

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 10, 1880.

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.

INTEROCEANIC CANAL.

Mr. REAGAN. I ask unanimous consent to introduce now a joint resolution which I propose, if the opportunity is offered to me, to present as a substitute for the resolution of the Committee on the Inter-oceanic Canal.

Mr. PAGE. I object.

Mr. BURROWS. I rise to a parliamentary inquiry, and that is whether under Rule XXIV anything is in order after the reading of the Journal except the regular order?

The SPEAKER. By unanimous consent these matters may be presented.

Mr. BURROWS. Does not unanimous consent suspend the rules?

The SPEAKER. It is equivalent to a suspension of the rules; but anything can be done by unanimous consent.

Mr. BURROWS. The third clause of that rule provides, however, the regular order shall not be dispensed with except by a two-thirds vote.

The SPEAKER. The Chair will examine that point and determine it when it comes up. He is obliged to the gentleman for having called his attention to it.

Mr. REAGAN. All I ask is this may be printed in the RECORD. It will not hurt any one to read it. It takes a different view and I want, if I can get the opportunity, to offer it as an amendment. I do not wish to do so without giving members an opportunity, in the first place, of knowing what it is.

Mr. PAGE. I have no objection to having it read for information.

Mr. REAGAN. That is all I ask.

Mr. PAGE. But not that it shall be considered as pending as a substitute.

Mr. REAGAN. No, sir; I do not propose that.

The SPEAKER. The subject is not before the House.

Mr. REAGAN. I only ask to have it read and printed in the RECORD so that it may be known what it is when it comes up hereafter to be offered as a substitute.

Mr. PAGE. Then I withdraw my objection to its being read.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That while we recognize the general interest of the whole commercial world in the use of a ship-canal or railroad across the isthmus connecting North and South America, and while we will respect that interest if such a line of inter-oceanic communication shall be established, we declare that as the establishment of such a line of communication would practically connect and make continuous the Atlantic and Mexican Gulf and Pacific coast lines of the United States, and as the United States would have a great local, as well as a general, interest in this work in common with the other commercial powers of the earth, and as the political control of such a line of communication would be vitally necessary to her commercial interests and to the preservation of her territorial integrity and political independence, we will insist, whenever and by whomsoever such a project shall be commenced, on such political control of it as will give security to our commercial and political interests.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. No. 474) for the relief of William McGovern; when the Speaker signed the same.

WEAVER BILL.

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. I hold in my hand the petition of John Miller and 88 others, of Iowa County, State of Iowa, praying this House to take a ye-and-nay vote on the "resolutions introduced by Mr. WEAVER and printed in the RECORD of the 27th of February." To what committee does this belong?

The SPEAKER. It belongs to the committee to which the proposition went.

Mr. WEAVER. The proposition has not gone to any committee. I have been seeking recognition for a long time for that purpose.

The SPEAKER. The gentleman can select the proper committee and have it referred through the petition-box.

Mr. WEAVER. I will refer it to the Committee of the Whole House on the state of the Union, if there be no objection.

The SPEAKER. The petition is not before the House for that reference. The rules provide for the reference of petitions and prescribe the manner in which they shall be referred. This, of course, must conform to the rules.

ORDER OF BUSINESS.

Mr. McLANE. I move to dispense with the morning hour to-day in order, if possible, to dispose of the pending bill in the House.

Mr. GOODE. I call for the regular order.

The SPEAKER. The question will be taken upon the motion of the gentleman from Maryland to dispense with the morning hour.

The House divided; and there were—ayes 93, noes 54.

Mr. McLANE demanded tellers.

Mr. BUTTERWORTH. I would like to have the House understand the object of this motion.

Mr. McLANE. The object of it is to give one more hour for debate on the pending bill.

The SPEAKER. The Chair supposed the object of the gentleman was to give an additional hour to debate.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. I desire to know whether under Rule XXXVIII the rules can be suspended.

The SPEAKER. The rules provide that the morning hour can be dispensed with by a two-thirds vote.

Mr. McLANE. I renew the demand for tellers.

Tellers were ordered; and Mr. McLANE and Mr. BURROWS were appointed.

The House divided; and the tellers reported—ayes 108, noes 55.

So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

Mr. HAYES. I call for the regular order.

Mr. CONGER. I move to reconsider the vote by which the morning hour was not dispensed with; and also that that motion be laid upon the table.

Mr. HOOKER. It is not necessary to make that motion. I call for the regular order.

The SPEAKER. It is not usual to move a reconsideration of a vote requiring two-thirds.

Mr. WILSON. Can I be allowed unanimous consent to introduce a bill for reference?

Mr. HAYES. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at thirty-five minutes past twelve o'clock.

Mr. HAZELTON. I rise to a parliamentary inquiry. I desire to ask in reference to this point: On the 28th of February, when the House had under consideration Rule XXIV, the question came up—

The SPEAKER. The Chair thinks that is not a parliamentary inquiry.

Mr. HAZELTON. I will come to the parliamentary inquiry directly.

The SPEAKER. The Chair will suggest that the gentleman reserve it until after the morning hour. The Chair does not want the morning hour destroyed in this way.

Mr. HAZELTON. I will ask to be recognized after the morning hour.

JOHN B. SLACK.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 875) for the relief of John B. Slack; and the same was laid on the table, and the accompanying report ordered to be printed.

JESSE DURNELL.

Mr. WHITTHORNE also, from the same committee, reported back, with an adverse recommendation, the petition of Jesse Durnell, second-class pilot of the United States Mississippi squadron; and the same was laid on the table, and the accompanying report ordered to be printed.

J. H. MERRILL.

Mr. WHITTHORNE also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 1356) for the relief of J. H. Merrill; and the same was laid on the table, and the accompanying report ordered to be printed.

COLLISIONS ON THE WATER.

Mr. WHITTHORNE. I am also instructed by the Committee on Naval Affairs to report back the bill (H. R. No. 4430) to provide a commission for the examination of existing and proposed rules for preventing collisions on the water, and for framing such rules as shall be in consonance with and in furtherance of the interests of international law, accompanied by a report in writing and a letter from the Secretary of the Navy. I move that the bill and report and letter of the Secretary of the Navy be printed and recommended to the Committee on Naval Affairs.

Mr. CONGER. Does that bill relate to the merchant-marine service?

Mr. WHITTHORNE. If the gentleman from Michigan will allow me I will state that the bill has reference to the framing of a code of rules for the government of United States vessels on the high seas as well as of the marine or coast service. The object of the bill is to harmonize the rules for both. I ask that the bill be recommended, and the accompanying report and executive document printed, so that the Committee on Commerce and the Committee on Naval Affairs may consider the matter together.

The SPEAKER. The motion is not debatable.

Mr. CONGER. The point is whether the bill should be referred to the Committee on Naval Affairs or the Committee on Commerce, which has charge of all subjects connected with the merchant marine.

The SPEAKER. The Committee on Naval Affairs already have this subject-matter before them, and all they ask is that the bill and report be printed and recommended.

Mr. CONGER. This is the first opportunity we have of telling whether this matter is properly in the hands of the Committee on Naval Affairs or not.

Mr. WHITTHORNE. I will state to the gentleman from Michigan

that there is harmony between the chairman of the Committee on Commerce and myself in this matter.

Mr. CONGER. Very well.

The bill and accompanying reports and executive document were recommended to the Committee on Naval Affairs, and ordered to be printed.

MRS. AGNES E. FRY.

Mr. WHITTHORNE also, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 495) for the relief of Mrs. Agnes E. Fry, widow of Joseph Fry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DOUBLE-TURRETED MONITORS.

Mr. WHITTHORNE. I am also instructed by the Committee on Naval Affairs to report a joint resolution in response to so much of the President's message and accompanying documents as refers to the condition of the double-turreted monitors now in course of construction. If it be in order, I ask for the present consideration of the joint resolution. It directs the Secretary of the Navy to organize a board, and that board to report back this information to Congress, the information being deemed material in the consideration of bills pending before the committee and the House.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, directed to organize a board, to consist of not less than five nor more than seven officers of the United States Navy, selected at his discretion from the active and retired list, none of whom shall be of a lower grade than captain, which board shall be organized immediately after the passage of this resolution, and shall be charged with the duty of thoroughly examining in person the double-turreted monitors, with a view of determining, first, whether it is to the interest of the Government to complete said vessels, to wit, the Puritan, the Monadnock, the Amphitrite, and the Terror; second, if so, whether it is to the interest of the Government to complete them according to the existing plans, models, and agreements; third, if any change is demanded in order to make said vessels more efficient as war vessels; to inquire into the extent and character as well as cost of such modifications, and also inquire into any other fact material to each of these questions; and of all which they will make report to the Secretary of the Navy, who shall at once transmit the same, with his opinions thereon, to Congress.

The SPEAKER. The gentleman from Tennessee, by instruction of the Committee on Naval Affairs, asks unanimous consent that the joint resolution which has just been read be considered at this time. Is there objection?

There was no objection, and the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels, &c., was read three times and passed.

SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

Mr. GOODE, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2788) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer; and the same was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DOCKAGE OF PRIVATE VESSELS AT NAVY-YARDS.

Mr. GOODE. I am instructed also by the Committee on Naval Affairs to report back, with a favorable recommendation, the bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage of private vessels at the several navy-yards of the United States. I move that it be referred to the Committee of the Whole on the state of the Union, and that the accompanying report be printed.

The SPEAKER. The Chair suggests that this bill has the right to be placed on the House Calendar.

Mr. GOODE. It involves indirectly an appropriation of money, as it may take money from appropriations made under existing law.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CAPTORS OF THE RAM ALBEMARLE.

Mr. HARRIS, of Massachusetts, from the same committee, reported, as a substitute for House bill No. 3489, for the relief of the captors of the ram Albemarle, a bill (H. R. No. 5045) to refer the claims of the captors of the ram Albemarle to the Court of Claims; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

MOVABLE TORPEDOES.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 5046) to provide for experiments in movable torpedoes; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

PROFESSORS OF LANGUAGES AND DRAWING IN NAVAL ACADEMY.

Mr. BREWER, from the same committee, reported back with amendments the bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy.

The SPEAKER. To which Calendar does the gentleman desire to have this bill referred?

Mr. BREWER. To the House Calendar.

Mr. GARFIELD. When the Calendar shall be reached, suppose it is found that a point of order would lie against this bill?

The SPEAKER. Any time before the actual consideration of a bill a point of order would lie against it under the very terms and language of the new rule.

Mr. WHITTHORNE. In view of that intimation, though the gentleman from Michigan, [Mr. BREWER,] and probably the Committee on Naval Affairs, might agree that the bill reduced expenditures rather than increased them, as there may be a technical objection to the bill, I ask my colleague on the committee to consent that it may be referred to the Committee of the Whole on the state of the Union.

Mr. BREWER. I have no objection to that reference.

The bill, with amendments, was accordingly referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PROFESSORS OF MATHEMATICS IN THE NAVY.

Mr. BREWER, from the same committee, reported, as a substitute for House bill No. 672, a bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the House Calendar.

SUFFERING POOR IN IRELAND.

Mr. COX, from the Committee on Foreign Affairs, to whom had been referred a joint resolution (H. R. No. 140) expressing sympathy for the sufferings of the Irish people and for their attempt to secure the blessings of self-government; a joint resolution (H. R. No. 141) expressing sympathy for the Irish, and asking the President to urge upon the English government measures for their relief from landlord rule; a joint resolution (H. R. No. 193) providing national aid for the relief of the suffering poor in Ireland, and making an appropriation therefor; and the memorial of the Saint Paul Chamber of Commerce in behalf of an appropriation for the people of Ireland, reported the same back, together with a joint resolution as a substitute therefor (H. R. No. 238) providing national aid for the relief of the suffering poor of Ireland, and making an appropriation therefor; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. COX. I ask that the minority of the committee, if they shall see proper to do so, be given leave to submit at any time the views of that minority in writing, to be printed with the report of the majority.

There was no objection, and it was so ordered.

DIPLOMATIC AND CONSULAR OFFICERS.

Mr. KING, from the same committee, reported back, with amendments, the bill (H. R. No. 4675) to provide for the payment of diplomatic and consular officers while in the United States under orders from the State Department.

The SPEAKER. Is there a written report accompanying this bill?

Mr. KING. There is not.

The SPEAKER. The new rule requires that there should be one.

Mr. COX. I ask that the gentleman have leave to file a report during to-day.

The SPEAKER. Unanimous consent can be given to the gentleman from Louisiana [Mr. KING] to file a report on this bill to-day. The new rule, which the gentleman probably has overlooked, requires that there shall be a written report to accompany each bill reported from a committee.

There was no objection.

The bill and amendments were referred to the House Calendar, and the report when filed ordered to be printed.

TONNAGE DUTIES.

Mr. RICE. I am directed by the Committee on Foreign Affairs to report back with amendments the joint resolution (H. R. No. 96) authorizing the Secretary of the Treasury to make final adjustment of the claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties, with a report, accompanied by the views of the minority of the committee. I move that the joint resolution be referred to the Committee of the Whole on the Private Calendar, and that the report of the majority, together with the views of the minority, be printed.

Mr. CONGER. This bill relates to public laws or to public treaties, and should be referred to the Committee of the Whole on the state of the Union.

Mr. RICE. I have no preference as to which Calendar it shall go to, but the claim grows out of acts in contravention of public treaties.

Mr. CONGER. Although it may be for the benefit of these particular steamship companies, it modifies the general law.

Mr. COX. It is not a public bill.

The SPEAKER. The bill seems to be for the benefit of private individuals. The Chair does not think it changes any treaty stipulation; in fact it could not do that.

Mr. COX. It proposes to refund certain moneys to steamship companies.

The SPEAKER. The Chair is advised that a similar bill in the last Congress was referred to the Committee of the Whole on the Private Calendar.

Mr. CONGER. I understand that it is to relieve certain vessels from the operation of certain provisions of law through the intervention of treaty stipulation.

Mr. RICE. Not at all.

