of our currency by the reissuance of fractional currency, as has been proposed by various bills before Congress. I do not doubt that a large majority favor the bill authorizing the payment of customs duties in legal-tender notes at par. I doubt but little less that a majority favor the proposition to suspend for five years the operation of the act requiring the payment annually of 1 per cent. of the debt of the United States, and I believe it equally certain that upon a full vote of the House a majority favor the bill to retire the national-bank notes and issue in their stead the Treasury notes of the Government. And yet these various measures of relief have only been submitted to the vote of the House upon the proposition to procure their passage by a suspension of the rules, which cannot prevail except by a two-third majority. Not only this, but many bills have been introduced, some more than twelve months ago, which have never even been submitted to the House in any shape for its definite action. They have been introduced, referred to committees, and there they rest. Among others of great practical importance to the people may be mentioned that providing for the withdrawing of our national-bank currency and the issuing of $500,000,000 of interest-bearing Treasury notes, to be paid out for all the debts of the Government, both public and private, when permissible by the terms of the contract. Another, to compel national banks to recognize and receive the standard legal-tender silver dollar as the equivalent in value to the gold coin of the United States, or else that such bank making such distinction against the silver dollar shall be placed in process of liquidation by the Secretary of the Treasury. Another, to authorize an issue of $200,000,000 of Treasury notes yearly for five years, beginning with the present fiscal year, and prohibiting the Secretary of the Treasury from causing any contraction of the volume of the currency within that period, and further prohibiting the sale of United States bonds. And still another suspending for five years the operation of the statute providing for setting apart a sinking fund for the payment of the Government debt.

And these are but specimens of the many bills and measures attempted to be brought to the attention of the American Congress in the interest of the people by their Representatives on this floor, the most of which have not yet found an opportunity to emerge from the committee-room to which they have been consigned.

Meanwhile cries of distress from the appealing voices of poverty, bankruptcy, and ruin come up from all parts of the country, but in the presence of parliamentary tactics and parliamentary law they must pass unheeded.

But, to return to the bill which is now before the House, I repeat that it is in aid of the silver bill passed at the last session of Congress. Its purpose is to make that law efficient, to give us the coinage of the silver dollar.

If this were an original question, with the present lights before the country, I should not hesitate to give my sanction not only to the bill which has already been enacted, but I would utilize the vast products of our mines by authorizing the unlimited coinage of silver. This course, in my judgment, is demanded for the benefit of our entire people. Our mines are capable of a production of more than $50,000,000 annually. This should be brought into the laps of the commerce and trade of our people, to aid them in rebuilding their fallen fortunes, and bringing thrift and contentment to their desolate homes.

This idea should be aided by all the friendly legislation of which the legislative mind can conceive. The bill now before the House is but one step in that direction. It proposes to make the silver dollar exchangeable at the Treasury and subtreasuries of the United States for Treasury notes of the Government at par. Do this, and the bankers and bondholders who now seek to depreciate its value by hostile action will see that a blow cannot be struck at this part of the people's currency without at the same time endangering that which they are endeavoring to uphold—the process of resumption and the maintenance of the Treasury notes at par with gold. They should be taught that the silver dollar is one pillar in our financial structure, and the legislation of Congress should be so framed that they cannot destroy this pillar without endangering the fall of the entire edifice.

When the ability is given the holder of the silver dollar to exchange it for greenbacks it at once makes one the equivalent of the other; and this proposition is substantially admitted in the recent report of the Secretary of the Treasury. He says:

> The only way by which moneys of different kinds and intrinsic values can be maintained in circulation at par with each other is by the ability, when one kind is in excess, to readily exchange it for the other. This principle is applicable to coin as well as to paper money. In this way the largest amount of money of different kinds can be maintained at par, the different purposes for which each is issued making a demand for it.

The silver dollar answers all the purposes of money. It is money; and if its holder desires to obtain from the Government another form of currency of no greater intrinsic value no good reason can be shown why he should not have the opportunity and privilege of so doing. The friends of the silver bill desired to establish bimetallic currency in this country. There was no disposition to legislate against gold as a monetary standard of value, but the establishment of a bimetallic coin currency was attempted. Our mines abound in the wealth of both metals in about equal proportions, as shown by the recent reports of the Director of the Mint and the Secretary of the Treasury, and surely it is not the part of wisdom or patriotism to exclude either from our monetary system.

Why give the oriental nations and such others as use silver coin as money the benefit exclusively of the vast wealth which is annually taken from our own mines? At least three-fourths of the nations of the earth and more than this proportion of the people of the world use silver as a monetary metal, as shown by the following table:

Distribution of gold, silver, and double currency throughout the world.

Nations using silver alone.	Population.	Nations using gold and silver.	Population.	Nations using gold alone.	Population.
Russia	87,000,000	Belgium	5,100,000	Great Britain	32,000,000
Austria	36,000,000	Bolivia	1,800,000	Canada	4,000,000
Central America	2,000,000	France	36,800,000	Australia	2,000,000
Ecuador	1,300,000	Greece	1,500,000	Portugal	4,250,000
China	425,000,000	Italy	26,800,000	Turkey (Europe and Asia)	29,500,000
India	300,000,000	Spain	16,500,000	Persia	5,000,000
Mexico	9,000,000	Switzerland	2,700,000	Brazil	10,000,000
Peru	4,500,000	United States	45,000,000	Argentine Republic	1,800,000
United States of Colombia	2,700,000			German Empire	41,000,000
Tripoli	1,200,000			Sweden	4,250,000
Tunis	2,000,000			Denmark	1,800,000
Holland	3,700,000			Norway	1,750,000
Venezuela	1,400,000			Chili	2,100,000
Egypt	4,000,000				
Japan	33,000,000				
Total	914,200,000	Total	135,500,000	Total	139,450,000

But even should it be necessary to confine the use of silver to domestic purposes, and should we be unable to use it in our intercourse with foreign nations to the same extent that we might employ gold, still we should increase the production of the wealth of our own country for the benefit of our own people. We need this money in the every-day, ordinary transactions of life; and we need more money to aid in restoring prosperity to the languishing industries of the country than can be furnished with gold alone for many decades yet to come.

Mr. Speaker, I repeat that the recent assaults made upon our former legislation on this subject by its enemies, including I fear high officers connected with certain departments of the Government, require all the legislation which it is in our power to enact to accomplish the desirable results which have been anticipated by the friends of this legislation. Our people look upon the remonetization of silver as one of the means to defeat the hostile action of bankers and of bondholders who seek to use the Government for their own self-aggrandizement. They look upon it as one of the means to restore the prosperity which has been destroyed by the McCulloch system of contraction. They regard it as one of the plans to aid them in lifting mortgages, in satisfying executions, in filling the larder, in educating their children and enabling them upon every field to fight the battle of life. They regard it as the restoration of that part of their currency of which they have for a time been defrauded, and

they have hailed its return as a harbinger of relief from the pecuniary embarrassment under which they have labored during so many weary years in the past. They are unwilling to give it up. They are unwilling to see again the contraction screws turned and made tighter by the withdrawal of a single dollar of any part of the currency now recognized by the law. Why should this war be so relentlessly urged by the enemies of the silver bill save alone for their own unhallowed gain? Why should they seek to deprive the people of the means of paying their debts with a currency which has been recognized for so many years in the history of this country?

It does seem that no argument can reach the judgment of men biased and warped with selfish greed, no appeal can mollify their obdurate and stony hearts. What matters it to them if the currency is contracted and they thereby enriched? They would destroy the money of the Constitution, that which had been a legal tender from the very origin of the Government; they would deliberately retire it from circulation; they would practically drive it from the country; they would render it unpopular by declining to receive it, except upon terms which would show its debasement; they would seek by every means in their power to destroy its efficacy for good. And for what? To render money scarcer than ever and increase the purchasing power of gold. If silver be destroyed, gold would then be the only standard, and then payments of their bonds will be demanded in gold, and gold alone. The coil of the anaconda may tighten, the wail of distress may go up through the land, the blood of the suffering may run cold; homes, comforts, the means and necessaries of life may pass away forever; hard, grinding poverty may press upon the people; trade may languish; in the black track of desolation may be seen broken merchants and broken farmers, ruined tradesmen of every kind, laborers hungry and in rags; but in the midst of all these frightful scenes of desolation, with hope itself extinguished in the breasts of the toiling millions of people, they would again begin the work of contraction.

If there were no distress in the land; if the sun of prosperity shone as brightly to-day as in the most prosperous times of our country's history, I would still believe that the silver of our mines should be utilized as money and upheld as such by all the powers of the Government. The history of this country as well as Europe demonstrates the fact that silver by the power of legislation can be maintained at par with gold, even though it be of less intrinsic value; but whether this be true or not, our people should have more money; the volume of the currency should be increased by the coinage of all that we may be able to control, either from our own mines or from abroad. We should come to the rescue of the debtor class of the country. Their distress appeals to the protecting arm of the Government. Congress should show its appreciation of this important fact: that Government was measurably ordained to protect the weak against the strong; and this cannot more effectually be done than through proper and legitimate means, affording a currency commensurate with the needs of the country.

Let our silver be coined; let the Government issue enough of its Treasury notes, for the redemption of which the faith of the Government shall be pledged, to supply the wants of trade and relieve the distressed condition of the people. Let these be used in payment of the debts of the Government, when not in violation of good faith and primary contracts. Issue no more interest-bearing bonds for which the people must be taxed. Exhibit by such action that the Government is alive to the wants and necessities of its tax-payers; that while it is being supported it will furnish protection, that it will use its strong arm of power to aid in building up the desolate places to be found in all parts of the land. Restore confidence upon the part of the people that it is a Government which feels an interest in them and that its extreme regard is for their happiness and their welfare—do this, and in my judgment it will not be long before business will again revive. The ten millions of working people in the country would then find employment; the countless homes which have been rendered desolate by the past and present financial policy would soon be gladdened by the hope of competency and contentment, and the ruin which bestrides like a Colossus the fortunes of the people will disappear, and the bonds riveted by their petty foes be broken.

When this country has been relieved of the immense weight of debt which now rests upon it and we consider the great wealth of our country in its silver mines, I cannot believe that wise legislation would even then banish silver as a monetary metal. Its history shows that its functions as money have been great and beneficent. In many of the most populous and prosperous nations of the globe it is recognized as the exclusive standard of values, and that, too, in countries which are dependent upon its importations for monetary uses. If the gold standard is again adopted in this country, either by law or practical operation, it would necessitate the remanding of silver again to the condition of a debased token. It would be used in the main only by the laborer, while the capitalist, the man of means, of great transactions, would reap the profits of his capital in gold. In England the history of the single standard of gold has proven that panics are more likely to occur in a single than a double standard.