Mr. CONGER. Then I am mistaken.

Mr. COX. It is to pay certain claims of steamship companies for illegal tonnage duties exacted of them.

The joint resolution was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report, with the views of the minority, ordered to be printed.

RAILROAD BONDS OF YANKTON, DAKOTA.

Mr. MULDROW, from the Committee on the Territories, reported back a bill of the following title; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on the Judiciary:

A bill (H. R. No. 3513) legalizing the election held in the city of Yankton, Territory of Dakota, at which the proposition to issue the bonds of said city in aid of the construction of a certain railroad was submitted, and authorizing and directing the issuance of said bonds pursuant to said election.

TERRITORIAL PRISON, IDAHO TERRITORY.

Mr. MARTIN, of West Virginia, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SESSIONS OF TERRITORIAL LEGISLATURES.

Mr. HUMPHREY, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JUDICIAL SYSTEM OF MONTANA.

Mr. BOUCK, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CARE OF CRIMINALS IN THE TERRITORIES.

Mr. BOUCK, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3932) to authorize the Legislative Assemblies of the Territories to provide for the care and custody of criminals; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. ALDRICH, of Illinois, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2157) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. YOUNG, of Ohio, from the same committee, reported, as a substitute for House bill No. 3004, a bill (H. R. No. 5048) relating to justices of the peace in the Territories; which was read a first and second time, referred to the House Calendar, and ordered to be printed, together with the accompanying report and the original bill.

REMOVAL OF INDIANS TO INDIAN TERRITORY.

Mr. CRAVENS, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2674) to prohibit the removal of Indians from the States or other territory of the United States to the Indian Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TERRITORIAL PRISON, YUMA, ARIZONA.

Mr. CRAVENS also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3474) making appropriation for the completion of the territorial prison at Yuma, in the Territory of Arizona; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JUDICIAL COMPENSATION—DAKOTA TERRITORY.

Mr. CRAVENS also, from the same committee, reported, as a substitute for House bill No. 3224, a bill (H. R. No. 5049) providing additional compensation to the judge of the first judicial district of the Territory of Dakota, to be paid by the counties composing said district; which was read a first and second time.

Mr. CRAVENS. I ask that this bill be referred to the House Calendar, and the accompanying report printed.

The SPEAKER. If any additional compensation is to be paid out of the Treasury the bill must go to the Committee of the Whole House on the state of the Union.

Mr. CRAVENS. The bill does not provide for any payment by the Government of the United States, but only by the counties composing the judicial district.

The SPEAKER. The bill will be referred to the House Calendar, and the accompanying report printed.

WIDOWS OF SOLDIERS OF WAR OF 1812.

Mr. WHITEAKER, from the Committee on Pensions, (Committee on Revolutionary Pensions under the former rules), reported back adversely the joint resolution (H. R. No. 39) construing act of Congress approved March 9, 1878, so as to entitle widows of the soldiers of the war of 1812 to a pension notwithstanding a second marriage, provided they were widows at the date of said act or at the time of application; which was laid on the table, and the accompanying report ordered to be printed.

Subsequently,

Mr. HARRIS, of Virginia, asked unanimous consent that the joint resolution be referred to the Committee of the Whole House on the state of the Union.

There being no objection, it was ordered accordingly.

ANN ATKINSON.

Mr. BLAND, from the Committee on Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3406) granting a pension to Ann Atkinson, of Washington, District of Columbia; which was referred to the Committee of the Whole House, and the accompanying report ordered to be printed.

MORRIS L. FARRINGTON.

Mr. BLAND, from the same committee, reported back adversely the petition of Morris L. Farrington for his father's back pay as an invalid pensioner of the war of 1812; which was laid on the table, and the accompanying report ordered to be printed.

PENSIONERS UNDER ACT OF MARCH 9, 1878.

Mr. DIBRELL. I am directed by the Committee on Pensions to report back, with an amendment, a bill (H. R. No. 703) to prevent the withholding of pensions from pensioners under the act of March 9, 1878. This bill was reported at the extra session, and upon the point being made that it was a public bill it went over. This is the first opportunity we have had since to report it. It is for the benefit of soldiers who were dropped from the pension-roll on the charge of disloyalty under the act of 1871. There are only a few of them; and I hope there will be no objection to the present consideration of the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill be considered at the present time.

Mr. CONGER. Does this bill restore Jeff. Davis to the right to a pension?

Mr. DIBRELL. Jefferson Davis is not a pensioner.

Mr. CONGER. Does it restore his right to a pension?

Mr. DIBRELL. It applies to soldiers of the war of 1812. He was not in that war, I believe. If the report is read I think there will be no objection.

Mr. CONGER. I guess the bill had better be considered in the regular way.

Mr. DIBRELL. If the gentleman wants to show his malice toward the southern people, he should not make it apply to the soldiers of the war of 1812.

Mr. CONGER. The gentleman has just made a remark which, if the reporters took it down, I desire to characterize as unworthy of him or the occasion.

Mr. DIBRELL. I am responsible for all I say, here or elsewhere.

Mr. CONGER. "Elsewhere" is good.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MRS. LIZZIE M. MITCHELL.

Mr. DAVIS, of Illinois, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 4220) granting a pension to Mrs. Lizzie M. Mitchell; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

WILLIAM GURLEY.

Mr. DAVIS, of Illinois, also, from the same committee, reported a bill (H. R. No. 5050) granting an increase of pension to William Gurley; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FAVORABLE REPORTS.

Mr. MASON, from the same committee, reported back favorably the following bills; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4284) granting a pension to William Downs;

A bill (H. R. No. 4285) granting a pension to Catharine Henry; and

A bill (H. R. No. 285) providing for the increase of the pension of General Ward B. Burnett.

MARY E. S. FUREY.

Mr. MASON also, from the same committee, reported a bill (H. R. No. 5051) granting a pension to Mary E. S. Furey; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARGARET BRUSTER.

Mr. MASON also, from the same committee, reported a bill (H. R. No. 5052) granting a pension to Margaret Bruster; which was read

a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ANNA HULSER.

On motion of Mr. MASON, from the same committee, that committee was discharged from the further consideration of a bill (H. R. No. 162) granting an increase of pension to Anna Hulser; and the same was referred to the Committee on Pensions.

PETER M. HALWICK.

On motion of Mr. MASON, from the same committee, that committee was discharged from the further consideration of the application of Peter M. Halwick for a pension as second lieutenant Company E, One hundred and fifty-sixth New York Volunteers; and the same was referred to the Committee on War Claims.

PAYMENT OF ARREARS OF PENSIONS.

Mr. HATCH, from the same committee, reported back favorably a bill (H. R. No. 2949) to provide for the payment of arrears of pensions to the widows and minor heirs of persons who died in the United States service during the late war of the rebellion, or who have since died from wounds or injuries received or contracted in said service.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. HATCH. That is a public bill and should go to the House Calendar.

The SPEAKER. Does it not appropriate money or require an appropriation to be made?

Mr. HATCH. It requires it to be made, of course, under the general appropriation bill, but this is merely declaratory of existing law. The bill, as presented, only construes existing law and does not appropriate any money.

The SPEAKER. It will go, then, to the House Calendar.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

INCREASE OF PENSIONS.

Mr. HATCH also, from the Committee on Invalid Pensions, reported back, with an amendment, a bill (H. R. No. 4023) to amend an act approved June 18, A. D. 1874, entitled "An act to increase pensions in certain cases," to further increase and regulate pensions for the loss of a leg or an arm; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HATCH. I ask by unanimous consent, Mr. Speaker, that the chairman of the Committee on Invalid Pensions, [Mr. COFFROTE,] who has been confined to his house by indisposition since last Monday, shall be permitted to file the report in this and the next two cases, and that when filed they shall be ordered to be printed, to accompany the bills.

The SPEAKER. The Chair hears no objection to that request, and it is so ordered.

DECEASED PENSIONERS.

Mr. HATCH also, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 3074) to regulate the payment of arrears and accrued pensions of deceased pensioners; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BOUNTIES.

Mr. HATCH also, from the same committee, reported back favorably a bill (H. R. No. 3075) amending the act in relation to the payment of bounties, approved April 22, 1872; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ADDITIONAL CLERKS, INTERIOR AND WAR DEPARTMENTS.

Mr. HATCH. I now ask, Mr. Speaker, by unanimous consent that the Senate amendments to the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, be taken from the Speaker's table; and I have been directed by the Committee on Invalid Pensions to recommend they be concurred in.

Mr. DUNNELL objected, but afterward withdrew his objection.

The first amendment of the Senate was read, as follows:

Strike out the following:

"That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of \$100 per month each, for service in the Pension Department, and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding \$13,900."

And in lieu thereof insert the following:

"That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be available during the current fiscal year, the sum of \$48,000 for the employment of additional clerks in the Pension Office, but the salaries of said clerks shall not exceed the sum of \$100 per month; also, for rent of additional office room for the Pension Office, the sum of \$4,900, and for contingent expenses of the office, \$9,000, making in all, \$61,900."

The amendment was concurred in.

The second amendment was read, as follows:

On page 9, line 18, after the word "pensions," insert:

"And the sum of \$32,000, or so much thereof as may be necessary, is hereby ap-

propriated, out of any money in the Treasury not otherwise appropriated, for the use of the War Department for said purposes, and shall be applicable immediately for the purposes of the current fiscal year."

Mr. HATCH. The committee recommend concurrence in that amendment.

The amendment was agreed to.

The next amendment was read, as follows:

Strike out all after line 18 on page 1 down to and including line 2 on page 2, and insert:

"That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$4,800 for the employment of twelve additional clerks in the office of the Second Auditor of the Treasury, at a salary not exceeding \$100 per month for the remainder of this current fiscal year, to be available immediately, which clerks shall be employed exclusively in matters relating to pensions."

Mr. HATCH. The committee also recommend concurrence in that amendment.

The amendment was concurred in.

Mr. HATCH moved to reconsider the vote by which the several amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM TURMAN.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill (H. R. No. 5053) granting a pension to William Turman, guardian of William W. Brewer; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARY A. COUKEN.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 3392) granting a pension to Mary A. Couken; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SAMUEL C. VAN HOUTEN.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 3810) for the relief of Samuel C. Van Houten; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FRANK W. HARNEY.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 2843) for the relief of Frank W. Harney; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FAVORABLE REPORTS.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back favorably the following bills; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 1567) granting a pension to Pius A. Coomes;
A bill (H. R. No. 3203) granting a pension to Sarah A. M. Chamberlain; and

A bill (H. R. No. 2917) for the relief of Thomas McKinster.

Mr. LEWIS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 3540) for the relief of Edward Howard; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 4156) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

AMENDMENT OF PENSION LAW.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4496) to amend the pension law; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

ADVERSE REPORTS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back adversely the following petitions; which were ordered to lie on the table, and the accompanying reports printed:

The petition of Nancy A. West, for a pension; and
The petition of D. W. Rose, of Dunkirk, Hancock County, Ohio, accompanied by the petition of 87 other soldiers, asking for pension.

LOUIS GROVERMAN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4499) granting a pension to Louis Groverman; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JULIA FOLLANSBEE.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 4324) granting a pension to Julia Follansbee; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JAMES W. M'BRIDE.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4501) granting a pension to James

W. McBride; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

FRANK RICKEY.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4329) granting a pension to Frank Rickey; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

GEORGE W. PARRIS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4497) granting a pension to George W. Parris; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JOHN A. MORRIS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4500) granting a pension to John A. Morris; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

HENRY MEINKEN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5059) granting a pension to Henry Meinken; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARY BLOWERS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5054) granting a pension to Mary Blowers; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ANTHONY HALPIN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5055) granting a pension to Anthony Halpin; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BELINDA CURTIS.

Mr. HAZELTON, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2407) granting a pension to Belinda Curtis, widow of Major-General S. R. Curtis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW OF CAPTAIN CHRISTOPHER M. HAILE.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 496) for the relief of the widow of Captain Christopher M. Haile, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. DAVIS.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1724) increasing the pension of John W. Davis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. BALDWIN.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1087) granting a pension to Charles W. Baldwin; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR CONETY.

Mr. HAZELTON also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 3684) granting a pension to Arthur Conety, of Milwaukee, county of Milwaukee, State of Wisconsin; which was laid on the table, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH UPRIGHT.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1107) granting a pension to Mrs. Elizabeth Upright; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS U. ROTHROCK.

Mr. HAZELTON also, from the same committee, reported a bill (H. R. No. 5056) granting a pension to Thomas U. Rothrock; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH GRAVES.

Mr. HAZELTON also, from the same committee, reported a bill (H. R. No. 5057) granting a pension to Mrs. Elizabeth Graves; which was read a first and second time, and, with the accompanying report, ordered to be printed.

EDUCATION OF COLORED PEOPLE.

Mr. GOODE, from the Committee on Education and Labor, reported back, with adverse recommendations, the bill (H. R. No. 2571) to encourage and aid the education of the colored people in the several States and Territories by the appropriation of the unclaimed bounties and pay of the colored soldiers, and the bill (H. R. No. 4342) designed to aid the colored youth of the several States and Territories by the appropriation of certain unclaimed pay and bounty moneys now in the Treasury of the United States; and the same were laid on the table, and, with the accompanying report, ordered to be printed.

CHINESE IMMIGRATION.

Mr. WILLIS. The Committee on Education and Labor have had under consideration various bills with regard to Chinese immigration and have instructed me to report, as a substitute for the bill H. R. No. 335, a bill (H. R. No. 5058) to restrict the immigration of Chinese to the United States. I am further instructed by the committee to ask that some day be set apart for the consideration of the bill.

The SPEAKER. The gentleman from Kentucky desires that this bill be made a special order.

Mr. CONGER. I object.

Mr. WILLIS. I ask that the bill go to the House Calendar.

The bill was read a first and second time, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

ENFORCEMENT OF EIGHT-HOUR LAW.

Mr. VAN AERNAM, from the Committee on Education and Labor, reported a joint resolution (H. R. No. 239) to provide for the enforcement of the eight-hour law; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNIVERSITIES IN THE SOUTH.