In Germany the panic produced in her borders in 1873 is believed to have been in consequence of the demonetization of silver, and that, too, while France, just over the border, continued to recognize the double standard, and continued to enjoy unlimited prosperity. The world's silver coinage is half equal in value to that of gold, and its demonetization the world over would have the effect of contracting the currency about 50 per cent. This might and would be beneficial to the creditor, to the man who had his coffers well filled and a large bank account to his credit, but it would at the same time enable him with golden fetters to drag the debtor utterly down to poverty and despair.

For eighty years and more, until 1873, silver has been the standard of value in this country, and I repeat that the people will not permit the moneyed monopolists to drive it from the circulation, or destroy its power as money, by unpatriotic and selfish lust for personal gain. The United States is more interested in maintaining and upholding the value of silver money than any other country in the world. Her mines are richer, her resources are greater for the production of this metal than any other country on the face of the habitable globe. As stated, it is about equal in value annually to our gold, and with this exception and that of agriculture it is the greatest source of wealth in our land. To discredit it or banish it is to discredit and to banish the common wealth of the people. A policy so suicidal, so destructive of our material wealth, so much at war with our national prosperity, so in defiance of the popular will, that it should not receive the sanction of any branch of the Government. As late as 1870, silver bullion was of greater value than its nominal face indicated, so much greater indeed that the then Director of the Mint recommended the stoppage of its coinage because of its great bullion value. In a few years we find a revolution so great, in consequence of the legislation of the past several years, which had enriched the bondholder and the banker at the expense of the people, that the very men who then regarded it as too precious to constitute a part of the money of the country now say that for the converse reason it is so debased that it is unworthy to be recognized as money. They have exercised all their powers to destroy it, and in this effort it does seem that they are aided and encouraged by the present Secretary of the Treasury. In his recent report he recommends that he be authorized by the Federal Congress to discontinue the coinage of silver when the amount outstanding shall exceed $50,000,000. He seems to delight in issuing the bonds of the Government bearing interest that the tax-payers must meet. During the past twelve months, or a little more, his report shows that of these he has issued an amount aggregating $95,500,000. He can destroy the people's currency when permitted; he can hold as a reserve for the purposes of resumption, at the expense of the tax-payers, nearly $42,000,000; he can burn with avidity the fractional currency which formed a part of the people's currency; he can contract and continue to contract the currency until positively forbidden by law; he can look upon the wreck and ruin which his policy has entailed upon the luckless debtors of the country; but when he is authorized to have coined four millions of silver dollars per month, to be issued to supply the demands of commerce and trade, to be used in defraying the expenses of the Government, and thereby put in circulation as money among the people, he almost, in defiance of legislation, shows by his own report that up to December 2, 1878, in pretended compliance with the law, he had succeeded in having coined of standard silver dollars only 8,573,500; and now it seems that he would stop this coinage when 50,000,000 are coined, although from our mines alone silver bullion sufficient to coin that number of dollars can be procured every year of our existence.

Judging the future by the past, we may expect no friendly aid from him. Indeed we can expect no aid from any department of this Government except the legislative. The judiciary is powerless in the premises, the Executive has shown his hostility by his veto in the outset, the Secretary of the Treasury has unmistakably manifested that his sympathies are against the bill, and is using all the appliances and the means which his official position now give him to defeat as far as possible any beneficial results from it.

With these facts, then, before us, it becomes necessary to aid our former legislation by laws so specific that officers of the Government will not presume to nullify them. The bill presented by me from the Committee on Coinage, Weights, and Measures is a step in that direction. It proposes to make silver and greenbacks interchangeable at the Treasury, and to declare in effect that no discrimination shall be made against it as a part of the monetary system of the country.

When you pass it, it will show to the enemies of our former legislation on this subject that Congress is determined to uphold by all the power of the Government the silver dollar which it has authorized and created. I do not doubt that when this is done the war will still go on, and perhaps for many years to come it will abate nothing of its force. I believe that but a small part of the American people desire to act otherwise than in good faith toward the creditors of the Government, and the great regret is that the converse of that proposition is not true. It must be confessed that the great danger which should be apprehended by the creditors of the Government to them and their securities is that they may tax the patience and the endurance of the American people too far. After a while they may become tired of crouching between privileged masters and determine to break the chains that bind them to the wheel of this financial juggernaut; and should that time come with a revolution stronger and more sweeping than is now contemplated by their most zealous friends, and in it the moneyed monopolists shall be the losers by playing for too high a stake, they will have themselves and themselves only to censure. The people are not disposed to do wrong, and should they ever

so act that their conduct cannot be justified by the line and plummet of the strictest good faith and constitutional law it will be in consequence of impositions heaped upon them, which should not be borne by any free people. It will be when they have discovered that the Government which they believed to be bound to give them protection and succor has determined to regard them only as hewers of wood and drawers of water for the benefit of them who can look upon pictures of distress, of poverty, ruin, and despair with no eye of pity and no arm to save.

Mr. Speaker, the committee which authorized me to report this bill authorized me also to report another in the same direction, looking to the increase of the volume of our currency as well as to protect the ignorant and uneducated of our people. I allude to the bill authorizing the holders of the trade-dollars of 420 grains troy to take them to the Treasury of the United States and exchange them for the legal-tender silver dollars at par. This legislation I think is demanded by the good faith of the Government. While the trade-dollar is not by any law made a legal tender in payment of debts, yet it is authorized to be so stamped, so impressed at the mints of the Government, that it has been rendered easy for the speculators in the country to impose them upon the uneducated and the unsuspecting. It is a principle universal where the common law is recognized that where one of two innocent parties must suffer it must be he who has by his conduct rendered a loss necessary.

It is urged in objection to the passage of this bill that persons who have been hoarding the trade-dollar will be largely benefited should the bill become a law. This may be true, but no law was ever enacted in reference to finance that some individual or individuals were not more greatly benefitted thereby than were others. That a benefit might accrue to some is no reason why the Government should permit this coin to remain in existence at the expense of the ignorant people of the country. And unless some inducement is offered to the holders of it to bring it forward to the mints for the purpose of recoinage, it will still remain floating through the country and every day imposing upon the uneducated.

If the Government only proposes to pay for its bullion value, it surely will never come to the mints so long as it can be imposed on any number of our people as the equivalent of the standard silver dollar; and, in my judgment, it will be vain and futile to attempt to correct the evil which the bill now pending in regard to that coin seeks to prevent unless the Government shall adopt measures which will produce the effect desired.

There are in this country, according to the estimates of the Director of the Mint and the Secretary of the Treasury, about five millions of the trade-dollars in circulation. Thirty-five millions of them have been coined. The direct exportation of them to China is about twenty-five millions, and it is estimated that five millions more have found their way out of the country through different channels. Even should all of it be returned upon us after the passage of the bill referred to, we cannot in good faith on this account withhold the needed protection from the people; and should it be returned, although the Government may lose something between its actual bullion value and that which the Government must pay for it, yet its return will not be without a corresponding benefit to the people. It will give that much more silver to be coined into money recognized as legal, to pay our debts, both public and private. It will swell the volume of our currency, and as this is done industry will be quickened and prosperity will correspondingly prevail.

In conclusion, Mr. Speaker, I will add that the people are speaking out with tones that cannot be misunderstood that they expect to be righted upon these questions of finance. They ask nothing unfair, nothing that is not due them, and as their Representatives it is our duty to heed their demand. For years the policy of legislation has been dictated by Wall street in opposition to their best interests, and during all this period of time they have borne it with a patience scarcely paralleled in the history of any free people. This is their Government and they should control it; they bear its burdens and feel the effects of its policy and its measures. We are their agents, intrusted with their confidence, and in the exercise of good faith to them are bound to respect their will.

If there is any gentleman who desires to oppose this bill, I will accord to him the same amount of time I have occupied.

Mr. BREWER. If the gentleman will yield, I desire to propose a substitute.

Mr. MULDROW. I will not yield for an amendment; I will yield for remarks. I propose to ask the previous question.

Mr. BURCHARD. I hope the gentleman from Mississippi [Mr. MULDROW] will allow the amendment to be read. I am in favor of the proposition embraced in this bill. The gentleman from Michigan [Mr. BREWER] desires, I understand, to suggest something in the same direction, and I hope the gentleman from Mississippi will hear it read.

Mr. MULDROW. I consent that the amendment be read.

Mr. BREWER. The gentleman yielded the floor; he did not move the previous question, and I have the floor.

Mr. MULDROW. I have retained the right to the floor. I yield simply that the amendment may be read; I do not allow it to be offered.

Mr. BREWER. I insist, Mr. Speaker, that the gentleman did not move the previous question. He said he would yield the floor to somebody who desired to speak in opposition to the bill. I was recognized by the Chair for the purpose of proposing a substitute.

Mr. MULDROW. I stated distinctly that I yielded simply to allow some other gentleman to discuss the bill and to occupy the same amount of time I had consumed myself. I yielded for no other purpose.

The SPEAKER. The amendment will be read for information.

The Clerk read as follows:

That upon the presentation and delivery of any coins of the United States at the United States subtreasury in New York, to exchange therefor upon demand, to the extent and amount that such coins are by law a legal tender, an equal amount in United States notes; and all silver coins received under this act which by reason of abrasion shall be unfit for circulation shall be sent to the mint for recoinage.

Mr. MULDROW. I am not authorized by the committee to allow any amendment.

The SPEAKER. Is the gentleman instructed to demand the previous question?

Mr. MULDROW. I demand the previous question, unless some gentleman desires to discuss the bill.

Mr. BREWER. Have I not the floor?

The SPEAKER. The gentleman from Mississippi states that he yielded only for debate, and not for amendment.

Mr. BREWER. What course does the gentleman propose to take?

The SPEAKER. The remedy is with the House. If the House desires to amend the bill, all it has to do is to vote down the demand for the previous question.

Mr. BURCHARD. I ask the gentleman to yield to me, as I should like to be heard.

Mr. MULDROW. I yield to the gentleman from Illinois.

Mr. BREWER. I desire to say, as one of the members of the committee, that I apprehend neither this nor any other bill will pass this House to-night unless some such amendment as I have suggested is allowed to be offered, and members might as well understand it as well first as at last.