Mr. TILLMAN, from the Committee on Education and Labor, reported back, with an adverse recommendation, the resolution of the General Assembly of North Carolina in favor of the establishment of two universities in the South; and the same was laid on the table, and the accompanying report ordered to be printed.

FREE KINDERGARTEN, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. TILLMAN also, from the same committee, reported back the memorial of Mrs. Louise Pollock, praying for the establishment of a free kindergarten in the city of Washington, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the District of Columbia. The motion was agreed to.

ASSAY OFFICE IN ARIZONA.

Mr. STEPHENS, from the Committee on Coinage, Weights, and Measures, reported back, with a favorable recommendation, the bill (H. R. No. 3003) to establish an assay office in the Territory of Arizona; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ASSAY OFFICE IN DAKOTA.

Mr. STEPHENS, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 1306) to establish an assay office at Deadwood, in the Territory of Dakota; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HOSTETLER. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOSTETLER. Then I call for the regular order.

Mr. CLYMER. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CLYMER. I move to reconsider the various votes by which bills reported adversely during the morning hour have been laid upon the table; and I also move that the motion to reconsider be laid on the table.

Mr. CONGER. I hope that will not be done. There are some reports which members may desire to examine, and after examination may desire to have referred to the calendars.

Mr. CLYMER. It is a privileged motion, and I hope it will be agreed to.

Mr. CONGER. Before that is done I demand that the bills which were laid upon the table be referred to their appropriate calendars. That is the privilege of a member.

The SPEAKER. It is rather late to demand that now.

Mr. CONGER. It can be done at any time before any action is taken on the bills.

The SPEAKER. There has been action; they were laid upon the table.

Mr. CONGER. That was by unanimous consent.

The SPEAKER. It was upon the motion of the gentlemen reporting them.

Mr. CONGER. There was no action of the House upon that.

The SPEAKER. There was assent by the House, and the Chair announced that they would be laid on the table and the accompanying reports ordered to be printed.

Mr. CONGER. There was no inquiry as to whether or not there was objection.

The SPEAKER. That is not the fault of the Chair, nor does it affect the order of the House.

Mr. HOOKER. I call for the regular order.

The SPEAKER. This is the regular order. The question is upon the motion of the gentleman from Pennsylvania [Mr. CLYMER] to reconsider the various votes by which bills reported adversely during the morning hour of to-day were laid upon the table, and that the motion to reconsider be laid on the table.

Mr. CONGER. That would prevent any bill being taken from the table hereafter?

The SPEAKER. It would.

Mr. HOOKER. Does the motion apply to all bills laid on the table this morning?

Mr. CLYMER. It applies to all bills reported adversely this morning.

Mr. HOOKER. Then I hope the motion will not be agreed to.

The question was taken on laying on the table the motion to reconsider; and upon a division there were—ayes 43, noes 81.

Before the result of this vote was announced,

Mr. CLYMER called for tellers.

Tellers were not ordered.

So the motion to reconsider was not laid on the table.

Mr. McMAHON. What becomes of the motion to reconsider? Is it still pending?

Mr. CLYMER. I withdraw the motion.

AGREEMENT WITH THE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit herewith a report from the Secretary of the Interior, containing an agreement signed by the chiefs and head-men of the Ute Indians now present at the seat of Government. The stipulations of this agreement appear to me so reasonable and just, and the object to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians, that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 9, 1880.

Mr. HOOKER. I move that the message just read, with the accompanying documents, be referred to the Committee on Indian Affairs, and printed.

The motion was agreed to.

SUPPLIES FOR ARMY POSTS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the purchase of subsistence supplies for Army posts; which was referred to the Committee on Appropriations.

ISAAC P. BALDWIN.

The SPEAKER also laid before the House a letter from the commissioners of claims, recommending the reappropriation of \$24,600 to settle the account of Isaac P. Baldwin; which was referred to the Committee on Appropriations.

WAGON-ROAD IN WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a wagon-road from White Bluff Landing, Upper Columbia River, to Camp Chelain, Washington Territory, and recommending an appropriation for the same; which was referred to the Committee on Appropriations.

SAINT JOSEPH AND DENVER CITY RAILROAD.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House concerning the Saint Joseph and Denver City Railroad Company; which was referred to the Committee on Pacific Railroads.

REPORT OF MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Mississippi river commission.

Mr. CONGER. I think that should go to the Committee on Commerce. It is a report from a board authorized to examine and report upon the subject of the improvement of the Mississippi River from the Falls of Saint Anthony to the Gulf.

The SPEAKER. It is a report made in pursuance of the provisions of an act passed June 28, 1879.

Mr. CONGER. Since that time the rules of the House have been so changed that the subject of the improvement of the navigation of the Mississippi River and its tributaries is referred to the Committee on Commerce. I therefore move that the communication, with accompanying documents, be referred to the Committee on Commerce, and printed.

The motion was agreed to.

TENTH GENERAL REPORT OF CLAIMS COMMISSION.

The SPEAKER also laid before the House a letter from the commissioners of claims, transmitting their tenth general report; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

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

POLITICAL CONTRIBUTIONS.

Mr. HOSTETLER. I call for the regular order.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from New York [Mr. RICHARDSON] is entitled to the floor.

Mr. RICHARDSON, of New York. I yield ten minutes to the gentleman from Ohio, [Mr. YOUNG.]

Mr. YOUNG, of Ohio. Mr. Speaker, I certainly did not intend to make any remarks on the bill now pending before this body in relation to civil-service reform, as so called, but after listening to the elaborate and carefully prepared speech of the gentleman from Tennessee, [Mr. HOUSE,] a speech remarkable in many respects, but especially so in that while it took the distinguished gentleman about two hours to deliver it, one hour and forty-five minutes by the clock was devoted to an introduction of the remarks he had to make on the bill before the House.

This bill is intended to make it an offense against the law for any public officer to contribute any part of his means for political purposes. I listened very carefully to the learned gentleman, and when he had finished I had failed, probably from a want of intelligent apprehension, to discover a single cogent reason why the bill should become a law; and I failed to catch in any expression he made use of how he himself intended to vote on the bill. In the course of his sometimes humorous and always bitter philippic against the Administration's policy of civil-service reform, so called, the gentleman took occasion, not unadvisedly, because he read his speech from manuscript, to insinuate a charge of collusion to perpetrate a fraud to my friend and constituent, Hon. E. F. Noyes, the present minister of the United States to France. This he did by quoting from the testimony of McLin, Cocke, and others, given before the Potter investigating committee, a committee that was organized by a democratic Congress to undertake the stupendous task of covering up the frauds and rascalities of the leaders of the democratic party in their defeated effort to steal or purchase the electoral vote of several States. If I understood the gentleman aright, and I sat very close to him, he asserted that McLin had testified before that committee that Governor Noyes, while in Florida, had represented that he was sent thither by Governor Hayes; that he spoke for Governor Hayes; and that any promises he might choose to make would be honorably fulfilled as soon as Governor Hayes was inaugurated President. And further, he stated that Governor Noyes did make a promise to McLin and others, and that in pursuance of that promise the President in due time had appointed the said McLin to the office of justice of one of the Territories. This declaration on the part of the gentleman not only pained me but amazed me, because the official record of McLin's testimony must be greatly distorted indeed to make it capable of such a construction. I will go farther, and say it must be falsified to arrive at any such conclusion.

Now, let us look at the record. On page 124 of volume 2 of the testimony relating to Florida, this question was asked McLin by Mr. SPRINGER, of the committee:

Question. What, if anything, did Governor Noyes say in that conversation, or any subsequent one, with regard to the carrying out by Governor Hayes of any promise made by him?

Answer. As I stated on Saturday, I do not remember that Governor Noyes directly made promises of anything further than that the republicans of Florida were deserving of all credit for the manner in which they had conducted the campaign, and that the members of the canvassing board would be provided for. Something of that kind, but it was rather in a general way.

Now, in looking over all the testimony of McLin I find that this is the only declaration made by him which would give color to the charge made by the gentleman as to Governor Noyes's agency in the matter of promises. In this connection it must be remembered, as the record will show, that in all the subsequent interrogations put to McLin, as to the presence of a third party when that supposed or implied promise was made to McLin, there was no evidence to show that any one was present. Indeed, McLin himself denied that there was.

Now, turning to the testimony taken by the same committee, we find that on page 495, of volume 1, Edward F. Noyes was sworn and examined, and testified as follows, which I will ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., June 23, 1878.

EDWARD F. NOYES sworn and examined.

By Mr. HISCOCK:

Question. What is your present employment?

Answer. My official position is that of United States minister to France.

Q. What civil and military positions have you held?

A. I entered the Army in 1861 as major in an Ohio regiment, and was made colonel of that regiment in the summer of 1862. I served with it until the 4th of July, 1864, when I was wounded in battle and lost a limb, which necessitated my returning to the North. After two amputations I reported for duty again, I think on the 1st of October, and was assigned to the command of Camp Dennison, in Ohio, by General Hooker, who was then in command of that military district. I remained in command of the camp until April, 1865, when, in my absence, I was elected city solicitor, who is the chief attorney of the city of Cincinnati. My resignation was therefore accepted in order that I might enter on the duties of that office. Before the expiration of the term, which was two years, I was elected judge of one of the State courts—the probate court of Hamilton County—and I remained on a bench for three years. In 1871 I was elected governor of Ohio, and served for two years. I was renominated and failed of election—Governor Allen being elected at that election. I have held no other office until I was appointed minister to France.

Q. You have been always identified with the republican party?

A. Yes, sir.

Q. In the fall of 1876, during the last canvass in Florida, were you at Tallahassee, and in attendance on the canvassing board of that State?

A. I was.

Q. Previous to your going there did you have any communication with Mr. Hayes in regard to your going there, or did you go there at his request at all?

A. I had no communication with him; I went without his request, and, so far as I know, without his knowledge.

Q. Then you went simply as a republican, and as a representative man of the party to look after the interests of the party?

A. If you will permit me, I will state precisely how I came to go.

Mr. HISCOCK. Please to do so.

The WITNESS. There was a meeting of prominent republicans at the office of Mr. Bateman, United States district attorney for the southern district of Ohio. At that meeting Mr. Richard Smith, of the Cincinnati Gazette, was present and told us that he had received telegrams announcing the fact that democratic politicians from the North were assembling at New Orleans; and he, with other republicans present, thought that it was with the purpose of taking from Mr. Hayes a State which they believed fairly belonged to him. It was thought that some republicans from the North, of some prominence, should go there to look after it. Various names were suggested, my own among the rest. And finally Mr. Job E. Stevenson, a former member of Congress from that State, said that he would go if I would. And after that meeting, and that very night, without any communication with Mr. Hayes or anybody else, Mr. Job E. Stevenson and myself started for New Orleans. I do not recollect (I have tried to recall it, but cannot do so) whether Mr. Stanley Matthews went with us or met us there; but he was there at the same time. After remaining two or three days, during which nothing was done except to arrange preliminaries with the democratic visitors, (no testimony having been taken and nothing done with reference to the canvass at all, and regarding which I have no knowledge excepting what I have seen in the papers,) various gentlemen came down from the North, republicans, in quite a large number. Among them were Senator Sherman, Mr. GARFIELD, Mr. Van Allen of New York, Mr. Kasson of Iowa, General Wallace of Indiana, and Ex-Governor Will Cumbach of Indiana. Finding that there were so many present, and regarding my presence there as in no wise necessary, I prepared to go home to Cincinnati, purchased my ticket, had my lunch-basket packed, and got my sleeping-car ticket. About that time Mr. Eugene Hale received a dispatch from the chairman of the republican national committee, stating, in substance, (I presume that the dispatch is before you,) that there was great danger that Florida would be stolen away from us, and saying, "Send strong committee to Tallahassee." It was difficult to get anybody to go. It was a long journey and a circuitous one, and for some time nobody would consent to go. At last Mr. Kasson and General Wallace said that they would go if I would go along with them, whereupon, without having been specially designated by name, I started with those two gentlemen for Tallahassee. That is the whole story of my being there. While there I did not receive one line or word from Mr. Hayes, by telegraph, letter, or otherwise, and I did not communicate with him in any way by letter or by telegraph.

Q. When did you arrive there?

A. I cannot fix the date, but I presume the date fixed by Mr. Chandler is the correct one.

Q. Commence now and in your own way and in your own language state to the committee what you did at Tallahassee; what connection you had with the canvass; what communication, if any, you had with any member of the canvassing board; and in short, what your labors there were.

A. When I arrived in Tallahassee it was my intention to have no active part in what should take place there, but simply to observe, and, if possible, to secure an honest return of the result in that State. But it was soon made known to me that there were no republican lawyers in that State who could manage the affair before the courts (for there were many court proceedings) or present the case properly to the canvassing board. As Mr. Chandler stated yesterday, I believe the only republican lawyer of any prominence who was there was Mr. Emmons, who was taken very ill a day or two after we arrived, so that he was utterly useless to us, and who very soon afterward died. I was importuned by the local republicans there to undertake to prepare the case, as the democratic lawyers were preparing the case on the other side. On the other side, as lawyers were present the gentlemen named by Mr. Chandler yesterday: Mr. Saltonstall, of Massachusetts; Mr. Biddle and Mr. Sellers, of Philadelphia; Mr. Thompson and Mr. Hay, of Pittsburgh; Mr. Brown, of Georgia; Mr. Wolf, of Cincinnati; Mr. Perry Smith, of Chicago; Mr. Manton Marble, of New York, and others; and I observed that among them were many able lawyers. We had very few among the republican visitors there, and none of the ability of those gentlemen. Being importuned, I finally consented to take part, to receive the evidence, to classify it, to prepare the case, and to argue it before the returning board, and, if it was requisite, before the courts. I was not required to speak in court, and did not. Mr. Barlow, of New York, having been assigned to the position of leading counsel before I arrived there, conducted the arguments before the court. It has already been stated, I think, that the charges against one county or the other by one party or the other were set out in what may be denominated pleadings, if you please, a full statement of the objections made to each county by one party or the other. My impression is that that included one-third or perhaps one-half of all the counties of the State. I do not recollect the number, but it was a very large number. Several were assigned to me, but I had very little to do (except in the way of consultation) with any county other than Alachua, which includes this Archer precinct No. 2. I undertook to find out what were the facts about that. I was informed that two of the inspectors had made affidavit that there was fraud there involving about 219 votes.

The CHAIRMAN. Mention their names.

The WITNESS. I get them confused a little, but I think their names were Dukes and Moore. Dukes and Moore, I think, were the two. They subsequently made other affidavits denying the truthfulness of the first.

The CHAIRMAN. Both of them?

The WITNESS. I think both of them. They finally came on the stand and said that the first affidavits were true, and that the second ones were false. In other words, they swore in so many ways that I placed no confidence whatever in what they stated, and so I argued to the board of canvassers. On the other hand, those other two election officers, one the clerk and one inspector, had consistently sworn that the return was true and correct as made; and in its favor was the fact of its being the regular return signed by all the returning officers at the time without protest. I asked many republicans (I cannot tell you how many, but several certainly) to satisfy myself at the time whether or not there was anything wrong about that precinct, and I satisfied myself perfectly that it was entirely right as it had been returned. But, not being content with having the testimony of those two election officers, (contradicted as it was by the testimony of the other two,) I desired in preparing the case to know from the electors themselves how many of them had actually voted the republican ticket; and we sent down there to get the evidence. I do not recollect who went down, or how many were employed in taking it, but my recollection is that of the three hundred and ninety-nine republican votes which were counted and returned we proved about three hundred and forty or three hundred and fifty; and when I inquired why they could not get them all they said that the electors had scattered in various directions, and that in the limited time it was impossible to get every one. But we came so near to it as to make the democratic theory absolutely impossible that two hundred and nineteen republican votes had been added to the return. That satisfied me, and it seemed to satisfy the canvassing board. From the inconsistent and contradictory evidence of two of those election officers, and from the consistent testimony of the other two

on our side, and from the affidavits of these three hundred and forty or three hundred and fifty voters who swore that they voted the republican ticket in that precinct, I was satisfied, and the canvassing board seemed to be satisfied. Now, no mortal man ever told me or intimated to me while I was in Florida that there was anything fraudulent about that return, except what was sworn to before the canvassing board, and has been made public. What I mean is, I had no possible information of anything fraudulent derived from any source whatever—none.

Mr. HISCOCK. Did you at that time, and in that matter, honestly and conscientiously believe that the theory which you advanced and which you argued for, in favor of the return from that county, was right?

The WITNESS. I believed it thoroughly, and I now say that we made a case that would satisfy any unprejudiced court in Christendom.

Mr. HISCOCK. At the time you were there did you press Mr. Dennis to be a witness?

The WITNESS. I asked Mr. Dennis to be a witness and be sworn, and for this reason: Mr. Dennis, from beginning to end, had insisted on the truthfulness of that return and had undertaken to prove it, and had proven it to my satisfaction. He was thoroughly acquainted with the county. He knew the people who lived there. He could testify as to the persons whose names appeared on the return, and I therefore desired that he should appear as a witness. He says that on several occasions I intimated to him that I would like to have him as a witness. That is entirely probable; I do not know. He says that he never made any reply to it but once, and that then, in some form of words which he does not undertake to give, he meant to convey to me the impression that if I put him on the stand he should injure my case. I do not doubt his word when he says that he meant to convey that impression. I solemnly swear that he did not convey that impression to me, and it was said in the presence of General Lew Wallace, who is now in the room and will testify.

Mr. HISCOCK. What impression did you get from what he said?

The WITNESS. This, and this only: I had already learned that his life had been threatened, and that he considered himself in very great danger. One instance had impressed itself on my memory, namely, that when his life had been threatened he had called together in a church, or somewhere, all the colored people of the vicinity and had them kneel down and raise their hands and swear that if he were killed they would lay waste in every direction and avenge his death. That made an impression on me. Knowing, therefore, the danger which he and others regarded him as being in, the impression that I got was that he did not wish to testify so as to bring himself in contact with anybody, especially, perhaps, because he himself was a candidate for the senate and his own election was at stake. That was the only impression I had.

Mr. HISCOCK. While in Florida, did you have any conversation with any members of the canvassing board with reference to their duty or with reference to what they were going to do?

The WITNESS. Oh, yes, I had. I said to Dr. Cowgill and to Mr. McLin that all that I wanted of them was to do their duty honestly and fairly. I said to them that if the State had honestly cast its vote for Tilden it was their duty so to declare, and that if the State had honestly cast its vote for Governor Hayes we wanted it; but that we expected nothing of them except what honest men could do. That is what I said to them.

Mr. HISCOCK. Did you ever say anything else other than that to them?

The WITNESS. I never did. I never made one of them a promise, nor intimated a promise, nor held out any inducement whatever to have them declare that State for Governor Hayes rather than for Governor Tilden.

Mr. HISCOCK. Either before or after the canvass?

The WITNESS. Not before the final decision had been rendered.

Mr. HISCOCK. Did you afterward?

The WITNESS. Yes. After the vote of Florida had been cast, Mr. McLin came to me greatly depressed, and said to me that he did not know what was to become of himself or his family; that he had so excited the hostility of the democrats there that he could no longer live in Florida in peace; that he was poor and sick, and was almost in despair. I said to him, "Mr. McLin, you have done your duty honestly and fairly, as I think. I shall take great pleasure in saying so to Governor Hayes if he shall be declared President of the United States; and I will take pleasure also in recommending you for some position where you can take care of yourself and family." About the time I was going away I also said to Mr. Cowgill, the other republican member of the board, that I had been greatly impressed with his honesty of purpose and with his dignified and manly bearing during that excited canvass. I said, "If ever I can be of any use to you in any manner state it frankly and command me freely." In addition to that I will say that I did more than some politicians do. I kept my word, and I did recommend both those gentlemen, to the extreme of my ability, to the President of the United States, and I am very sorry that my advice was not taken, and that they were not appointed to good places. If I had had influence enough with the Administration to have them appointed they would certainly have been appointed.

Mr. HISCOCK. Except as you have stated, did you ever have any conversation with them at all?

The WITNESS. None. I never saw Mr. McLin one minute alone in my life to talk with him on any subject until the final vote of Florida had been cast—never.

Mr. HISCOCK. Did you on any occasion previous to the canvass being finished, to either of those gentlemen represent yourself as the special friend of President Hayes, and did you, in any form of words, (as General Butler says,) convey the impression, or seek to convey the impression, that they would be taken care of, or that they would have positions in the event of Mr. Hayes being returned President?

The WITNESS. Never.

Mr. HISCOCK. Have you anything else that you desire to state?

The WITNESS. No. I will answer any question that may be asked me regarding the whole of it. I want the scope of the examination to be very broad, including every act and thought and word of mine while I was in Florida. I do not know but that, in justice to myself, I ought to produce here the original of a letter which I received from Mr. McLin nearly two months after the close of the canvass. I think that the letter has been brought to the attention of the sub-committee in Florida by a copy, but the original letter I now have, and I desire to offer it and to make it a part of my testimony.

The witness here read the following letter, which was marked "Exhibit C N," and which differs in a few unimportant respects from the copy as published on page 101 of the report of the sub-committee in Florida:

"TALLAHASSEE, FLA., January 27, 1877.

"DEAR SIR: Lamentable changes have taken place since we parted on the 6th of December last. Then we were hopeful and happy in the pleasant assurance that Governor Hayes would be inaugurated our next President. Now we are humiliated with the near approach of defeat. Not an honest defeat, but a defeat that will be brought about by cravenly submission and sheer cowardice. As to Florida, recent developments show that democratic fraud and villainies were even greater than we had any idea of at the date of the canvass. The Senate committee held sessions at Gainesville, and succeeded in proving up all the democratic votes, while even Mr. Fleming, the smart witness, could not testify as to twenty democrats who voted at Archer precinct No. 2. The republicans who were proven to be dead were produced in the flesh, and testified that they voted at said precinct. But, my dear governor, what does all this amount to when we have such men as Barlow among our great leaders, and when Senators cravenly quake in their boots when they hear the rebel yell. If Tilden is inaugurated it will be through the sheer cowardice and

treachery of men that we were pleased to look upon as great and good men. At the present writing there does not seem to be a gleam of hope. Four years will quickly pass away with the republicans of the North, but with us of the South they will roll with the weight of centuries. I fear, indeed, that the black cloud of democracy will never be removed. I feel sick at heart for the loyal men, black and white, and I feel sick for myself. If my health would permit I would gladly seek a more congenial latitude. As it is I must brave the tempest of proscription, and meet the fate that is in store for me. Some of my friends have united in recommending me to the President for appointment to the office of United States district judge for this State. The State executive committee, members of the old cabinet, and other friends have joined in this request. I would be pleased to have you say a good word to the President in my behalf. However, I pray you do not think that I prefer any claim on account of the recent canvass. I only performed my duty conscientiously, and if it proves unavailing I will never cease to regret it as long as I live. My reasons for seeking the appointment are urgent. My contest for a livelihood with a proscriptive democracy will be a very unequal one, and my health will not permit me to live in a colder climate. You can thoroughly appreciate my situation and the magnitude of the triumph should I be honored with the appointment. The office will probably be filled at an early date, and I am necessitated to apply at once. If I fail in this there is nothing left. A kind word spoken by you to the President will be of great service.

"Hoping that a gleam of light may break through the thick folds of surrounding darkness, and that Governor Hayes may be inaugurated in accordance with the will of the people,

"I remain yours, very truly,

"Hon. E. F. NOYES,
"Cincinnati, Ohio."

The WITNESS. I want to say one thing here; I believed then that Mr. McLin was an honest man, and I believe it yet.

Mr. MORRISON. This letter was written after Mr. McLin had performed service as a returning officer?

The WITNESS. It was written two months after the whole thing had closed.

Mr. MORRISON. And before the inauguration of President Hayes?

The WITNESS. Yes.

Mr. MORRISON. And while Mr. McLin was an applicant for office under the Grant administration?

The WITNESS. Yes.

Mr. SPRINGER. Was that application made to the Grant administration?

The WITNESS. Certainly.

Mr. MORRISON. Mr. McLin did not expect Hayes to come in, and therefore he was hurrying up his application.

The WITNESS. I have another letter from him which brings it up to the inauguration of Mr. Hayes. It was written on the 3d of March, the day before the inauguration.

(The witness thereupon read the following letter, which was put in evidence and marked "Exhibit C O:")

"TALLAHASSEE, March 3, 1877.

"DEAR SIR: Supposing that you are in Washington rejoicing with the nation over the inauguration of Governor Hayes, I embrace the opportunity of thanking you for your kind response to my letter, and at the same time expressing to you my soul-felt gratification over the ultimate triumph of Governor Hayes.

"The party may expect much in the way of purification and elevation from our noble President and the nation will experience four years of unexampled prosperity.

"Let joy reign supreme at the inauguration. I very much regret that I cannot be present and drink in a flood-tide of happiness. As it is I am happy now, surrounded by the meanest democrats the world has ever seen.

"Truly,

"SAM'L B. McLIN.

"Hon. E. F. NOYES, Washington."

Mr. YOUNG, of Ohio. In view of this testimony given under oath by Governor Noyes; in view of the fact that there is not a particle of testimony to corroborate the assertion that he made any promises to any person while in Louisiana or Florida on behalf of Governor Hayes; in view of the fact confessed that the letters of McLin to Governor Noyes—which are a part of the testimony—contained no allusion to any promise nor any demand for the fulfillment of any promise, it seems to me a willful distortion, to put it mildly, to assume even by innuendo that Governor Noyes misrepresented himself, or was in any dishonorable collusion with any person to effect a fraud.

Sir, when I remember the career of Governor Noyes from his humble boyhood up to his present exalted position, it makes me sad to think that on this floor partisan acrimony will lead a distinguished gentleman to assail for party purposes such an honorable record.

An orphan boy at the age of thirteen, entering a printer's office to obtain his bread, and by his industry securing the confidence of his employer so soon that he was enabled to lay up a little money, looking forward to the time when he could use that money to obtain an education; studying hard, burning the midnight oil in his preparation for college, with scarce any assistance in his studies; working by day and giving general satisfaction to his employer, at last he was enabled to enter the preparatory school of Dartmouth College, from which institution he graduated in due time in an honored position in his class.

Striking out to seek his fortune in the then comparatively Far West, he entered a law office in Cincinnati, Ohio, and, giving his services as a clerk, he was enabled to live until he acquired a knowledge of his profession. He had but entered upon a brilliant career in that profession when the bloody malcontents, who had been for years seeking an opportunity to dissever this Union, fired upon Fort Sumter and tore the flag of our Nation from the flag-staff of that fortress and trampled it in the dust.

It is not my purpose now to pursue the history of the war that followed that traitorous beginning. It is written in blood in nearly every State of this Union. Its terrible effects are felt throughout our land to-day as a great blot on the nation's prosperity, and I only allude to it in passing to say that among the first of the young patriots who buckled on the sword and sprang to the defense of our liberties and our nationality was the heroic and brilliant young lawyer, Edward F. Noyes. His career as a soldier adds to the luster of the achievements of the patriotic sons of his adopted State, a State which

furnished a Grant, a Sherman, a Sheridan, a McPherson, and scores of other great captains, but among them all I will not concede that there is a brighter halo of patriotic glory than that which encircles the head of General Edward F. Noyes, considering his opportunity. His career as a soldier ended with the loss of a leg in a gallant charge made on the anniversary of the nation's independence on the memorable Atlanta campaign.

His civil career is no less distinguished than his military career. He has held by the choice of the people many important offices of trust, and it is not recorded truthfully that he ever betrayed the confidence of the people who trusted him, but it is recorded that he never held an office the duties of which he did not discharge with signal ability.