Mr. BURCHARD. Mr. Speaker, the proposition of the bill before the committee is substantially that recommended by the Secretary of the Treasury in his last annual report. He there calls attention to the fact that coin is not exchangeable or redeemable in each other or in other forms of money. He says:

Heretofore, the Treasury, in the disbursement of currency, has paid out bills of any denomination desired. In this way the number of bills of a less denomination than $5 is determined by the demand for them. Such would appear to be the true policy after the 1st of January. It has been urged that, with a view to place in circulation silver coins, no bills of less than $5 should be issued. It would seem to be more just and expedient not to force any form of money upon a public creditor, but to give him the option of the kind and denomination. The convenience of the public, in this respect, should be consulted. The only way by which moneys—

And this is what I wish to call attention to especially—

of different kinds and intrinsic values can be maintained in circulation at par with each other is by the ability, when one kind is in excess, to readily exchange it for the other. This principle is applicable to coin as well as to paper money. In this way the largest amount of money of different kinds can be maintained at par, the different purposes for which each is issued making a demand for it. The refusal or neglect to maintain this species of redemption inevitably effects the exclusion from circulation of the most valuable, which, thereafter, becomes a commodity, bought and sold at a premium.

Mr. HUBBELL. I see this bill makes this redemption take place at the Treasury in the city of Washington. I suggest whether it would not be better to say $50 or some multiple thereof.

Mr. BUCKNER. I have an amendment to offer in that regard.

Mr. HUBBELL. Otherwise there would be an unnecessary increase of clerical force here.

Mr. BURCHARD. I will answer the gentleman in a moment. The design of this bill is to secure the interchangeability of coin and paper. Our paper is now redeemable in coin, and coin should be exchangeable for paper. The people ought to have the right to the best money the Government issues, and the Government should keep its money, as the Secretary suggests, one kind equal to the other by making them interchangeable. It may be right to make them interchangeable at the mints. I am inclined to think it is better as proposed in this amendment suggested by the gentleman from Michigan [Mr. BREWER] to make them interchangeable at the subtreasury instead of making them interchangeable at Washington.

In framing this bill the purpose was to answer every excuse made by certain banks for their discrimination against the legal-tender coins of the United States. They say they only propose to do what the Government does; that it will not take legal-tender coins in exchange for paper or other coins, and they ought not to be required to do or censured for not doing what the Government will not do—give paper for legal-tender silver coins. The Secretary himself recognizes the principle of this bill. It is in the line of the policy of resumption. It will afford greater convenience to the people and will answer all objections made to receiving and treating silver coins as the money of the country.

Mr. PATTERSON, of Colorado. Let me ask the gentleman a question.

Mr. BURCHARD. Certainly.

Mr. PATTERSON, of Colorado. May not the holders of the trade-dollars, under the provisions of this bill, present them at the United States Treasury and compel the Government to pay them in return United States notes for every trade-dollar that is presented?

Mr. BURCHARD. In my judgment they could under the phraseology of the bill.

Mr. PATTERSON, of Colorado. One other question.

Mr. BURCHARD. Personally I have no objection to that, but I should prefer this measure should be relieved of any embarrassment which would result from including trade-dollars among the coins. If I had charge of the bill, which I have not, I would permit an amendment to answer that objection in the same line with the substitute of the gentleman from Michigan, [Mr. BREWER.]

Mr. PATTERSON, of Colorado. I should like to ask the gentleman another question. Having made an affirmative answer to my first question, must he not also know it will enable the holders of thirty-five million of trade-dollars, worth only eighty-two cents on the dollar, to present them at the Treasury and receive one hundred cents on the dollar? In other words, will it not result in an immense speculation to the few men who have been gathering together the trade-dollars for the past eighteen months?

Mr. BURCHARD. I am very glad to answer the gentleman. In the first place, although thirty-five million of trade-dollars have been issued, it appears from the reports there are not $5,000,000 in this country. They have been sent abroad where the silver exchange is favorable to their exportation, and they will not come back in my judgment, because they have gone to China and Japan and to nations which want silver as part of their circulation. When they do come back here, if they should, those that are in circulation will of course be exchangeable to the same extent as other coins are; but I do not care to debate that proposition, because, as I understand, that proposition is before the Committee on Coinage, Weights, and Measures, and I knew that a bill has been sent to that committee, and I heard that it was to be reported by itself. I am willing so far as I am concerned that this proposition shall be disembarrassed of the proposition to make the trade-dollar a legal tender or to make it exchangeable. I should be willing if I had charge of the bill to insert there the words "full legal tender," which would exclude the trade-dollar.

Mr. MULDROW. I desire now to yield two minutes to the gentleman from Illinois, [Mr. LATHROP,] who desires to oppose the bill.

Mr. EDEN. Before the gentleman does that, I desire to ask my colleague [Mr. BURCHARD] if he understands that the trade-dollar is embraced in this bill as coin which would be exchangeable for currency?

Mr. BURCHARD. They have been declared legal tender to the extent of $5. They have been declared technically legal tender, but they are not now legal tender.

Mr. LATHROP. I rise to oppose this bill, because it is a violation of every principle recognized in respect to metallic money. The idea of a people having a metallic money redeemable into paper is such a contradiction of terms and principles that it seems to me impossible that this House can be ready to adopt it as a proposition. The only theory of metallic money is, that it is absolute value; that when it passes, it passes because it is value. The only value of paper money is, that it is a promise to pay in these, absolute value. And the idea of stamping out coin, and forcing its circulation as value, and then saying to the man who holds it that it is redeemable in a promise to pay, I think is nonsense. And if it was not for the fact that it is capable of enacting a real imposition upon the people, I would not have any special objection to it. It is a fact that we cannot deny, that the dollar is only worth about eighty-five hundredths of the value of a gold dollar. It is another fact, that, right or wrong, the gold dollar is now by law made the unit of value in our monetary system. We have piled up one hundred and thirty-five millions of gold in the Treasury at this moment, and the moment this bill is passed any one who can get a silver dollar, I do not care whether he has paid gold value for it or not, can draw a gold dollar upon it, so that when this silver dollar is put in circulation, it is simply exchangeable first into paper and then into gold. It has never been the policy of the Government to make one kind of full legal-tender metallic money redeemable into another.

Mr. STEPHENS, of Georgia. Will my colleague on the committee [Mr. MULDROW] yield to me for a moment?

Mr. MULDROW. I yield to the gentleman for as long as he desires.

Mr. STEPHENS, of Georgia. I only want a few moments, Mr. Speaker.

This bill does not touch the trade-dollar and I do not wish it incumbered with the trade-dollar. That is in another bill which we have here, but I wish to state that I concur entirely with the gentleman on my right, that we ought to make the trade-dollar a legal tender. It contains 420 grains of silver, standard silver, and our standard dollar contains but 412½ grains, and yet we are told that the trade-dollar with 7½ more grains of silver in it is only worth eighty-two cents. How is that? Simply because we do not make it a legal tender throughout the country. Now I trust that the amendment of the gentleman from Michigan [Mr. BREWER] will be voted on.

This bill does not touch the trade-dollar. That question will come afterward. His amendment is in the same line as this bill, but I hope we shall have a vote upon it now.

Mr. PATTERSON, of Colorado. Will the gentleman from Mississippi yield to me for a few moments?

Mr. MULDROW. I will.

Mr. PATTERSON, of Colorado. If this bill does not compel the Government to redeem the trade-dollar whenever presented, then language fails to convey any idea whatever, and if the committee did not intend to have this bill redeem the trade-dollar, then the gentleman from Illinois who introduces the bill, because it is reported *in haec verba*, as he introduced it, he certainly has imposed upon the Committee on Coinage, Weights, and Measures. I do not mean it in any offensive sense, but the language of the bill is that upon the presentation of any silver coin of the United States at the Treasury of the United States the Treasurer shall redeem it to the extent and amount such coins shall have been declared by law a legal tender. Not coins that are now a legal tender, but coins that may be hereafter made legal tender.

Now the working people of this country are not interested in this measure. Thirty-five millions of this character of coin have been coined in this country. From five to ten millions every year have been passing out and discounted, simply received by merchants, bankers, and individuals at the bullion value, from eighty-two to ninety cents on the dollar; and it is a fact well known that for the last year, anticipating this very legislation, a few individuals and corporations have been gathering these dollars together for the purpose of winning and gaining the premium to be offered to them by your legislation without any consideration whatever.

Mr. BURCHARD. I ask the gentleman to yield to me for a moment.

Mr. MULDROW. How long?

Mr. BURCHARD. For one minute.

Mr. BREWER. I thought I was to be allowed an opportunity to introduce my amendment.

Mr. MULDROW. I yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. I desire to say in answer to the remark of the gentleman from Colorado [Mr. PATTERSON] that I must have imposed upon the Committee of Coinage, Weights, and Measures, that I have not been before that committee at all; I have not seen a single member of the committee in regard to this bill, except the gentleman from Michigan, [Mr. BREWER,] who spoke to me about it.

Mr. PATTERSON, of Colorado. Do not the gentleman from Illinois and the Committee on Coinage, Weights, and Measures differ about this bill as to its effects?

Mr. BURCHARD. The gentleman from Colorado [Mr. PATTERSON] asked me a question and I frankly told him what my opinion was. I told him that it was not my intention to include the trade-dollar in this bill, but that perhaps the bill might include it. And I asked the gentleman from Mississippi [Mr. MULDROW] to allow me to offer an amendment to insert the word "full" before the words "legal tender," so that the bill would read "shall have been declared by law a full legal tender." That would relieve the bill of all embarrassment, because the trade-dollar has never been declared a legal tender for more than $5. I myself am in favor of including the trade-dollar, but I do not care to have it in this bill.

Mr. BREWER. If I could have had the privilege of offering my substitute when I first proposed it, all this discussion might have been avoided. And if my colleague on the committee [Mr. MULDROW] will yield to me now I will offer my substitute.

Mr. MULDROW. I will yield to have the amendment offered and voted on; I have no authority to accept it.

The SPEAKER. The amendment can be offered; it is for the House to determine about it.

The Clerk read the amendment, as follows:

That upon presentation and delivery of any coins of the United States at the United States subtreasury in New York to exchange therefor, upon demand to the extent and amount that such coins are by law a legal tender, equal amounts of United States notes; and all silver received under this act which by reason of abrasion shall be unfit for circulation shall be sent to the mint for coinage.

Mr. STEPHENS, of Georgia. I hope the House will vote in that amendment.

Mr. PATTERSON, of Colorado. I think that meets the——

Mr. MULDROW. I now call the previous question.