Mr. Speaker, I had the honor to serve with him in the field. I knew him more intimately as a citizen than I did as a soldier. I am proud indeed to call him my friend, and I am still more proud to believe that he is mine. Living closely together in the same city for more than twenty years, meeting him almost daily either in business relations or socially, hearing the expressed opinions of his fellow-men as to his integrity and worth, regarded as a generous, high-toned gentleman of brilliant attainments, a man whose veracity I never heard questioned until I heard the insinuation in that regard of the gentleman from Tennessee yesterday, does it surprise you that I should in my place resent the insinuation on behalf of my distinguished constituent, holding one of the highest offices in the gift of the Government, who is absent and cannot answer for himself? No, Mr. Speaker, when I reflect that this insinuation which seeks to besmirch the character of my friend comes from a gentleman who, when Governor Noyes was in the forefront of battle fighting for the preservation of our country, was at that time either in life legislative councils of the rebel confederacy or was in command of a rebel battalion doing his best to overthrow this Union, I cannot be silent.

The gentlemen on this floor from the Southern States exhibited in their speeches of last summer, and have commenced by the gentleman from Tennessee in this present session, a bitter feeling of dislike and distrust of northern men, all the time professing the hypocritical desire to let sectional and partisan animosity die the death, and they deplore the continuance of acrimonious debate on national questions when indulged in by gentlemen on this side of the House. They ask us to forget the past. We have already forgiven them. They are continually deploring the want of liberality on our part if we should by chance allude to the late rebellion, but no opportunity is lost by these very distinguished gentlemen to stir up the fires of dissension and hate by attacking the motives of gallant men who are their peers in all that makes up true manhood and their superiors in all that makes up true patriotism.

Now, Mr. Speaker, with the indulgence of the House, I should stop here, as I have given no particular thought to the subject of civil-service reform as it may be affected by the bill under discussion, and I have not the advantage of having the speech delivered yesterday by the gentleman from Tennessee before me, as it appears from the RECORD that it is withheld for revision. But from my remembrance of its general tenor, outside of its political nastiness, I think I can to some extent agree with him as to the futility of the attempt on the part of this Administration under our present system of government in making the system as laid out, but not carried out, a success. That the President is earnestly honest in his ideas of civil-service reform I do not doubt. I disagree with him, however, in believing that his election was an indorsement of his policy on that subject as shadowed forth in his letter of acceptance, for I believe that without any such a declaration he would have been as triumphantly and as fairly elected as he was. I firmly believe that, under our system of government, subject to the mutations incident to our popular elections, such a scheme is totally impracticable. I sincerely believe in the old Jacksonian doctrine, that "to the victors belong the spoils," and unless the system of civil-service reform could be incorporated into the fundamental law of the land, which would make its observance binding on all parties, that it must result in a failure. I believe with the President that the elevation and purification of the civil service of the Government would be hailed with approval by the people of the United States, but I hold, as an article of political faith, that this reform depends wholly on the character of the Administration for the time being in power and within the party to which that Administration belongs. Under a monarchical form of government, or an empire, the system blocked out in 1870 by what was known as the civil-service commission is possible, because under such governments the emperor or king never dies, and the tenure of office of public servants is not affected, except, perhaps, in a change of ministry; but in our country and under our institutions, as the President well says in his annual message:

Every citizen has an equal right to the honor and profit of entering the public service of his country. The only just ground of discrimination is the measure of character and capacity he has to make that service most useful to the people. Except in cases where, upon just and recognized principles, as upon the theory of pensions, offices and promotions are bestowed as rewards for past services, their bestowal upon any theory which disregards personal merit is an act of injustice to the citizen as well as a breach of that trust subject to which the appointing power is held.

In the light of these principles, it becomes of great importance to provide just and adequate means, especially for every department and large administrative office where personal discrimination on the part of its head is not practicable, for ascertaining those qualifications to which appointments and removals should have reference. To fail to provide such means is not only to deny the opportunity of

ascertaining the facts upon which the most righteous claim to office depends, but of necessity, to discourage all worthy aspirants by handing over appointments and removals to mere influence and favoritism. If it is the right of the worthiest claimant to gain the appointment, and the interest of the people to bestow it upon him, it would seem clear that a wise and just method of ascertaining personal fitness for office must be an important and permanent function of every just and wise government. It has long since become impossible, in the great offices, for those having the duty of nomination and appointment to personally examine into the individual qualifications of more than a small proportion of those seeking office; and, with the enlargement of the civil service, that proportion must continue to become less.

Sir, I believe in these sentiments to this extent, that the examinations for fitness, as suggested by the President, should be confined solely to persons seeking office whose political principles and sympathies are in full accord with the Administration in power. I think there is no gentleman on this side of the House but who will agree with me that between an enemy of the Administration and a friend of the Administration, all else being equal as to qualification or fitness, the preference should be given to men in full accord with the principles of the party in power. The gentleman from Tennessee, in his speech of yesterday, and I beg him to correct me if I misquote him, not in words, but in sentiment, ridicules the idea of the President's profession to civil-service reform in the matter of the dispensation of his official patronage, naming quite a number of persons who had been rewarded for political services to the republican party and to the present Administration previous to his inauguration. For my part, if there is anything that I can commend in the President more than another it is the fact that he took care to provide for his political friends of the South for the sacrifices they made in standing up for the right and resisting the attempted democratic frauds that sought to cheat the people of the nation out of their legitimate choice for the office of Chief Magistrate. If the President had acted on this policy more generally to his friends in the North who had made sacrifices of time and money, he would have been commended on all sides, even by his enemies, for such action. As it is, the majority of the people of this nation hold him in high esteem for what little he did by rewarding the brave men who were socially ostracized because of their honesty by a people whose political rancor leads too often to the use of the knife of the assassin or the bullet of the bulldozer. He could do no less than he did for the men mentioned by the gentleman from Tennessee and retain the respect of a justice-loving people, because

We hate ingratitude more in a man
Than lying, vainness, babbling, drunkenness,
Or any taint of vice whose strong corruption
Inhabits our frail blood.

Now, Mr. Speaker, the President is charged with insincerity in not carrying out his pet principles of civil-service reform when his attention is called to cases of violation of his civil-service order of June, 1877, but the people who carp at him for this forget that since our country has had the misfortune to have had a democratic majority in Congress they have religiously withheld any appropriation always asked for to put in motion in good faith the machinery of civil-service reform. In 1871, 1872, and 1873 appropriations were made, attempting to carry out the system inaugurated by the commission appointed under the act of 1870, but since 1874 no appropriations have been made, and the President, alluding to this fact in his last annual message, calls attention to his recommendation contained in his message of December, 1877, and repeats it for the purpose of resuming the work of the commission. But it is not likely that this Congress will appropriate the money asked for to make the experiment. The gentleman from Tennessee dwelt particularly on the construction of the civil-service order, and succeeded, to his own satisfaction at least, in torturing that order into political disfranchisement of every man and woman holding an appointive office. If I remember rightly, he assumed that that order prohibited any office-holder from expressing a political opinion, from belonging to any political club, from making a speech, from attending a convention, not only as a delegate, but as a spectator, from writing a political article, and from contributing any money for political purposes. In short, that an office-holder would not be prosecuted if he were known to have voted, but in all else that pertains to the liberty of a citizen, the fact of his holding an office disqualified him. I am not surprised at the gentleman's anxiety to put a construction on this order to suit himself, for it has been construed by a thousand people in as many different ways, to suit the exigency of each construction.

It is very much like the suit of clothes, as the story goes, which a man bought at auction, and which, being of different measures, constrained him to eat either much or little, as the case might be, to make them fit. I confess that the order strikes me as being somewhat ambiguous, and I worried with the problem of its meaning for some time, but took an occasion to ask the President the full understanding and scope of the order, and he was pleased to define it to me, and I think I can state this authoritatively, that it meant simply "this, and nothing more:" that it intended to take the machinery of party politics out of the hands of civil officers of the Government; that under that order an appointee of the Government would not be permitted to be a delegate to any party convention; that he should not be an officer of an election, and that he should not be compelled to pay an assessment rated by a percentage on his salary for party purposes, but that an officer of the Government who could make a speech or write an article in favor of his party was at liberty to do so, always provided that it would not interfere with the

discharge of his public duties, and that an officer or employé of the Government, although not assessed for political purposes, was at liberty to give his own money, in any quantity he pleased, in aid of his opinions or his party, and that he should be also as free as any other citizen to refuse to make such gifts, without fear of weakening his tenure on that account.

The gentleman from Tennessee dwelt at considerable length on the hardship of the officers who had subscribed money for political purposes, and stated that over \$100,000 had been subscribed by this class of people to help the republican party. Of course there is not a man or woman in the public service but who knows better than to believe such twaddle. What they gave they gave freely, because they loved the cause it was given to support, and I presume they felt it necessary to be liberal, because they had Sammy Tilden's "bar!" to fight. But it is an undeniable fact, which I can substantiate with indubitable proof if I had the time, that there were hundreds of clerks in all the Executive Departments in this city and in many of the Federal offices throughout the country who refused to subscribe one penny, and yet they were not dismissed the service, and I want to assure the gentlemen on the other side who are so anxious to pass this bill making it a crime to subscribe money for political purposes, that if it should become a law the subscriptions by the good people who hold office, to sustain the party and the principles which it represents, would be just as liberal and perhaps more so, than if no such act was in existence on our statute-books.

If this law could be made applicable to the democratic city governments as well as to the Federal offices, and it were practicable to enforce it, what a grand relief it would be to the poor democratic policemen, firemen, and street-cleaners of New York and other democratic cities where a regular assessment is made and collected from their poor pittance of pay to run the democratic party machine.

Considerable stress was laid upon the fact that the gentleman from Tennessee saw a subscription book circulated in the Treasury Department to raise means for the republican party a year or two ago, and that the first name at the head of the list was that of John Sherman, a Cabinet officer, who was supposed to be another civil-service-reformer pretender. I am not surprised at this revelation, because Mr. Sherman would give every dollar he has in the world if it were necessary to secure and perpetuate the ascendancy of the republican party. His whole life has been devoted to its principles, and for this reason particularly was his name paraded in a spirit of obloquy, because he happens to be mentioned at this time as a prominent candidate of his party for the Presidency. If there is any one man more than another in this nation whom the democracy fear, it is John Sherman.

For more than thirty years he has been identified with the politics of Ohio and the nation. Elected in 1855 to represent his district (then the thirteenth) in the Thirty-fourth Congress, he was made chairman of the committee to investigate the Kansas troubles and in his report placed himself and the free-soil party on the side of right and justice, and by his acts arraigned the pro-slavery party against him—a very unpopular thing to do, but showing him to be on the side of the oppressed without regard to race or color. In 1861 we find Mr. Sherman elected to the United States Senate, taking the seat of Salmon P. Chase, who resigned to accept the appointment of Secretary of the United States Treasury. In those dark days stood John Sherman the colleague of Ben Wade. In a debate three days before the battle of Bull Run, Mr. Sherman said:

It is not the purpose of this war to subjugate a State or political community; but I will go as far as any other living man to uphold the Government against all rebellious citizens, whether there be one or many of them in a State. If nine-tenths of the people of any State rebel against the authority of this Government its physical power should be brought to reduce those citizens to subjection. The Government survives; and I have no doubt the State of South Carolina and the State of Florida and the State of Virginia will be represented on the floor long after the honorable Senators and I have filled the mission allotted to us.

Of course such utterances did not please the democracy. Mr. Sherman also voted for all measures to uphold the national supremacy and furnish men and munitions of war to put down the rebellion, which of course was distasteful to the democrats. The shock of war was ended; then came the counting of the cost financially. The manner of paying the national debt was the then all-absorbing topic of the nation's thought. Many strange fallacies were put forth by the democrats, who seemed as bent on retarding the honest payment of our dues as they were on resisting the payment of troops and the prosecution of the war. Mr. Sherman, as chairman of the Committee on Finance in the Senate, said in a speech before that body:

The honor of the country, the good faith of the nation, the interest of the laborer, of the rich and the poor, and of all classes demand that we should resume specie payment as early as possible and place all the obligations of the Government upon a solid basis of gold and silver coin.

Mr. Sherman has persisted in this belief and has accomplished resumption fully and completely, standing a Gibraltar of financial strength, against which the waves of rebellion and unsound currency have dashed with almost resistless fury.

This is the man you have reason to fear because he is pure and brave in the discharge of his duties, and cannot be intimidated by democratic bombast or rebel yells.

The gentleman from Tennessee took occasion to extol the power and glory and grandeur of the office of President of the United States, in all of which I heartily agree with him. To be born a king or emperor or czar is of itself a mere accident, but to be selected by the

people to fill the high office of President of this great Nation, to be clothed for a time with power as great as that wielded by any potentate on earth, is an honor which must challenge the respect and admiration of mankind. When we confer on a citizen this great honor it must not be forgotten that with it we clothe him with great and grave responsibilities. To rule over forty millions of people, to administer the laws for the protection of all men in their rights, is at all times no easy task. But it strikes me that to have a representative of the people speak from his place on this floor, attacking and maligning the present incumbent of that great and dignified office and characterizing him as "a fraud," and characterizing the instrumentalities by which he was declared elected as corrupt, is, to say the least, in very bad taste, and not calculated to add much respect or dignity to legislative discussions. However, when we look behind these declarations we must remember that this is election year for members of Congress, and that such declarations were intended to make an impression of fealty to the prevailing sentiment of the people behind the man who uttered them. This people, I conscientiously believe, (I refer to the mass of the gentleman's constituency,) do not know that the electoral commission which considered all the facts in dispute in relation to the election, and declared Governor Hayes the legally elected President, was a measure of democratic origin and democratic hope until the declaration of 8 to 7 (=15) became a *political puzzle* which has wronged the democratic soul ever since.

Now, Mr. Speaker, I claim to be a liberal man, with charity toward all, and I cannot, therefore, wholly condemn the gentleman's speech, considering his stand-point. He could have had but two objects in its utterance at this time while considering such an insignificant measure as the bill before us. The first to make himself stout by pandering to the political bitterness of his constituency to the republican party, and, second, to inaugurate a Tilden boom by trying to revive the idea at this late day that Tilden was legally elected once and must be again. I have the kindest personal feelings toward the gentleman, but I take this occasion to assure him that while I do not doubt his return to this House "by a large majority," he will never live to see the day when such an effete specimen of moral depravity as Sam. J. Tilden will be elected President of this great nation. [Applause and laughter on republican side.]

One word more. As to his abuse of the Administration, so carefully prepared by weeks of study I have no doubt, I have only to say that from the President down to the lowest member of his Cabinet, if there be any gradation in rank, they will be remembered when Sam. Tilden is forgotten, except for his perfidious rascalities. The President and every member of his Cabinet are courteous gentlemen and manifest that to every man who approaches them without regard to their knowledge of their political antecedents. They are dignified, they go to church on Sundays and do other good things that some of their democratic predecessors did not do. Hayes's administration has been cautious and conservative, and if not very brilliant, it will be conceded it has been highly respectable. It has been well represented abroad, the pledged faith of the Government to its creditors has been maintained, and the national debt has been largely reduced. Under the financial management of John Sherman refunding operations have been successful, resumption of specie payments has been achieved not only without disturbing values, but, following in its train, has brought about a prosperity which the nation never knew before.

I thank the gentleman from New York, General RICHARDSON, for giving me so much of the short time allowed him in this debate, and I thank the House for its indulgence in listening to me so attentively. [Applause.]

During the delivery of the foregoing speech, when ten minutes had expired, Mr. RICHARDSON, of New York, yielded five minutes more, at the termination of which,

Mr. YOUNG, of Ohio, said: Will the gentleman indulge me a few minutes longer?

Mr. RICHARDSON, of New York. I cannot. My time is all promised.

Mr. YOUNG, of Ohio. Inasmuch as the gentleman to whom I am trying to reply was allowed to speak for two hours and more, I think this side should have full opportunity to respond.

Mr. KEIFER. How much more time does my colleague want?

Mr. YOUNG, of Ohio. About ten minutes.

Mr. KEIFER. I ask unanimous consent that the gentleman be allowed to finish his remarks.

The SPEAKER *pro tempore*, (Mr. TOWNSHEND, of Illinois.) The gentleman from Ohio [Mr. KEIFER] asks unanimous consent that his colleague be allowed to finish his remarks, the additional time not to come out of the hour of the gentleman from New York, [Mr. RICHARDSON.] The Chair hears no objection.

Mr. YOUNG, of Ohio, resumed and concluded his remarks.

Mr. RICHARDSON, of New York. Mr. Speaker, I had believed that this bill which so long vexed the extra session would not again be pressed upon the attention of the country and the House; for I thought that wisdom had surely been learned by the last spring's experience, and prudence by the last fall's defeat. I do not stand in my place to resist either by voice or vote any efforts that may be made to render it impossible to extort unwilling money from officers or employes of the Government for political or other purposes; but I do stand here to resist any and all efforts to deprive them of their inalienable right to use their own as they will, which is denied to them by the provisions of this bill.

It is a truism that in a government by the people the largest liberty should be granted the citizen to express his views on every subject, and thus we find in the Constitution of the United States and in the constitution of every State in the Union the provision guaranteeing the freedom of speech and freedom of the press; and it is declared in many of these instruments that the citizen may speak, write, and publish his views on every subject. So fully has this right been recognized, so sacredly has it been observed, that criminals, although deprived of the right to hold office, of the right of suffrage, of the right to sit on juries and to testify in the courts of justice, have never yet been denied the right to discuss political questions or to pay their money in furtherance of such discussion, or, indeed, in the furtherance of any political object, in the same manner and to the same extent as other men.

But this bill makes it unlawful for the officers and employes of this Government to pay for political information; makes it unlawful for them to pay for publishing their sentiments on any political subject, and debars them from engaging in political discussions or in political work, however innocent it may be, that require for their prosecution the expenditure of money. It seems to me that a measure could not be proposed or conceived more despotic in its character, more subversive of popular rights, more destructive to personal liberty, and less in harmony with the spirit of our institutions and the practice and traditions of our people.

It has been supposed that freemen owned what they earned (perhaps this is the distinction between them and slaves) and that they could not be deprived of their property or their right to enjoy it unless by due process of law; that their property could not be taken or destroyed even for a public purpose without compensation. But the value of property is in its use. Let its use be arbitrarily restricted, much or little, and to that extent is the property destroyed and the owner deprived of its enjoyment, without process and without compensation.

The money paid from the public funds to the individual who labored to earn it is no less his property than if paid to him for interest on United States bonds; and if the right resides in Congress to restrict the expenditure of money because it has lain in the vaults of the Treasury, ought it to be exercised in the one case and not in the other? To be sure, the employe of the Government is compelled to toil for his daily bread, and the bondholder may dress "in scarlet and fine linen and fare sumptuously every day," yet before the law they are equal; and if discrimination is to be made ought it to be in favor of capital, that can always take care of itself?

United States Senators and Representatives, as well as the officers of the Government, are the servants of the people. Their time and services belong to the people, and they are paid their salaries from the money of the people; and by parity of reasoning, if there is any reason or principle in this thing, they ought to be included within the provisions of this bill, and yet is there any gentleman on this floor who will claim that they are? It would be an interesting and instructive spectacle to behold a country postmaster, because he had contributed a few dimes toward the expense of a political gathering held in his neighborhood, driven from his office under and by virtue of a law made by men who may, with impunity, spend all they own, and all they can borrow, to be returned to Congress! Do despots make laws for themselves or for other men? Pass this bill, let it become a law, and the ex-confederate may still use his money and his shotgun, if reports are true, in behalf of the democratic party. And where is the democrat who will find fault with him? But two hundred thousand Union soldiers whose claims are now pending before the Commissioner of Pensions violate the law if they spend one cent for political purposes. Should they pay for a conveyance to carry a disabled comrade to the polls, they forfeit, in the terms of this bill, the pittance due them for wounds received and disease contracted in fighting a rebel crew, or starving in prison-pens. [Applause on the republican side.] And yet these are they who on a hundred battlefields testified their devotion to country, and but for whose efforts these halls would be silent to legislation; and they are now to be branded as malefactors by the laws of the very Government they preserved for exercising rights so freely enjoyed by traitors who by all the machinery of war attempted to destroy it. [Applause on the republican side.]

In this Congress, during this session, political disabilities under which our democratic friends labored, for indiscretions committed some time since, were removed, and not a voice was raised against it except on two occasions, and you all know that was against the form and not the substance of the application. And is it now proposed to impose disabilities and restrictions upon the officers and employes of this Government because they are republicans? Is that democratic reciprocity? [Laughter on the republican side.] Is that retrenchment? Is it reform? Or is the word not yet coined that fitly expresses this infamy?

This bill destroys rights of property, smothers free discussion, and makes it a crime for one class, who are neither convicted nor guilty of a wrong, to do that which is permissible and legitimate in every other citizen. Caucus may decree and Congress may enact this iniquity, but that which is more powerful than caucus or Congress, public opinion, will condemn it; for the intolerance which robs and crucifies the citizen because he holds a political faith not in harmony with that of the majority of this House will, and ought to

be, executed by good men everywhere. And the effort to enact this intolerance into law is a greater outrage than "bulldozing" or the attempted larceny of a State government. It will be received and accepted as another evidence that the democratic party will leave untried no means, however infamous, to inaugurate the rule of the minority.

Gentlemen, if you can afford to pass this bill, you have the power; the constitutional and moral right to do it I deny; but rest assured that upon an appeal to the sovereigns, to the people, they will demonstrate that they know how to reverse and revoke arbitrary decrees; that they know how, not by democratic methods—fraud and violence—but legitimately, to preserve their rights when they are thus wantonly assailed. [Applause on the republican side.]

Mr. SHALLENBERGER. My colleague [Mr. ERRETT] desires to submit some remarks on the pending bill; but as he is not well and his voice is weak, he desires they may be printed in the RECORD as part of the debates.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

Mr. ERRETT. This bill proposes two enactments: first, to prevent assessments upon office-holders for political purposes; and, second, to prevent contributions for similar purposes. The first point has already been attained by executive order, prohibiting any assessment upon any one holding office under the General Government, and the provisions of this bill prohibiting such assessments are therefore unnecessary and uncalled for. The second point, as I undertake to show, is entirely beyond the legislative power of Congress, and is an invasion of private rights which no legislative body has the power to make while acting under a constitutional form of government.

An assessment upon an office-holder for political purposes is one thing, while a contribution from such office-holder for such purposes is an entirely different thing. One is an enforced levy, the other is a voluntary gift. Congress has a perfect right to say that office-holders under the laws of the United States shall not be levied upon or forced to pay sums for any purpose except that of taxation for the support of government; and if it were not that such levies are already prohibited there would be no objection to that part of this bill; but Congress has no right to say to any one, be he office-holder or otherwise, that he shall not do with his own money whatever seems best to his own judgment.

An office-holder is simply an employé of the Government. He is employed to do certain work for a certain compensation; and when he has done that work and received that compensation, the money he has received is his own, and in no way subject to the order or control of the Government. It is as much and as absolutely his own as a piece of land which he has bought or any piece of property he has acquired. Government can tax it for its own support; but it cannot say to him what he shall or shall not spend it for. It cannot say to him that he shall spend it for flour, or meat, or clothing; nor can it say to him that he shall not spend it for cigars, tobacco, snuff, liquor, or any other object of governmental dislike. He may lay out his weekly or monthly earnings all in buying cabbages, if he chooses. If he has religious preferences, he may give liberally to his church or to charitable funds; and if he has also political preferences, he has as good a right of his own free will to contribute of his means to help his party as he has to contribute to his church, his lodge, or his charitable society. The money being his, and his only, Congress cannot prescribe to him how he shall or shall not spend it. When the Government has paid him for his work its control over the money it has paid him is gone. He can keep it, or give it away, or spend it, as seems best to him, without regard to lamentations here or elsewhere.

The recognition of any other rule would be both ridiculous and tyrannical. When the Government goes into the market and buys food or clothing for the Army or for the Indians, or stone or building materials for its public buildings, it is supposed to get value for value when it has received what it has paid for. When the payment is complete, the buyer and seller stand on equal ground. The buyer can do as he pleases with what he has bought, and the seller has the same liberty with the proceeds of what has been sold. It would be ridiculous for any government to turn round to the seller and say: "You shall not use this money which is paid you for such and such a purpose." No government that I know of has ever attempted that style of folly; and certainly any free government that would try it would disgrace itself in so doing.

And if Government cannot do this with its customers from whom it buys materials, it cannot do it with those from whom it buys official labor. A clerk employed at \$1,200 a year is supposed to render twelve hundred dollars' worth of service therefor; and when he has rendered it and been paid for it, he and the Government are equal. He has rendered service which the Government can use as it chooses; and he has been paid for it in money which he can use as he chooses. To assume any other ground is to assume the right of the Government to follow the money it pays, in every case, into every hand that receives it, and to say what it shall be spent for, and how, and when, and where, as well as what it shall not be spent for; and when that right is recognized, we have recognized a despotism as unlimited as the Russian autocracy.

Under the exercise of such a right Congress may, as it chooses, say to all the subordinates of Government that as the use of spirituous

liquors is injurious to the body, debasing to the soul, and destructive of social order, no one of them shall, under heavy penalties, contribute his money to the purchase or use of spirituous liquors. It may also direct that as tobacco, in all its forms, is filthy and unhealthy, no Government employé shall use his means in buying or using it. And it is not beyond the bounds of probability that a Congress may hereafter be found willing to say to all office-holders that as some particular religious society is obnoxious in its doctrines or forms of worship, it shall be unlawful for any such office-holder to contribute anything to the support of that society. Certainly Congress has as much right to issue such prohibitions as it has to prohibit voluntary contributions to political parties.

Contributions for political purposes are not in themselves corrupt. A very large part of the expense of political parties is for perfectly legitimate purposes. A voluntary gift to party funds by an office-holder is not, therefore, necessarily to be regarded as corrupt or corrupting. Bad uses have undoubtedly been made of money in elections; but the contributions of office-holders, as a general rule, are used only for the legitimate expenses of political campaigns. There is no good reason why the office-holder, whose sympathies are enlisted in the success of his party, should not contribute, if he chooses, as freely to the triumph of his political principles as to the triumph of any good cause, provided he does not so contribute with a corrupt motive or for a bad purpose. If in so doing, and in so exercising his undoubted right, he commits any crime, he is fully answerable therefor, and it needs no such law as this to punish him.

The right of an office-holder to do as he pleases with his own is one hitherto unquestioned, and is to my mind unquestionable. His salary, when it is paid him, is his own, and Congress has no right to tell him what uses he shall or shall not make of it. The right of a man to be undisturbed in his house, his property, his person, and his papers is not more clearly apparent than his right to do as he likes with his own when it has come into his possession. Congress is right enough in saying to him: "You shall not be taxed for political purposes, nor shall you be forced to pay anything you do not want to for such purposes," because it is his right to be free from all such taxes and forced levies; but when he has been paid his hire for his labor his right to spend it in his own way is too clear for question. For these reasons I shall vote against this bill as an unwarranted and dangerous exercise of legislative power.

This bill is pressed by one party in Congress simply to cripple another party in its modes of action, and is, in fact, an attempt to secure a political advantage by act of Congress. The party seeking the passage of this bill has for many years resorted to both political assessments and political contributions; and if it should succeed in getting into power would be prompt, it may well be supposed, in repealing the bill, as it is contrary throughout to both its theory and practice. It is at best a mere political expedient, and, regarding it as such, I put my voice on record against it.

As an evidence of the prevalence of levying political contributions under a democratic administration, I append the following from the testimony of Cornelius Wendell, esq., before a congressional committee, March 22, 1860. Mr. Wendell was, under Buchanan's administration, the Public Printer, and he testified as follows:

Question. Have you been engaged in doing printing for the Government?