Mr. BREWER. I desire to say——

Mr. MULDROW. I will yield to the gentleman for one minute.

Mr. BREWER. I do not understand that I am to be limited to one minute; if I am, I do not wish to propose an amendment at all. My colleague on the committee has yielded to others for ten or fifteen minutes, to others who are not members of the committee.

Mr. MULDROW. I will yield any reasonable time to the gentleman; say five minutes. How much does the gentleman want?

Mr. BREWER. Five minutes is all that I desire; perhaps not that much.

Mr. MULDROW. I will yield to the gentleman for five minutes.

Mr. BREWER. This substitute in substance agrees with the bill. I have made a few verbal changes in the bill for the purpose, as I thought, of perfecting it. The first change is to make these coins redeemable at the subtreasury in New York instead of at the Treasury in this city. My reason for that change was that at the subtreasury in New York there is a place for keeping these coins, while here in this city there is no place to keep any large amount of them.

The second change I have made was for the purpose of obviating the very difficulty in regard to the trade-dollar which has been under discussion here to-night. There are perhaps many here who would not object to voting for the bill of the committee because it might include trade-dollars to the amount of $5. But as there is a measure pending and to be reported by the Committee on Coinage, Weights, and Measures which will cover the entire amount of trade-dollars

now in circulation, I think that subject should be included in and be disposed of by one bill.

The bill as presented here to-night by the gentleman from Mississippi [Mr. MULDROW] who has charge of it, if it should become a law, would in my judgment compel the Treasury Department to redeem trade-dollars when presented in amounts of $5. I do not think there can be any question upon that point. I believe that the statement made here by the gentleman from Colorado [Mr. PATTERSON] was entirely correct. I have changed the phraseology of that portion of the bill so that instead of reading "to the extent and amount that such coins shall have been declared by law a legal tender," it shall read "coins that are a legal tender by law." That obviates the whole difficulty.

The other change which I have made in the bill is simply to enable the Government, when these coins shall have been decreased in value by reason of abrasion, to recoin them and put them in circulation again. That is all the change from the original bill which my substitute proposes. It is merely for the purpose of perfecting the bill.

Mr. BUCKNER. Would the gentleman's amendment include the subsidiary coins as well?

Mr. BREWER. Certainly it would; my substitute does not make any change in that respect, because the subsidiary coins are now a legal tender to the amount of $5.

Mr. MULDROW. Although I have no authority to accept the amendment of the gentleman from Michigan, I am willing it shall be offered and voted upon. I now demand the previous question on the bill and amendment.

Mr. GARFIELD. I hope the gentleman will not press a bill of this importance without reasonable opportunity for discussion.

Mr. MULDROW. The same opportunity for discussion has been had upon each side of the House.

Mr. GARFIELD. It seems to me that is hardly enough. I have not yet heard from any man a full statement of the real purposes of the bill; and it seems to me we ought to know exactly what the bill is before we order the previous question on it. I ask the gentleman to let the debate run on.

Mr. MULDROW. At the outset I stated the purport of the bill. It is a very short one, and every gentleman can read it for himself. Its object is to make greenbacks and silver dollars interchangeable—to authorize a man who has a silver dollar to take it to the Treasury and exchange it for a greenback dollar.

Mr. HUBBELL. I hope gentlemen will understand that this is a proposition to drive out of circulation every silver dollar that is in circulation to-day, and put it into the Treasury.

Mr. MULDROW. The object is to put the silver dollar in circulation, and keep it there.

Mr. BRIGHT. I would like to ask the gentleman from Mississippi [Mr. MULDROW] one question. It seems there is some doubt about the construction of this bill; and I wish to know from him whether the committee in reporting it intended to include the fractional silver as a part of the legal-tender coinage and to authorize the exchange of such silver for legal-tender notes.

Mr. MULDROW. It was intended to include the standard silver dollar of 412½ grains.

Mr. BRIGHT. The bill unfortunately does not say so.

Mr. MULDROW. The amendment offered by the gentleman on the other side, and which is to be voted on by the House, cures any defect in that respect.

Mr. BRIGHT. Will the gentleman permit me to inquire why the committee have restricted this exchange to the city of Washington, or as now proposed to be extended to the city of New York; not extending it to all the subtreasuries in the United States, so as to give all citizens of all sections equal advantages?

Mr. MULDROW. I will say that the object of the committee was to do all that they thought necessary to put the silver dollar upon an equality with the greenback dollar; and they believe this bill will subserve that purpose. I move the previous question.

Mr. BRIGHT. I think the bill ought to be open to amendment.

The SPEAKER. If a majority of the House desire to amend the bill, the remedy is to vote down the previous question.

The question being taken on seconding the call for the previous question, there were—ayes 28, noes 65.

So the previous question was not seconded.

Mr. GARFIELD. Mr. Speaker, in the absence of any authentic commentary upon this bill, which would enable me to know precisely what is meant by it, and what public end it seeks to subserve, I am compelled to state what strikes me as its effect from the hurried examination which we are allowed to give it. For some sixteen years we have been struggling with whatever force we could to achieve the resumption of specie payments; that is, to make our outstanding legal-tender paper notes redeemable in coin at the will of the holder. Fortunately for this country and its business that has been accomplished. But we are now confronted with a proposition to redeem in paper. Having struggled for sixteen years to reach redemption in coin, we are asked to turn round and redeem in paper. It seems to me this is the fair inference from the reading of the proposition. The language of the bill on the Clerk's desk is, "any coins of the United States, being a legal tender, either in full or in part." Of course this includes the one-cent pieces, the two-cent, the three-cent, and the five-cent pieces, or the quarters, the halves—all the subsidiary coins—and the silver dollar. These are to be redeemed in paper on presentation by their holder at the subtreasury in New York. When it is thus proposed that, having redeemed our paper in coin, we shall turn around and redeem our coin in paper, I must confess the meaning of such a proposition is a little beyond my comprehension.

Mr. CONGER. Allow me to ask the gentleman whether he is not willing to allay the anxiety of the holders of gold for the passage of a bill assuring them that they can convert it into rags if they choose? [Laughter.]

Mr. GARFIELD. Well, my friend only increases the intellectual tangle in which I find myself in the endeavor to understand this proposition.

I never was a very strong advocate of the issue of the silver dollar of 412½ grains. I did believe, and I do earnestly believe, in utilizing silver and making it in some honorable, fair, permanent way a portion of our metallic currency.

But if I were the worst enemy the silver dollar ever saw I should not want a better bill than this to prevent absolutely the circulation of that dollar among the people of the United States. This House has been trying for this year past to make easy the getting into circulation of the silver dollar. They have gone so far as even to pay expressage as matter of administration and send the silver dollar to all portions of the country where the people are willing to take it to get it into circulation. The Treasury is doing all in its power to disseminate the silver dollar and to get the people into the habit of using it; and now while on the one hand we are seeking to push it out into circulation, here is a bill to invite every one who has a pocket full of dollars, or a bag or a box full to bring them to the Treasury and get the greenbacks for them. If this is done it absolutely stops all the effectiveness of the processes at work to disseminate and circulate the silver dollar among the people and to habituate them to its use, for the result will be that the Treasury will become the general vault of all the silver coin in the United States which anybody chooses to put there, and we will still keep coining it and piling it up and pushing a little out, only to have it rushed back upon us every time a dollar goes out and any man chooses to bring it back.

Has any man looked into the question to inquire what additional force will be needed in the Treasury to count the kegs and tierces and hogheads full of one-cent and two-cent pieces and nickels and ten-cent pieces which may come back into the Treasury to be exchanged for greenbacks?

Mr. LATHROP. Is not the gentleman aware the five-cent pieces and all coins below five-cent pieces are now redeemable in United States notes?

Mr. GARFIELD. They are within limitations, it is true; but the gentleman desires to make a wholesale business of it. This seems to be really on the principle of the boy who, a few weeks ago, saw for the first time a ten-dollar gold piece, and looked at it and showed it to his father, and said "Papa, this is a very pretty thing, can I get the money for it?" [Laughter.] This seems to be a way to enable the boys, women, and men of the country "to get the money" for their coin. It provides, if they have that curious thing we have hitherto called coin, they can go to the Treasury and get the money for it. If anybody can show me any practical good to come out of this curious, magical process of first redeeming the paper in coin and then redeeming the coin in paper, he will show me what I have never heard explained or seen developed anywhere in the region of financial discussion. I yield for ten minutes to the gentleman from New York.

Mr. CHITTENDEN. Mr. Speaker, except for the touch of gross injustice in this bill, which, according to the gentleman from Georgia, is not intended, I am for it. If this bill does not touch thosebits of silver bullion which have been cut up for the convenience of the Japanese and Chinese, and which are known as trade dollars, if it does not allow their conversion into greenbacks I am for it. I am for it for the reason that the gentleman from Ohio has suggested, that it makes sure that every surplus silver dollar of 412½ grains coined by the Government of the United States will go directly into its vaults and remain there until the lock-up becomes intolerable. I entered myself, two or three weeks ago, into the great vault in New York which has been built to receive these silver dollars. They are going into that vault at the rate of hundreds of thousands every week. They are imported from California at the cost for freight of $12 for every thousand, paid to the Union Pacific and other railroads. They are piled up there as useless, as obnoxious to the financial welfare and prosperity of this country, in my judgment, as if they were pitched into the bottom of a great well. There is not a member of this House who does not know that if he were to convert his property into silver dollars of 412½ grains and sink it into his well he would make a fool of him.

I do not hesitate to say that this Government of ours in investing its capital in dollars which cannot go beyond our border, which no man can use to pay his voyage to Europe, which are not interchangeable anywhere for anything we want, for anything we buy or pay for outside of our lines, which we will not sell anything for to any foreigner; for, be it remembered, all the cotton, grain, pork, and other products of our country we sell for gold abroad, and nothing else—I say the coining of this silver bullion, which is the product of our country, and always available for its full value as active capital, into

these dollars which nobody really wants, which our own people will not take or have forced upon them; there is not a man in this House who will take as many as ten of them if he can avoid it—I say such coinage is foolish beyond measure. I am willing the process should go on, for I believe every man on this floor who takes an intelligent view of it on coming here next December will see the thing as it is. We cannot put our real capital into useless silver dollars and pile them up in the great vault in New York and hide them there without feeling the process by and by as an individual feels the loss of capital sunk in the ocean or destroyed by fire.

I am for the bill before us if the gentleman from Mississippi will exclude from it the trade-dollar. I am for it because in effect it gives every man who has any of the legal-tender silver dollars in his pockets his own option to take in exchange greenbacks or gold. The result would be sure and satisfactory. It will work according to the laws of commerce and of common sense, and then we shall have just as many silver dollars in circulation as we want, and no more. Those that are not needed will go into the Treasury.

I would make them even redeemable in gold. The Government calls them dollars, but they are clipped dollars and a swindle until the Government redeems them in good dollars. I am deeply mortified that I did not vote for the bill which the gentleman from Tennessee [Mr. WHITTHORNE] unwittingly reported the other day. It was not a printed bill and I did not discover its true character until after I had voted and read it the next morning in the RECORD. I told him immediately that if he would bring it in again I would vote and work for it to cure the Government swindle of passing off an eighty-five-cent dollar for one hundred cents. Then it can no longer be said that the Government is forcing off upon the people a part of a dollar for a whole dollar. When the bill of the gentleman from Tennessee [Mr. WHITTHORNE] becomes a law, every silver dollar will be redeemable in gold. That is honest and right.

Now, then, the gentleman from Mississippi has taken one step in the right direction, but the trade-dollar spoils his bill. There are thirty millions ready to come home and be redeemed in sums of $5 as soon as you pass such a bill as this. It is the most unjust proposition we are capable of. It is a bid for bullion in this shape now owned in China and Japan of $5,950,000—at the quotation of silver in London five days ago—in excess of the price now paid to our own countrymen!

Mr. Speaker, I will not believe that the members of this House will with their eyes open vote for this proposition which invites these $30,000,000 which are now in China and Japan to come home to us at such a monstrous premium. I will vote now and every day until it becomes a law to make the greenback, silver, and gold dollars interchangeable—I speak of the silver dollar of 412½-grains—that cures the mischief. It will not cure all the mischief at once, but it will bring it to a conclusion in due time. No man can carry these dollars in his pocket, no farmer can safely hold them, and no banker can keep them to any extent without cost and loss. They are a costly delusion. I am perfectly sure that every gentleman on this floor who is coming to the next Congress and who takes the trouble to study the question free of prejudice, who consults his constituents at home or who circulates among them, will be ready to stop their coinage by the end of the year. In the meanwhile I go for the bill of the gentleman from Mississippi, if he will allow the trade-dollar to be excluded from its operation.

Mr. GARFIELD. I now yield ten minutes to my colleague from Ohio, [Mr. COX.]

The SPEAKER. Does the gentleman desire to occupy the floor himself?

Mr. GARFIELD. I do, after I have yielded to two or three other gentlemen.

Mr. BREWER. Does the gentleman make any motion which entitles him to the floor?

The SPEAKER. The vote of the House voting on the previous question moved by the gentleman from Mississippi was an adverse vote, and, of course, debate is open and the bill open for amendment.

Mr. MULDROW. Has the gentleman from Ohio an hour?

The SPEAKER. He has one hour, but the Chair is under obligation to recognize the gentleman from Texas, [Mr. MILLS.] He will recognize the gentleman from Ohio after the gentleman from Texas has spoken.

Mr. GARFIELD. If the Chair made an engagement of that sort I am willing that he shall keep it, and then I will take the floor and yield ten minutes to my colleague.

Mr. BREWER. I believe my amendment is pending, and I thought perhaps I would be entitled to this hour myself.

The SPEAKER. The Chair will try to be exactly fair in the disposition of the time. The evident purpose of the House has been to throw the bill open to debate and amendment. The Chair recognizes that fact by the vote in the negative upon the demand for the previous question, but at some time or other the Chair must recognize the gentleman from Mississippi to test the sense of the House upon the amendments and upon the bill.

Mr. MILLS. I wish to state a few reasons why I favor this bill, and to reply to some of the remarks made by the gentleman from Ohio [Mr. GARFIELD] and the gentleman from New York, [Mr. CHITTENDEN.]

The gentleman from Ohio says that there has been an effort on the part of the Secretary of the Treasury to get these dollars into circulation, and that if this bill is passed the dollars instead of going into circulation will come back into the Treasury again, and the very object they have been seeking to obtain will be lost. Now, I can see some good to be derived by getting this silver currency into the Treasury and greenbacks into circulation, and for this reason, the law requires the Secretary of the Treasury to pay out of the money that comes into the Treasury from customs a certain proportion on the interest and sinking fund of the public debt.

We cannot pay greenbacks or Treasury notes either in the discharge of the interest or principal of the public debt. That debt is still standing upon the shoulders of the American people, and increasing month by month. Two years ago it was $1,700,000,000, a year ago it was $1,800,000,000, and to-day it is over $1,900,000,000. Now, if this silver comes into the Treasury, it may be paid out in the payment of the interest and principal of our bonds, but greenbacks cannot be paid in that way.

Why should the Secretary of the Treasury annoy himself about paying expressage in order to send this money out into the country and get it into circulation, when the law requires him to pay it upon the bonds? He can pay it in that way every day; there need not remain one dollar of it in his vaults. If he will pay it out on the bonds, will not the bondholders put it into circulation? Will they hold it? Not at all. They will want to make something by their money, and they will put it into circulation.

All the efforts of the Treasury Department made in the interest of the bondholders, in determining that they shall be paid in gold and not in silver, thwarts that purpose of the law. All these efforts that are being made by the Treasury Department are simply for the purpose of throwing a stockade around the holders of the securities of the Government of the United States, and compelling the people of the United States to pay the bondholders in a preferred money.

The gentleman from New York [Mr. CHITTENDEN] talks to us about the "eighty-five-cent dollar." Why is the dollar of 420 grains of silver worth less than the dollar of but 412½ grains? Why is it that the dollar of 412½ grains of silver is at par with gold, while the dollar of 420 grains of silver is at a discount? Why is the dollar of 420 grains worth only eighty-five cents while the dollar of 412½ grains is worth one hundred cents in gold? It is purely a matter of legislation; purely because you have debased the dollar of 420 grains, and have refused to give it that money function which will enable you to pay your debts with it.

You will not pay the dollar of 420 grains to your public creditor, and you will not permit it to pass from citizen to citizen in payment of private debts. It is nothing practically but a piece of uncoined silver.

Now, sir, it is a principle of political economy that everything takes value in proportion to the uses to which it may be applied. When you gave to the silver dollar of 412½ grains the legal-tender quality, did it not at once spring up in value from the clipped dollar which my friend from New York [Mr. CHITTENDEN] denounced a few years ago? Did he not then call it an eighty-five-cent dollar? We know that he did. Yet the moment it had bestowed upon it the power of paying debts, the fictitious value which you had given to your gold dollar came down. It was not that the silver dollar went up. You had given a fictitious value to gold by making it a coin to circulate between the importer, the Treasury of the United States, and the bondholder. It went through the hands of three parties and never got out of that charmed circle.

But the moment you permitted silver to enter into circulation as money, you gave a value to silver, and that value you extracted or subtracted rather from gold. Now, I am not alarmed about the country being flooded with silver money. I have heard that cry for two or three years past, and I have felt no alarm in regard to it. I wish that the thirty-five millions of trade dollars which have been issued were in the country to-day and were a legal tender in payment of public and private debts. I wish that all the Mexican dollars that are now in circulation in some portions of the United States were also legal tender for the payment of public and private debts.

What would be the effect of it? It would add to the volume of our circulation; and just in proportion as you add to the quantity of money in circulation you decrease its value, in obedience to the common and well-established law of political economy, and you add to the value of all the property and all the labor in the country just in the same proportion that you take it away from the money.

It is in the interest of the people and it is for them that we should legislate and not be continually throwing our vantage around the bondholders and favored classes of legislation. We should legislate in the interest of the laboring, toiling people of the United States, and make as much of this standard silver of one function as it is possible for us to make. [Cheers and applause.]

Mr. GARFIELD. Before I yield to my colleague, [Mr. COX,] which I propose to do in a moment, I desire to enter a motion to recommit this bill to the Committee on Coinage, Weights, and Measures. I now yield to my colleague.

Mr. COX, of Ohio. I am one of those who have steadily supported all movements in favor of the coinage of silver. I trust that all gentlemen who have stood in a like position will at least give heed to the fact that has been stated by my friend from New York [Mr. CHITTENDEN] as an earnest expression of the belief of an intelligent

man who does not believe in the silver dollar, that a bill like this will suit his views better than it will ours. So much is clear.

Secondly, what has just been said by the gentleman from Texas [Mr. MILLS] is, as I believe, outside of this bill, because the provision of this bill is that only such notes shall be paid out as are in the Treasury of the United States and belonging to the Government. This, then, is not openly or in any disguised way an attempt to print and issue unlimited legal-tenders. The operation of the bill is confined to those notes belonging to the United States which are in the Treasury.

Now, suppose we start with $20,000,000, $30,000,000, or $40,000,000 of legal-tender notes in the Treasury; what will be the natural process of business? The Government collects some $240,000,000 annually, or about $20,000,000 every month, in the way of taxes, direct and indirect, which have to be paid into the Treasury. Every tax-payer has the right to pay in the silver dollar or any other kind if he likes. By the regular payments into the Treasury you get, and in that way alone do we get, what is to be paid out by the Government. If the people of the United States prefer to keep the paper money and pay in the silver dollars, they have a perfect right to do so; and then you get no paper money into the Treasury. If, on the other hand, they prefer to keep the coin in circulation, then the notes will go in.

Without seeking to inquire whether my friend from New York is right or whether those who dissent from his views are right, it is sufficient to say that the present system, without any meddling with it, provides that if the silver dollars are not desired by the people they thereby become, under the natural operation of the laws of trade, a little less valuable in some sense than the other forms of currency, and they will go into the Treasury to the full extent of all the money that lawfully may be collected from the people—$240,000,000 a year. Now, if the people do not choose to pay in the silver dollars, if they prefer to keep them out, what utter nonsense it is for us to say that in some way or other we are going to give credit to these dollars by making them exchangeable for paper. The laws of trade will take care of that matter; and we who have tried in good faith to make the silver dollar equally valuable with gold can afford at least to take warning from my friend from New York and to understand that those who occupy his standard think we would be cutting off our own noses if we should pass a bill like this. The people have the right at present either to pay in silver dollars or not, as they choose. Under this bill the Government cannot pay out anything except what it gets by way of taxation. Your tax system is the full measure of all the money that goes into the Treasury. Let the people pay in the coin if they wish to do so, and then you have nothing else there. This, it seems to me, is all there is of it.