Answer. I have; for the past six years.

Q. Have you been called upon to contribute largely for political purposes?

A. I have been asked to contribute, and have voluntarily contributed whenever, in my judgment, it would be beneficial to the (democratic) party.

Q. Have you any knowledge of what amount you have contributed, annually, or for the time you have been engaged in Government work?

A. During the past four years I have, perhaps, contributed over \$100,000 to what might be considered party purposes.

Q. Can you tell what amount you expended in the first district of Pennsylvania, Colonel Florence's district?

A. I could not tell exactly. My judgment is that it was rising \$3,000.

Q. In whose hands was that money put for the first district? Was it all put in the hands of one person?

A. No, sir; if my memory serves me, I gave Mr. Horwitz—

Q. What is his first name?

A. I do not know; he was the editor of a German paper. I made a little arrangement with him to bring out our German citizens. I think he is now the editor of the Pennsylvanian. I also put some money into the hands of Mr. Megargee.

Q. Which Megargee?

A. Sylvester J. Megargee; and, I think, some to Mr. Severns.

Q. What is his first name?

A. Joseph. My impression is that I put some in his hands.

Q. Did you furnish any directly to the member from that district?

A. I cannot say positively that I did furnish any to Colonel Florence; I may have given him some, but it does not occur to me now; I was paying him as the friend or agent of the Argus, a certain stipend out of the printing; but whether I gave to him directly for election expenses, or whether it was to him as the agent of Mr. Severns of the Argus, in whom he took a warm interest, I cannot say.

Q. Do you think of any other person in that district to whom you furnished money?

A. I do not know.

Q. In what year was the most of that furnished?

A. The great bulk of it was furnished in 1858, at the last congressional election.

Q. Do your books show the amount you furnished in 1858 in that district?

A. No, sir; the charges are generally against Mr. Severns of the Argus; he was to have a certain percentage on certain Government printing to sustain his paper; in the amount I mentioned I include what I have paid to sustain papers to promulgate the word; what I have given individually for expenditures in different districts for printing, bringing up voters, bands of music and general election expenses, I could not tell where the money went to. I could say for instance, I put \$500 in such a district; I could not follow it farther.

Q. Did you not pay more than that amount to the Argus alone?

A. Oh, I paid the Argus some seven thousand and odd dollars, including what

might have been used for election expenses; how much that was I could not tell exactly; my idea is that about \$2,000 of the money was expended in the district, and the balance for the paper; but I could not say positively about that.

Q. Was this in 1858?

A. Yes, sir; about \$7,000 during that summer; the aggregate given to Mr. Severns was over \$7,000 if my memory serves me. I have the figures.

Q. Who was it that made the arrangement by which he was to get that money?

A. Well, sir, my knowledge has been that it was through the President. I was doing all the printing here, and Mr. Rice, of the Pennsylvanian, claimed a portion of it, and then Mr. Severns did, and through friends, Mr. Bigler, Colonel Florence, and other friends, it was arranged that they should have such a percentage of the work, that I should pay them so much. The reason given was that the patronage of the city was lost owing to the triumph of the opposition, and the papers must be sustained in some way, and therefore they must have a portion of this work. I paid during the year, I think, to Mr. Rice between \$11,000 and \$12,000, and to Mr. Severns, including what I suppose was used for electioneering purposes, about \$7,000.

From this it will be seen exactly how democratic administrations did when in power, and it is fair to infer that if we are ever to have another we shall have one that will direct political assessments to be levied and spent under arrangements made with a democratic President in proper person.

Mr. RICHARDSON, of New York. I now yield for twenty minutes to my colleague, [Mr. CROWLEY.]

Mr. CROWLEY. Mr. Speaker, I did not expect to mark my entrance into congressional life by speaking on a so-called civil-service bill, and were it not for certain provisions of the measure now under consideration I certainly should not occupy the attention of this House for one moment. I have not any set, prepared speech to deliver, but I have to say that the provisions of this bill are crude, ill-digested, impracticable of execution in many respects and unconstitutional in others. The Committee on Reform in the Civil Service, instead of confining itself in this bill to the civil service, extends its operations to the military and naval services. Instead of bringing in a measure which would look to restraining assessments and involuntary contributions of money from those in the civil service, it has reported a proposition which includes every officer, every clerk, every employé of the Government of the United States in all its branches and ramifications.

And what is this bill? It contains four sections, only three of which need to be commented upon. The first section provides that if any officer, clerk, or employé in the Government of the United States does, first, contribute or pay any money for political purposes; or, secondly, if he pays any assessment or percentage on the income or emolument of his salary; or, thirdly, if he gives, lends, or advances any money, property, or valuable thing with the intent, assent, permission, knowledge, or understanding that the same may be applied to political purposes, he shall be immediately dismissed from the office, clerkship, or employment he holds.

Mr. Speaker, under the Constitution and laws of the United States, the President is an officer of the Government of the United States; and if he makes a contribution for political purposes, who is going to dismiss him from his office? You might as well say that the officers, the clerks, and the employés of the Government shall not be permitted to make contributions to religious or charitable or literary societies as to say that they have not the constitutional right to make voluntary contributions of their own property and earnings to political or for political purposes.

Further, the third section of this act requires and says that if the head of a Department (which includes the heads of all the Executive Departments of the Government) shall come in possession of the knowledge that any officer, clerk, or employé of his Department has contributed money for political purposes, it shall be his duty to dismiss that clerk, that officer, or that employé; and if he fails to do it he shall be subject to indictment, to imprisonment, and to fine. What a provision! If the Committee on Reform in the Civil Service cannot hatch or engender any greater evidence of statesmanship than that they had better immediately abdicate their positions.

Why, take the officers of the Treasury Department as an illustration. There are two Assistant Secretaries; there are Comptrollers and Auditors; there is the Commissioner of Internal Revenue, and there are other officers therein, all appointed upon the nomination of the President by and with the advice and consent of the Senate. Is there any power on the part of the Secretary of the Treasury to dismiss any one of these officers if such officer contributes money for political purposes? Suppose that one of his assistants should contribute money for political purposes and it should come to the knowledge of the Secretary of the Treasury and he should not dismiss him. You go before the grand jury of the District of Columbia under this bill, and if you can find a district attorney of any experience who would say, upon his honor and legal experience, to the grand jury that the Secretary of the Treasury was liable to indictment, and the Secretary should be indicted and brought in, what would be his plea to that indictment? He is asked, Are you the Secretary of the Treasury? Yes. Was your assistant an assistant in office? Yes. Did he contribute money for political purposes? Yes. Did it come to your knowledge? Yes. Then what have you to say why you should not be convicted because he has not been dismissed? Why, his plea would be there is no law of Congress that authorizes anybody but the President of the United States to remove an assistant secretary of the Treasury, and you cannot convict me for not doing that which I have not the right or the power under the law to do. Well, what more than that? Congress heretofore, in legislating upon the question of

the tenure of office in 1867, by section 1767 of the Revised Statutes, provided that—

Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

And then, by section 1772, Congress in its wisdom has further provided that every removal, appointment, or employment made, had, or exercised contrary to sections 1767 and others thereafter following shall be treated as follows:

Sec. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than \$10,000, or both.

The person who attempts to remove such an officer so appointed shall upon conviction be subject to fine and imprisonment. And yet you make it the duty under this bill of the Secretary of the Treasury and all the heads of the various Executive Departments of the Government to do an act which the law does not allow them to do, and you propose to punish them if they do not do it, with an act upon our statute-books punishing them if they do remove certain officers so appointed.

I say this third section of this proposed bill is an absurdity and a contradiction. Now come to section 4. That section provides that if any person having a contract with the United States or any officer shall make any contributions for political purposes all his rights shall be forfeited. Why I appeal to lawyers on the other side of the House that you are running right in the teeth of the Constitution of the United States—that clause which says Congress shall not pass any bill in regard to attainder or *ex post facto* law. His rights have become fixed before he makes his contribution. They are his property and you cannot deprive him of them by any congressional enactment or law, but because he subsequently makes a political contribution you propose to deprive him of all his rights. Further than that, any person who has a contract three months before his contribution or three months after shall forfeit all his rights.

Now, Mr. Speaker, I say he shall forfeit "all his rights," because the section is so bunglingly drawn that it will bear this construction. It may be so argued with much propriety under the terms of this section, because the language is that any person who does these things "for any political purpose shall be deemed to have forfeited all rights," not limiting or circumscribing the forfeiture under such contract, but absolutely.

Mr. HERR. They might hang him.

Mr. CROWLEY. Then it goes further, and there is where comes in the argument of my colleague who represents in part the State of New York—it provides that every claimant against the United States who makes contributions shall in like manner forfeit his claim, and shall not have the right to recover or receive anything on the same.

If the House will pardon me for a moment, by way of illustration take the case of a person who applied for a pension. The application has not been granted. The claim is pending; and while it is pending if the claimant makes any contribution for political purposes he will forfeit his right to that pension.

Then your bill makes no provision as to how these forfeitures shall be determined, as to whether a man's property shall be taken by judicial proceedings or otherwise. There is no provision whatever made as to that.

Mr. Speaker, I have heard the argument advanced upon this floor by different gentlemen that Congress is usurping the rights of States; that we of the National Government are consolidating the powers of the Government and taking away rights which the States should possess and ought to possess under the Constitution. Let me say to my political friends on the other side of the House, if this is not one of the most gigantic strides in that direction, I fail to know what could be considered as such. Take the State of New York. Let us suppose that some eminent citizen, some eminent democrat if you please, say Mr. Seymour, is running for the office of governor at a time we elect no presidential electors, when we elect no Representatives in Congress, when we elect no members of the Legislature who shall take part in the election of a Senator to represent the State of New York in the Senate of the United States? He makes a contribution for political purposes, which under the laws of the State of New York he may do, because the laws of the State of New York make it legitimate to make contributions to bring the halt and the blind and the sick to the polls, or to make contributions for the printing of tickets, for the circulation of documents, and for holding of public meetings. Mr. Seymour has a contract while thus running, and makes a contribution for political purposes, to be used wholly in the State of New York, and legitimately. You say by this bill that in such a case where the Government of the United States is not interested at all he shall forfeit all his rights under that contract. I say that such legislation as this is unworthy the wisdom of an American Congress. I do not put it on republican or democratic grounds. But I say your bill is crude; it is ill-digested; it is impossible to execute, and it is unconstitutional.

If you pass the bill I do not believe it will ever be signed. Gentle-

men here know very well that I have no authority whatever to speak for the Executive in any respect; but I do not believe if this law were passed it would ever receive the Executive signature. And if it did, it would go upon the statute-book like many other high-sounding laws which have gone upon the statute-books of the National Government and of the respective State governments and there remain a dead letter.

If the Committee on Reform in the Civil Service want to do something in the interest of civil-service reform let them report a bill to this House which will open admissions into and promotions in the civil service to competition, so that it may be open to all political parties and persons. Let the bill appoint a commission which shall be independent of party so far as you can make it under our Constitution and form of government, who shall have the supervision and arrangement of the rules in regard to the civil service of the Government of the United States. Then say that no officer or employé of the Government shall be compelled to pay political assessments or involuntary contributions; and I will go as far as any member on the floor to support a bill of that kind. But I should consider I was not representing the will of my constituents, I should consider that I was not acting in obedience to public policy, I should consider that I was not acting in accordance with the Constitution of the United States, if I were to give my assent to a law of this character.

I respectfully ask the gentleman having charge of this bill on the other side of the House to consider some of these legal propositions in connection with the first, second, and third sections to see whether this bill is constitutional if you pass it. [Applause.]

Mr. RICHARDSON, of New York. How much time have I left?

The SPEAKER *pro tempore*. Eight minutes.

Mr. RICHARDSON, of New York. I give one minute to the gentleman from Massachusetts, [Mr. CLAFLIN.]

Mr. CLAFLIN. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend the first section by striking out in the third line the word "employé" and inserting "any member of Congress or other person receiving a salary from." In the twelfth line strike out the word "employés" and insert the words "members of Congress or persons receiving salaries." And add to the section after the word "hold" the words "and shall be ineligible to any office of honor or emolument for two years thereafter under the United States Government."

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Massachusetts offers that amendment simply for the information of the House.

Mr. CLAFLIN. I offer it that it may be considered pending.

The SPEAKER *pro tempore*. That is not in order now. It can only be offered for information at present.

Mr. GARFIELD. There is no previous question pending now to prevent the amendment being offered.

The SPEAKER *pro tempore*. The Chair understood that the amendment was read at the present time simply for information.

Mr. GARFIELD. It is offered in good faith.

Mr. CLAFLIN. I offered it to be voted on at the proper time.

Mr. WHITE. If that is the case, then I offer an amendment to come in at the end of the bill.

The SPEAKER *pro tempore*. To whom does the gentlemen from New York [Mr. RICHARDSON] yield?

Mr. RICHARDSON, of New York. I yield the remainder of my time to the gentleman from Illinois, [Mr. HAYES.]

Mr. HAYES. Mr. Speaker, the bill now before the House contains so much that is palpably absurd and nonsensical that it ought not to receive a moment's attention by the members of this body, but should be promptly condemned without a hearing. The fact that a bill is reported favorably by the able Committee on Civil Service Reform ought, under ordinary circumstances, to give it some claim to our attention, but so glaring are the defects of this bill that even the indorsement of a majority of this committee cannot give it sufficient character or respectability to entitle it to any consideration at our hands. Yet, as certain gentlemen on the other side seem to think the bill a good one and are determined to press it to a vote, I desire to trespass upon the time of the House for a few moments while I point out some of the defects of the bill and state some reasons why it should not pass.

THE OBJECT OF THE BILL.