Mr. GARFIELD. I now yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. Mr. Speaker, if the distinguished gentleman from Ohio, [Mr. GARFIELD,] by whose courtesy I hold the floor, is really in earnest in favoring the circulation of the silver dollar and opposes this bill because it may prevent a free and full circulation of that coinage, I congratulate him and the country. I am glad to have him as an ally of those of us who have struggled for three years, insisting that the silver dollar of 412½ grains should be coined, should be a legal tender, and should be treated by the Government of the United States as one of the full legal-tender coins of the country. I am afraid it is not because the gentleman earnestly desires the circulation of the silver dollar that he opposes this bill.

A few moments ago, probably before the honorable gentleman came into the Hall this evening, I read some remarks from the last annual report of the Secretary of the Treasury, who, as no one will doubt, is in favor of resumption, is in favor of maintaining the best coin and the best standard of value, and I believe has been inclined to favor a single standard rather than a double standard. In this report the Secretary announces a principle which I believe to be true, and which I think will be assented to by every student of political economy. He says that the only way by which moneys of different kinds and different intrinsic values can be kept in circulation at par with each other is by the ability, when one coin is in excess, to readily exchange it for the other. He goes on to explain that principle in its application to coin, and says "this principle is applicable to coin as well as paper money." This principle the Secretary of the Treasury recommends, and the substitute proposed by the gentleman from Michigan [Mr. BREWER] has, I believe, received the scrutiny of some of the officers of the Treasury, although of that matter he can speak better than I can.

Mr. BREWER rose.

Mr. BURCHARD. I have not time to yield to the gentleman; he will have the opportunity, I hope, to speak in his own time.

It seems to me that the people are entitled to have as their circulating medium the best money, whatever it may be, whether it is paper money or gold coin or silver coin; and, as the Secretary of the Treasury says, by making these interchangeable, the one for the other, you will prevent any premium or discount of the one above or below the other. You will also prevent such a combination as the bankers of New York lately entered into by which they determined to discriminate against the silver dollar of 412½ grains. If silver dollars are made thus exchangeable, the people will use as money all the silver dollars needed for their convenience; and when there is an excess beyond the demands of business, I am not for having the excess circulate. I think that such excess should go into the Treasury. The trouble is, gentlemen are afraid that, to meet the interest on the public debt, to meet the obligations of the Government, the Treasury will hold not gold coins, but silver dollars, and will perhaps be compelled, as gentlemen I believe say the law will permit, if not require, to pay in legal-tender silver dollars the bondholders, instead of holding gold in the Treasury to meet such obligations or to speculate upon.

If you pass this measure it will prevent any such discrimination and make futile any such efforts on their part; therefore I think the Secretary is right in recommending this principle, which is sound and ought to prevail.

Mr. GARFIELD. I yield five minutes to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, I desire to offer an amendment. I do not see why we should not receive coin on deposit in the Treasury of the United States from whoever desires to deposit it, but I do not see any necessity for paying out in exchange for it United States notes, but in lieu thereof I would deliver to the persons making deposit certificates of deposit, payable to the bearer on demand. This will save loss from the abrasion and wear of the metal; the certificates will have the coin behind them, and will therefore be stable in value, and will circulate in lieu of the coin.

The certificate is preferable, to be given in exchange for the coin, to the legal-tender note, for the reason that the Treasurer may not have the legal-tender note to exchange, and for the further reason that when the coin is taken out of circulation and exchanged for the note, that contracts the currency by the amount of coin deposited. Whereas if you deposit the coin and receive certificates of deposit, they circulate as money, and do not affect the volume of legal-tender notes.

I ask the Clerk to read my amendment.

The SPEAKER. The gentleman from Ohio has entered a motion to recommit.

Mr. GARFIELD. I withdraw it for the purpose of allowing the amendment to be offered.

The Clerk read as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

That upon delivery of any coins of the United States to the Treasurer of the United States in sums of $1 or any multiple thereof, the Treasurer shall deliver certificates of deposit therefor, payable to bearer, and which shall be redeemed upon demand in like coin as deposited.

Mr. CANNON, of Illinois. The amendment may not be perfect, for I had but a moment to prepare it, but I think it is in the right direction.

Mr. BURCHARD. I wish to offer an amendment to insert "full" before "legal tender."

The SPEAKER. Two amendments are already pending.

Mr. GARFIELD. I now yield for three minutes to the gentleman from North Carolina, [Mr. ROBBINS.]

Mr. ROBBINS. As I understand this bill, Mr. Speaker, it promotes the coming back of silver into the Treasury for paper, and instead of being a bill to promote the circulation of silver it is a bill to promote the congestion of silver and the returning of it into the Treasury. I am opposed to the bill. It is a good bill for the resumptionists who wish to "squelch" silver out of circulation, but I cannot see that it can promote the circulation of silver at all.

Mr. GARFIELD. I yield now for one minute to the gentleman from Connecticut.

Mr. WAIT. Mr. Speaker, in the minute the gentleman gives me I wish to say that after we have had our paper currency appreciated from the time when it was worth only thirty-five cents on the dollar in gold until now a paper dollar is equal in value to a dollar in gold, the effect of this bill will be to depreciate our paper currency and put it down so that it will be worth but eighty-five cents instead of one hundred cents on the dollar. The whole legislation, as I look upon it, will be injurious to the business interests of this country.

Mr. FRANKLIN. Is not a gold dollar worth more than eighty-five cents now?

Mr. WAIT. Yes, sir; it is worth one hundred cents.

Mr. FRANKLIN. Cannot you get a gold dollar under resumption for a legal-tender dollar?

Mr. WAIT. Yes, sir.

Mr. FRANKLIN. Then how do you reconcile with that fact your statement this bill will make the legal-tender worth only eighty-five cents on the dollar?

Mr. WAIT. Any legislation which will put out a currency only worth eighty-five cents on the dollar and compel the people to receive it as if worth one hundred cents on the dollar is a swindle.

Mr. FRANKLIN. Everything, according to the dictum of the bondholders, is a swindle which increases the amount of money in circulation.

Mr. WAIT. You might with as much fairness claim that by legislation you could make a coin in copper that you called a dollar equal in value to a gold dollar. I say it would be simply a fraud upon the public.

Mr. FORT. I hope the bill will not pass; but if allowed I will offer a substitute for it.

The SPEAKER. A substitute has been offered for the original bill by the gentleman from Michigan, [Mr. BREWER.] Two amendments are in order to the original text and one to the substitute. There can-

not be two or three substitutes pending at the same time except by unanimous consent.

Mr. GARFIELD. Let there be unanimous consent that they may be considered as pending; at least let the amendment be read for information.

The SPEAKER. The Chair hears no objection.

The Clerk read as follows:

That every national banking association shall hereafter report to the Comptroller of the Currency, in the statement required by section 5211 of the Revised Statutes, the amount of gold coin and silver coin received and paid out since its last report, showing separately the amount of legal-tender silver dollars received by it, and whether on general or special account, and how deposited, how treated, and how paid out; and whether such bank, or any of its officers acting for it, has refused to receive, treat, deposit, or pay out such silver dollars as other lawful money of the United States; and whether any distinction or discrimination has been made in the transaction of such banking association against any of the legal-tender coins of the United States. Whenever it shall appear from such report, or be otherwise proven, that any national banking association, or any of its officers acting for it, has refused to receive, treat, deposit, and pay out legal-tender silver dollars in the same manner as other lawful money of the United States, such banking association shall be subject to a penalty of $100 for every such transaction, to be imposed by the Comptroller of the Currency in the manner provided by section 5013 of the Revised Statutes, and collected by deducting such penalty from the interest on the bonds deposited by such bank in the Treasury to secure its circulation.

Mr. GARFIELD. I renew my motion to recommit the bill with the pending amendments.

Mr. MULDROW. There is a point of order pending upon the amendment offered by the gentleman from Illinois.

The SPEAKER. The gentleman from Mississippi [Mr. MULDROW] made the point of order that the amendment proposed by the gentleman from Illinois is a bill now pending before the House, and under Rule 48 is not entitled to be offered as an amendment to this bill.

Mr. GARFIELD. I wish to say, in conclusion, that if the gentleman from Illinois disputes the force of my argument as to the effect of this bill on silver, all I have to say about it is, that I do not think the gentleman has answered the point I made. I want to say further, that for myself I want to be loyal to the Treasury of the country. I have done all I could in civil legislation. I believe that, and all the coinage and currency laws of the country ought to be faithfully and honestly tried, and if good they will approve themselves, and if not they will not be approved. General Grant never said a wiser thing than when he said that the best way to defeat a bad law was to enforce it, and if the civil law is a bad law the best way is to enforce it honestly and thoroughly. But I believe we are in a condition now when we ought not to tinker with our financial legislation. We have achieved a great measure in resumption, and the country is adjusting itself to the new condition of things, and business is beginning to revive, and if we will let the status remain what it is, and enforce the law, we shall do the very best thing which it is in the power of Congress to do. I believe this bill to be unwise, as throwing an element of uncertainty into all the relations of the different forms of commerce and trade. The gentleman from Illinois says that he is in favor of the doctrine of interchangeability in the different standards of moneys. Why not apply that to gold and silver? Why not make silver coin redeemable in gold? He has not carried out that idea in this bill. This is a crude and imperfect attempt to carry out the idea of interchangeability.

But there is another thing. Suppose a man goes to the Treasury and receives half a million of dollars due him for some purpose, and he is paid in coin, he can turn straight around and call for paper. Now, to test the sense of the House, I move the previous question on the motion to recommit the bill, and if the House wants more debate they can vote it down.

Mr. MULDROW. I hope the gentleman will withdraw it for a moment.

Mr. GARFIELD. I will withdraw it if I can have an opportunity to renew it.

Mr. MULDROW. The committee will not have an opportunity to report again during this session, and if this measure be recommitted to the committee it destroys all hope of its passing this session.

Mr. STEPHENS, of Georgia. Will the gentleman yield to me a moment? I will renew the call for the previous question.

Mr. GARFIELD. I will.

Mr. STEPHENS, of Georgia. I do not wish to protract this debate. I want to vote.

Mr. GARFIELD. So do I.

Mr. STEPHENS, of Georgia. Mr. Speaker, if the House is satisfied with the bill, let them pass it; if not, let them reject it. They certainly understand it. It is utterly useless to recommit it. The able and learned gentleman from Ohio [Mr. GARFIELD] who has just taken his seat presented the view that this is a step backward; that after we have got to the point of resumption, that is, of redeeming paper with coin, it is now proposed to redeem coin with paper. That, sir, is not the object of this bill at all. Its object is simply to make all our currency, gold, silver, copper, nickel, or anything else that has the stamp of money upon it, equal——

Mr. GARFIELD. By law?

Mr. STEPHENS, of Georgia. Yes, equal by law.

Mr. GARFIELD. Fiat money?

Mr. STEPHENS, of Georgia. We have no "fiat money" that I know of by that name. We have national-bank currency and United States notes known as greenbacks. These are made legal-tenders by act of Congress. If this be fiat money, be it so. Congress has power to coin money and regulate the value thereof, and in my judgment it is the duty of Congress to make all its legal currency equal in value and interchangeable. All the existing differences between the trade-dollar, the debased silver halves and quarter dollars, and the standard gold and silver dollars, ought to be remedied by law. Such differences are a great wrong; they mislead the ignorant and cheat labor; they constitute a blot upon the honor and integrity of the Government.

Where is the wrong in it, righting this evil? I see great good in it for commercial purposes. Whatever has the Government stamp of money upon its face should be of equal value in law.

I do not intend to go into any discussion now upon the subject of resumption, or how it will work; but I do say that the gentleman seems to have sources of information which I do not possess, and the good news of rising prosperity in the country caused by resumption must come to him from some section of the country with which I am not acquainted, if industry and trade and prosperity are reviving. Sir, there is no such feeling in that section from which I come or from those through which I have recently passed. Prostration of all business, bankruptcy, and ruin prevail there; but I will not go into that question now. My opinion is that the best thing we could do for this country to-day would be to authorize the issue of gold and silver bullion certificates to the extent of $500,000,000. That will be, sir, the best currency any country ever had. We do not want silver nor gold for circulation. We have passed that stage of civilization. We want a currency based upon these precious metals. Let the coin remain in the vaults of the Treasury. Let us have United States notes or coin certificates. What the people want is a paper currency for circulation; not an inflated or spurious one or barely "fiat" currency, but a sound one—a currency every dollar of which issued has a dollar in the precious metals to back it in the Treasury.

The next bill which I intend to report to-night, as soon as we get through with this one, is one looking to that result. I see no harm in this bill. I told the gentleman from New York [Mr. CHITTENDEN] that it did not touch the trade-dollar. I wish it did. But I am for taking one thing at a time. This bill does not touch the trade-dollar. It establishes equality between United States notes and United States gold coin and silver coin or any other coin having the Government stamp of money upon it.

I now renew the motion for the previous question, which I hope will be sustained. I trust that then the motion to recommit will be voted down and that we will without further debate take a vote upon the bill.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I move to reconsider the vote by which the main question was ordered; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was taken upon the motion of Mr. GARFIELD to recommit the bill with pending amendments to the Committee on Coinage, Weights, and Measures; and upon a division there were—ayes 58, noes 68.

Mr. GARFIELD. No quorum has voted.

Tellers were ordered; and Mr. GARFIELD and Mr. MULDROW were appointed.

The House again divided; and the tellers reported—ayes 61, noes 64.

No further count being called for the motion to recommit was not agreed to.

The first question was upon the amendment of Mr. BURCHARD to the original bill, to insert the word "full" before the words "legal tender;" so that it will read "such coins shall have been declared by law a full legal tender."

Mr. TOWNSHEND, of Illinois. I ask consent of the gentleman from Mississippi [Mr. MULDROW] to affer an amendment.

Mr. MULDROW. I cannot give consent.

The SPEAKER. That requires unanimous consent of the House.

Mr. TOWNSHEND, of Illinois. I apprehend that if the amendment is read no objection will be made to it.

Several members objected.

The SPEAKER. Objection is made.

The amendment of Mr. BURCHARD was agreed to.

The question was upon the substitute offered by Mr. BREWER for the bill as amended.

Mr. BREWER. I have modified the substitute by inserting one or two words which I omitted when I offered it.

The SPEAKER. That requires unanimous consent.

There was no objection.

The substitute, as modified, was read, as follows:

That upon the presentation and delivery of any coins of the United States at the United States subtreasury in New York, the subtreasurer shall exchange therefor upon demand, to the extent and amount that such coins are by law a legal tender, an equal amount of United States notes; and all silver coins received under this act which by reason of abrasion shall be unfit for circulation shall be sent to the Mint for recoinage.

Mr. STEPHENS, of Georgia. That is right.

Mr. PRICE. Suppose the subtreasury does not have United States notes; what is the man to do then?

Mr. STEPHENS, of Georgia. Then he would not get them.

The question was taken upon the substitute; and it was agreed to.

The SPEAKER. The question is upon ordering the bill as amended to be engrossed and read a third time.

Mr. CANNON, of Illinois. I have an amendment pending.

The SPEAKER. The amendment of the gentleman was in the nature of a substitute. The substitute offered by the gentleman from Michigan [Mr. BREWER] having been adopted by the House, it cannot now strike out what it has just inserted. Had that substitute been voted down, then the one of the gentleman from Illinois [Mr. CANNON] would have been in order to be voted upon. But should it now be voted on and adopted, the effect will be to strike out that which the House has just inserted.

Mr. CANNON, of Illinois. Why not, if my amendment was pending by unanimous consent?

The SPEAKER. The House by its action has shut out any other substitute or amendment.

Mr. CANNON, of Illinois. But that amendment of mine was in the nature of a substitute also. It strikes out all after the enacting clause, and was offered subsequently to the one of the gentleman from Michigan.

The SPEAKER. The permission given by the House was merely to have the amendment of the gentleman from Illinois [Mr. CANNON] pending, so that in case of adverse action on the prior substitute it could be voted upon. But it is not competent for the House now to strike out words which it has just inserted.

Mr. BUCKNER. Is it in order now to offer any amendment to the substitute that has been adopted?

The SPEAKER. It is not, because the previous question is operating.

Mr. CRITTENDEN. I ask consent to amend the substitute by inserting after the words "subtreasury at New York" the words "and all other subtreasuries."

The SPEAKER. That requires unanimous consent.

Mr. KEIFER. I object.

Mr. ROBBINS. Is it in order now to move to lay this bill on the table?

The SPEAKER. It is.

Mr. ROBBINS. Then I make that motion.

The question was taken upon the motion to lay the bill upon the table; and upon a division there were—ayes 61, noes 64.

Mr. ROBBINS. No quorum has voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. GARFIELD. I call for the yeas and nays; that will save time.

The yeas and nays were ordered.

Mr. TIPTON. I desire to ask my colleague [Mr. BURCHARD] a question.

The SPEAKER. Debate is not in order.

Mr. TIPTON. It is not in the nature of debate, but that we may understand the bill.

The SPEAKER. If it is a parliamentary inquiry it should be addressed to the Chair.

Mr. TIPTON. The bill as now amended reads "a full legal tender."

Mr. BURCHARD. That was the original bill as amended; a substitute has been adopted.

The SPEAKER. And the pending question is upon the motion of the gentleman from North Carolina [Mr. ROBBINS] to lay on the table the bill as amended by the adoption of the substitute, upon which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 61, nays 67, not voting 160; as follows:

YEAS—61.

Aldrich,	Eames,	Killinger,	Sampson,
Bagley,	Evans, I. Newton	Lathrop,	Sexton,
Blair,	Evans, James L.	Maish,	Shallenberger,
Brewer,	Foster,	McGowan,	Smith, A. Herr
Briggs,	Garfield,	McKinley,	Stewart,
Bundy,	Hardenbergh,	Metcalfe,	Stone, John W.
Campbell,	Henderson,	Mitchell,	Strait,
Cannon,	Hubbell,	Morse,	Thompson,
Cole,	Humphrey,	Neal,	Tipton,
Conger,	Hungerford,	Oliver,	Wait,
Covert,	Ittner,	O'Neill,	Ward,
Cox, Jacob D.	Jones, Frank	Overton,	Williams, C. G.
Cummings,	Joyce,	Peddie,	Williams, Richard.
Danford,	Keifer,	Price,	
Deering,	Keightley,	Robbins,	
Dwight,	Ketcham,	Robinson, M. S.	

NAYS—67.

Aiken,	Cutler,	Harris, Henry R.	Rea,
Boone,	Davis, Joseph J.	Harris, John T.	Roberts,
Bouck,	Dibrell,	Hartzell,	Ryan,
Bright,	Durham,	Herbert,	Scales,
Brogden,	Eden,	Hewitt, G. W.	Smith, William E.
Buckner,	Elam,	House,	Sparks,
Burchard,	Ellis,	Kenna,	Steele,
Cabell,	Evins, John H.	Ligon,	Stephens,
Caldwell, John W.	Felton,	Majors,	Throckmorton,
Caldwell, W. P.	Finley,	Marsh,	Townshend, R. W.
Candler,	Fort,	Martin,	Turney,
Cobb,	Franklin,	McKenzie,	Whitthorne,
Collins,	Garth,	McMahon,	Williams, Jere N.
Cook,	Giddings,	Mills,	Wilson,
Cox, Samuel S.	Goode,	Muldrow,	Young, Casey
Cravens,	Hamilton,	Patterson, G. W.	Young, John S.
Crittenden,	Hanna,	Patterson, T. M.	

NOT VOTING—160.

Acklen,	Culberson,	Jorgensen,	Robinson, G. D.
Atkins,	Davidson,	Kelley,	Ross,
Bacon,	Davis, Horace	Kimmel,	Sapp,
Bailey,	Dean,	Knapp,	Sayler,
Baker, John H.	Denison,	Knott,	Shelley,
Baker, William H.	Dickey,	Landers,	Singleton,
Ballou,	Dunnell,	Lapham,	Sinnickson,
Banks,	Eickhoff,	Lindsey,	Slemons,
Banning,	Ellsworth,	Lockwood,	Smalls,
Bayne,	Errett,	Loring,	Southard,
Beebe,	Ewing,	Luttrell,	Springer,
Bell,	Forney,	Lynde,	Starin,
Benedict,	Freeman,	Mackey,	Stenger,
Bicknell,	Frye,	Manning,	Stone, Joseph C.
Bisbee,	Fuller,	Mayham,	Swann,
Blackburn,	Gardner,	McCook,	Thornburgh,
Bland,	Gause,	Money,	Townsend, Amos
Bliss,	Gibson,	Monroe,	Townsend, M. I.
Blount,	Glover,	Morgan,	Tucker,
Boyd,	Gunter,	Morrison,	Turner,
Bragg,	Hale,	Muller,	Vance,
Brentano,	Harmer,	Norcross,	Van Vorhes,
Bridges,	Harris, Benj. W.	Page,	Veeder,
Browne,	Harrison,	Phelps,	Waddell,
Burdick,	Hart,	Phillips,	Walker,
Butler,	Haskell,	Pollard,	Walsh,
Cain,	Hatcher,	Potter,	Warner,
Calkins,	Hayes,	Pound,	Watson,
Camp,	Hazelton,	Powers,	White, Harry
Carlisle,	Hendee,	Pridemore,	White, Michael D.
Caswell,	Henkle,	Pugh,	Wigginton,
Chalmers,	Henry,	Rainey,	Williams, Andrew
Chittenden,	Hewitt, Abram S.	Randolph,	Williams, James
Claflin,	Hiscock,	Reagan,	Willis, Albert S.
Clark, Alvah A.	Hooker,	Reed,	Willis, Benj. A.
Clarke of Kentucky,	Hunter,	Reilly,	Willits,
Clark of Missouri,	Hunton,	Rice, Americus V.	Wood,
Clark, Rush	James,	Rice, William W.	Wren,
Clymer,	Jones, James T.	Riddle,	Wright,
Crapo,	Jones, John S.	Robertson,	Yeates.

During the roll-call the following announcements were made:

Mr. HARRIS, of Georgia. My colleague, Mr. BELL, is absent on account of indisposition.

Mr. HARDENBERGH. The gentleman from Mississippi, Mr. SINGLETON, is paired with the gentleman from New York, Mr. TOWNSEND. If present, Mr. SINGLETON would vote "no" and Mr. TOWNSEND "ay."

Mr. LIGON. My colleague, Mr. SHELLEY, is paired with the gentleman from New Jersey, Mr. PUGH. Mr. SHELLEY, if present, would vote "no."

Mr. EDEN. My colleague, Mr. KNAPP, is detained from the House by illness.

Mr. MORSE. I have been requested to announce that the gentleman from Ohio, Mr. SOUTHARD, is paired with the gentleman from Pennsylvania, Mr. WATSON; that the gentleman from Maryland, Mr. KIMMEL, is paired with the gentleman from Maine, Mr. POWERS; and that the gentleman from Indiana, Mr. CALKINS, is paired with the gentleman from Louisiana, Mr. ACKLEN.

Mr. COVERT. My colleague, Mr. BEEBE, is paired with my colleague, Mr. BAKER, of New York; my colleague, Mr. WILLIS, of New York, is unavoidably detained from the House. My colleague, Mr. VEEDER, is absent by reason of illness.

Mr. McKENZIE. I have been requested to announce that my colleague from Kentucky, Mr. CLARKE, is paired with the gentleman from Indiana, Mr. CALKINS, and my colleague, Mr. BLACKBURN, with the gentleman from Maine, Mr. REED.

Mr. MAYHAM. I am paired with my colleague, Mr. BACON.

Mr. HERBERT. My colleague, Mr. FORNEY, is absent in New York by order of the House. If present, he would vote as he thought right.

Mr. MAISH. My colleague, Mr. STENGER, is absent by order of the House. My colleague, Mr. CLYMER, is absent on account of illness. I do not know how either of these gentlemen would vote.

Mr. EVINS, of South Carolina. The gentleman from Florida, Mr. DAVIDSON, is detained at his room.

Mr. HENKLE. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN.

Mr. CLARK, of Iowa. I am paired with the gentleman from Mississippi, Mr. MANNING. If he were here, he would vote in the negative and I should vote in the affirmative.

Mr. TIPTON. On political questions I am paired with my colleague, Mr. SPRINGER, who is absent by order of the House; but as I do not understand this to be a political question, I vote in the affirmative.

Mr. ROBINSON, of Massachusetts. I am paired with the gentleman from Louisiana, Mr. ROBERTSON. His colleagues inform me that if present he would vote "no." If at liberty to vote, I would vote "ay."

Mr. WILLITS. I am paired with the gentleman from North Carolina, Mr. VANCE. If he were present, I should vote in the affirmative.

Mr. GARDNER. On this question I am paired with the gentleman from Georgia, Mr. BLOUNT. If he were present, I should vote in the affirmative.

Mr. OVERTON. My colleague, Mr. BAYNE, is paired with the gentleman from Kentucky, Mr. TURNER.

Mr. EAMES. My colleague, Mr. BALLOU, is absent by leave of the House.

The vote being announced,

Mr. GARFIELD said: I raise the point that no quorum is present. This question is too important to be decided by less than a quorum.

The SPEAKER. No quorum has voted.

Mr. PATTERSON, of Colorado. I move that the House now adjourn.

The question being taken, there were—ayes 54, noes 44.

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

Mr. STEPHENS, of Georgia. I hope the gentleman will withdraw the demand for the yeas and nays. There is no quorum present, and we may as well adjourn.

The yeas and nays were not ordered.

So the motion to adjourn was agreed to; and accordingly (at nine o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAIR: The petition of Mrs. Whitney Breed, Mrs. Marion Hatch, and 65 other ladies, of Alstead, New Hampshire, for the enforcement of the laws against polygamy—to the Committee on the Judiciary.

By Mr. CHITTENDEN: The petition of Henrietta Chase, for a pension—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of Jefferson Borden and others, of Fall River, Massachusetts, for the establishment of a signal station on Block Island—to the Committee on Appropriations.

Also, the petition of William Lewis and others, of New Bedford, Massachusetts, of similar import—to the same committee.

By Mr. DAVIS, of California: Memorial of the Chamber of Commerce of San Francisco, California, favoring an appropriation for the construction of a revenue-marine steamer for service in Alaskan waters, and for the adoption of some economical form of civil government in Alaska—to the Committee on Commerce.

By Mr. ERRETT: The petition of manufacturers of Pittsburgh, Pennsylvania, that the duty on tin plate be fixed at two and one-half cents per pound—to the Committee of Ways and Means.

By Mr. GARFIELD: The petition of 150 officers and members of the Women's Christian Temperance Union of Andover, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, papers relating to the pension claim of Sarah M. Birdsall—to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of citizens of Williamsburgh, Virginia, for an appropriation to improve Archer's Hope River—to the Committee on Commerce.

By Mr. HAZELTON: The petition of Mrs. Sturgis and 38 others, of Richland Centre, Wisconsin, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Mrs. E. C. Rockwell and 16 others, of Forest, Wisconsin, of similar import—to the same committee.

Also, the petition of Mrs. S. A. Miner and 76 others, of Richland Centre, Wisconsin, of similar import—to the same committee.

Also, the petition of Mrs. C. M. Henderson and 74 others, of Platteville, Wisconsin, of similar import—to the same committee.

By Mr. HOUSE: The petition of Appleton P. Clark and others, for the extension of the Capitol grounds from First to Second streets east and from B street north to B street south, in Washington, District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. JONES, of Alabama: The petition of Olivia Godbold, that her war claim be referred again to the southern claims commission—to the Committee on War Claims.

By Mr. KIDDER: Memorial of the Legislative Assembly of Dakota Territory, for the creation of a new land district and the location therein of a land office in said Territory—to the Committee on Public Lands.

By Mr. LANDERS: The petition of Mrs. Charles Fuller and 110 others, of Ellington, Connecticut, for legislation to make effective the anti-polygamy laws—to the Committee on the Judiciary.

By Mr. LORING: The petition of Mrs. Julia R. Emery and 36 others, of Taunton, Massachusetts, of similar import—to the same committee.

Also, a paper relating to the petition of Reuben E. Fitts, for a pension—to the Committee on Invalid Pensions.

By Mr. RICE, of Ohio: The petition of Henry Barton, for a pension—to the same committee.

By Mr. WAIT: The petition of Josie J. Clark and others, of Canterbury, Connecticut, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. WARD: The petition of women of Downingtown, Pennsylvania, of similar import—to the Committee on the Territories.

Also, the petition of Kennett monthly meeting of Friends, of Chester County, Pennsylvania, for the passage of the Senate bill providing for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. WRIGHT: The petition of women of West Pittston, Pennsylvania, for such legislation as will make effective the anti-polygamy law of 1862—to the same committee.

IN SENATE.

SATURDAY, *February* 8, 1879.

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

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

CREDENTIALS.

Mr. GARLAND presented the credentials of JAMES D. WALKER, chosen by the Legislature of Arkansas a Senator from that State for the term beginning March 4, 1879; which were read and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, submitting a report of the commission appointed under the provisions of the act approved May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, in relation to the reduction in salary and number of clerks in his office; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report from Major C. B. Comstock, Corps of Engineers, on the cost of different classes of work on lake surveys from June 30, 1871, to June 30, 1878, which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, transmitting the petition of Assistant Surgeon Henry McElderry, United States Army, setting forth the injustice that will be done him if the proposed rearrangement of assistant surgeons goes into effect; which was referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from Major-General Irvin McDowell, commanding the military division of the Pacific, recommending an appropriation of $23,000 to pay the city of San Francisco for improving Bay street along the southern boundary of the military reservation of Point San José, California; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of the Quartermaster-General of the measures taken to secure from railroad companies through tickets and through rates of transportation on requests issued by the Quartermaster's Department; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Adjutant-General of the Army, asking for twenty-five additional clerks for his office; which was referred to the Committee on Appropriations.

SMITHSONIAN REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting his annual report of the operations, expenditures, and condition of that Institution for the year 1878; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present the memorial of the Westfield Cigar Company, of Westfield, and several other citizens of that town, in the State of Massachusetts, engaged in the manufacture of cigars, remonstrating against the passage of House bill No. 5430 and an amendment thereto pending in this body, providing for a coupon stamp upon each and every cigar smoked by the free citizens of these United States. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the memorial of W. E. Boyer, and others, citizens of Schuylkill County, Pennsylvania, engaged in the manufacture of cigars, remonstrating against the passage of the bill (H. R. No. 5430) to secure more efficient collection of the revenue on cigars; which was referred to the Committee on Finance.

Mr. SAUNDERS presented the petition of Susanna Bishop, Margaret A. Clark, Caroline M. Closson, and 40 other ladies, of Nebraska, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. SARGENT presented the petition of Benjamin Flint and others, citizens of San Francisco, California, who suffered losses by the payment of war premiums, praying for relief out of the fund appropriated for that purpose; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present a memorial, signed somewhat extensively by citizens of New York interested in the subject, remonstrating against the proposed change of method in stamping cigars by attaching a so-called coupon stamp. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FERRY presented the memorial of Kirby, Furlong & Co. and other firms and individuals, of Michigan, remonstrating against the repeal of the law prohibiting the purchase of foreign ships; which was referred to the Committee on Commerce.