The main object of the bill, which is clearly set forth in the first section, is to prevent the various officers of the United States Government and the clerks and employés in the various departments of that Government from making any contributions of money or any other valuable thing to assist in carrying on a political campaign. Now, sir, a moment's consideration will show not only how ridiculous such a proposition is, but that Congress has no right to interfere in such a matter. Here it is proposed that the United States shall by legal enactment determine how the individual citizen may and how he may not dispose of what he has earned by his labor and what belongs to him as his individual property. The proposition is for the American Congress to constitute itself the guardian of the individual citizen and the director in the use and disposition of his property. A moment's thought will show that this is reversing the whole theory and practice of our Government during all the years of the past. Thus far in the history of this Government we as a people have believed in the doctrine that the individual citizen should have the utmost liberty in managing his own private affairs. We have maintained the "rights of property" as among our dearest rights. We have supposed that

when a person honestly earned a dollar he had the right to dispose of it as he thought best. But it appears that in all this we have been laboring under a mistake. This new democratic doctrine informs us that the individual citizen has not the right to dispose of his own property, but must depend upon Congress to direct him in the matter.

A HIGH-HANDED OUTRAGE.

Now, Mr. Speaker, we have heard much during the past few years about the republican party disregarding the rights of the people, but, sir, I defy any democrat to point to a single instance where that party has ever even hinted at such a high-handed outrage as this—such a gross infringement upon the rights of citizenship. I venture the assertion that never before in all our history as a government was such an outrageous proposition as this seriously made by any man of average common sense. Why, sir, has it come to this, that what a citizen of this Government honestly earns by hard labor is not his to use as he sees fit? Has it come to this, that when an officer of this Government or a clerk in any of the governmental Departments walks up and draws his money at the end of each month as pay for services rendered the Government, he is to be told that he has not the control of that money, but must look to a democratic Congress to tell him what disposition he must make of it? Such an idea is abhorrent to the sense of personal right which is possessed by every American citizen, and yet this is just what is proposed by the bill now under consideration. If Congress has a right to say that an officer of this Government shall not spend a portion of his money for political purposes, it has the same right to say that he shall not spend it for house-rent, for a new coat, for a dress for his wife, for provisions for his family, or for helping forward any benevolent enterprise. There is the same principle involved in the one case as in the other cases. But will this democratic Congress dare to bring forward a bill prohibiting the officers and employés of the Government from spending their money for house-rent, clothing, provisions, and benevolent purposes? They will scarcely do this, and yet they not only bring forward this bill, but urge its passage, knowing that it has no more right back of it than such a bill as I have suggested would have.

A TRUE INTERPRETATION OF THE BILL.

But, sir, I wish to call the attention of the House to section 2 of this bill. This section is certainly a master-stroke of legislative ability. In this section this democratic Congress, in clear and decided tones, announces to the head of each Department of this Government that he must get printed and have posted up in each room and upon each door of his Department an order, telling the employés of that Department that they are absolutely forbidden to contribute any money or other valuable thing for campaign purposes under penalty of being turned out of their places in case they do so contribute. Now, what is the meaning of all this? Simply that this democratic Congress is assuming powers which it does not possess. It is striking a death-blow at some of the dearest rights of American citizenship. Correctly interpreted this order would read thus:

"To the officers and employés of the United States Government: Gentlemen, as you are not endowed with sufficient ability to manage your own affairs and control your own property, we, the democratic majority of the Forty-sixth Congress, have constituted ourselves your guardians. For years our hearts have yearned over you, longing to do you good, but never have we been able to make a practical manifestation of our good-will toward you until now. Being in full possession of each House of Congress, we have taken this method to demonstrate to you that we are deeply interested in your welfare. We have felt for some time that you were incompetent to manage your own affairs, and so we have kindly stepped in to manage them for you. As you read this order which we have caused to be posted up in a conspicuous place in your room, bear in mind that hereafter you are to spend your money only as we shall direct. This may seem to you to be an infringement of your personal rights, but it is not. We believe that your highest good demands this course, and we trust you will readily and willingly submit to our control. We do not like to threaten, (for we always aim to govern through love rather than fear,) yet if you do not see fit to obey us in all these respects and allow us to determine how you shall and how you shall not spend your money, we shall take occasion to dismiss you from the position you now hold and, if possible, put some good democrat in your place."

Now, Mr. Speaker, I submit to any sensible man if this is not a fair interpretation of this bill, brought in here with such a great flourish of trumpets by the gentleman from Indiana, chairman of the Committee on Reform in the Civil Service?

The idea sought to be enacted into law by the passage of this bill is monstrous—abhorrent to every American citizen who has a true conception of his personal rights. Why should the man who happens to hold a Government office be alone singled out and forbidden to contribute of his money to campaign purposes? Has not he as much interest in good government as any other citizen? If he hold political views in harmony with those of a certain political party, is he not just as much interested as any other citizen in seeing those views disseminated and the party which advocates them placed in power? Why, sir, if this democratic Congress has the right to say that a Government officer or employé shall not contribute money for campaign purposes, it has the right to say that any and every citizen shall not. Would it not be well, then, for the able Committee on

Civil-Service Reform to bring in a bill prohibiting all contributions of money or other valuable thing for campaign purposes? Such a bill would strike at the root of the matter and would affect all classes of citizens alike.

A LITTLE CHEAP POLITICAL CAPITAL.

But, sir, what is the object which the friends of this bill have in view in urging its passage? There can be but one object, and that is to manufacture a little cheap party capital. Ever since the democrats obtained control of the lower House of Congress six years ago, they have kept up a continuous howl about civil-service reform. During the campaign of 1874 they proclaimed in every democratic newspaper in the land, from every stump, and at every corner grocery that the republican party was most outrageously corrupt, that the Government at Washington in all its Departments was being run in the interest of all sorts of rings and jobbers and rascals, and that the people of the country were being robbed of millions of dollars every year by republican officials. They said to the people, "If you will again intrust us with power we will put an end to this robbery and rascality and will give you an honest administration." Well, the people listened to them and gave them control of this House. They came to Washington determined to expose republican rascality and to institute a thorough reform in all Departments of the Government. Have they done this? They certainly have worked hard in that direction. For five years they have labored day and night through their committees, which have ransacked every nook and corner of every Department and bureau of the Government to detect some republican crookedness and rascality, something that they could hold up to the people as proof of their many and oft-repeated assertions that the republican party was corrupt. But thus far that "something" has not been discovered. Their numerous, persistent, and basely partisan investigations have only served to show the people that the republican party is to-day what it always has been, a party characterized by the strictest honesty and the bitterest hatred of every species of rascality.

These investigations have shown that the republican party has managed our governmental affairs so ably, economically, and honestly that there was nothing left for the democrats to reform. This, of course, leaves the democrats in a sad predicament. They started out to prove two things—first, that the republican party was corrupt; and second, that the democracy were reformers of the most pronounced and genuine kind. As yet they have proven neither, and this fact worries them exceedingly. In the first direction they have met with so little success that they have about given it up; but they are terribly anxious, in view of their loud professions and for the sake of their party in the coming presidential campaign, to do something to convince the people that they are practical reformers. For months they have been studying over the question how best to accomplish this end; and at last this bill is brought forward, and the gentlemen on the other side fondly imagine that it is just the thing they want to help them out of their difficulty. "Is it not proof sufficient that we are in earnest in our professions of reform," they innocently ask, "when we favor such a bill as this? We can show up the evil of political contributions, and, although we may not be able to get sufficient out of the matter to prove the republican party corrupt, we can denounce the practice, endeavor to put a stop to it, and thus demonstrate to the people our honesty in making such loud professions." This is one great reason why this bill is brought in here and its passage urged with such persistency and vigor.

A WEAK ATTEMPT TO CRIPPLE THE REPUBLICAN PARTY.

But, sir, there is another reason why this bill is brought forward just at this time. We are approaching an important presidential election, and the gentlemen on the other side are urging the passage of this bill, hoping that, if they can get it enacted into law, it will greatly damage the republican prospects of success at that election. The measure, in fact, is only one of their many weak attempts to cripple the republican party. It is a notorious fact, that ever since the democrats obtained control of this House in the Forty-fourth Congress they have spent the greater portion of their time in scheming and plotting to break down the republican party. For this they have labored by day and planned by night. For this they have caucused and counseled both in season and out of season. For this they have charged us with corruption and rascality, and to bolster up their charges have invented all sorts of stories which they themselves knew had no foundation in fact. They have organized investigation after investigation and have gone into every bureau and department of the Government, fondly hoping to find something rascally and dishonest in our management of public business which they could hold up to the people in proof of the many false and infamous charges they had brought against us. They created the Potter committee and sent it forth with the earnest expectation that it would bring to light some outrageous frauds that we had committed during the campaign of 1876 which they could use against us in 1880. They sought to tear from the statute-books the election laws that we had enacted to prevent fraud at the ballot-box so that by illegal voting, repeating, and stuffing ballot-boxes, they might be enabled to secure a President in 1880. And now, having failed most ingloriously in all these vile and infamous schemes, they bring forward this bill, hoping to pass it and thus cut off a portion of our supplies for carrying on the coming campaign.

A BILL BEFITTING THE DEMOCRACY.

They say that the President, some of his Secretaries, and some of the clerks in the Departments have ventured to pay a few dollars each into the republican campaign fund on various occasions, and this they declare must be stopped at once and forever. None of these men shall hereafter be allowed to make a voluntary contribution of this kind under any circumstances. According to this modern democratic doctrine the money that a man earns by the labor of his hands or the sweat of his brow is not his. He has no right to put his hand into his pocket and pay it out as he sees fit, but must rely upon a democratic Congress to tell him how he may spend it. Such a proposition is infamous. This bill which contains it is a fitting finale to the many detestable schemes that have been concocted by democratic brains during the last few years. It is such a bill as we might expect a life-long democrat to get up and the democratic party to champion. Its language is such as befits a democrat, and it is characterized by a spirit highly becoming the degenerate democracy of these latter days. What better can we expect from a party that has always been most bitterly opposed to free speech, a free press, and a free ballot? A party that will stamp out free discussion wherever it has the power; that will shoot down in cold blood any man who dares to step out and oppose democracy; that will drive men from the polls, or murder them, unless they will vote the democratic ticket, is a fit party to champion such a measure as this. Yes, gentlemen, this bill is thoroughly democratic in both letter and spirit. Go on and make it a law if you will; but bear in mind that all the infamy which attaches to such unjust legislation will rest upon your shoulders. Bear in mind that if this measure gets upon our statute-books at all it will get there by means of democratic votes alone, and, like many other democratic laws, will stand there only to proclaim the consummate folly and shame of the democratic party.

WHY DID NOT THE DEMOCRACY PRACTICE REFORM WHEN IN POWER?

But, Mr. Speaker, the question naturally arises why it is that the democracy have become so thoroughly alarmed in regard to this matter of political contributions just at this time? Why have they never manifested any interest in the matter before? If it is such a great evil for a clerk in one of the Departments to pay a few dollars into a campaign fund, why have not these gentlemen discovered it long ere this? If political contributions on the part of Government officers and employés have such a demoralizing and corrupting influence upon the civil service of the country as democrats now declare they have, why did not the democracy wake up to the fact when they were in full control of all departments of the Government, and go to work and enact a law to prevent them? Why, sir, the great democratic party held full sway in this country for many long years, but did any one ever hear of a democrat ever even hinting that there was anything wrong in political contributions or bringing forward a bill to put a stop to them? It is a notorious fact that the democracy always have acted upon the principle that to the victors belong the spoils, and that those of their party who were fortunate enough to get the offices should foot the bills for campaign purposes. There was no deviation from this principle during all the thirty years that the democracy were in power. To show more clearly what was the democratic practice in regard to political contributions, or rather assessments, for such they were under democratic rule, I quote from the report of the Covode committee in regard to the campaigns of 1856 and 1858. The first testimony that I shall refer to is that of Isaac West, who was inspector in the custom-house at Philadelphia in 1856. His testimony will be found on page 23 of the report, from which I take the following:

Testimony from Covode report.

Question. Were you there (in custom-house at Philadelphia) at the time of the election of 1856, when Mr. Buchanan was elected?

Answer. Yes, sir.

Q. What do you know about moneys being raised off the employés of the custom-house on that occasion?

A. There was a certain tax levied upon the persons connected with the custom-house.

Q. What amount on each person?

A. A certain percentage. On a person receiving \$1,095 a year, I think the tax for the presidential election was from \$30 to \$33.

Q. What about the other election?

A. The amount was not so great for the State election.

Q. How much was that?

A. That I do not recollect. It strikes me that it was from \$5 to \$7; something like that.

Q. The two, then, would amount to in the neighborhood of \$40?

A. Yes, sir; in that neighborhood.

Q. Did all the employés pay?

A. I never knew one to refuse.

Q. What was the impression—that it was rather obligatory upon them to pay?

A. That seemed to be the impression.

The testimony of George Plitt on the same page is to the same effect:

Question. Did you know anything about a portion of this money being raised off the employés of the Government in Philadelphia in the custom-house and elsewhere?

Answer. Well, I think there was at that time, but I am not certain; that is our general custom.

On page 556, &c., will be found the testimony of B. F. Slocumb, from which I take the following:

Question. Are you a clerk in the General Land Office?

Answer. I am, sir.

Q. Do you know of any assessment of money upon the clerks and other employes of the General Land Office for political purposes?

A. We'll, sir, I remember myself to have contributed money on one or two occasions—a small amount.

Q. Do you or not know that all the clerks were assessed for political purposes?

A. I do not know whether you would call it an assessment or not. There was a sort of subscription made by the clerks in the Land Office, for political purposes, I suppose.

Q. How and in what manner were these assessments made—in proportion to their salaries or otherwise?

A. I do not know whether it was with regard to salaries or not.

Q. Well, what amount of percentage was the contribution?

A. I do not know exactly. I think I was receiving at the time a fourteen-hundred-dollar salary, and the amount I paid was \$2.50.

Further on Mr. Slocumb states that he was in the same office in 1856, and contributed money that year for political purposes.

From the testimony of J. L. Cramer, which appears on page 560 and onward, I take the following:

Question. Are you a clerk in the General Land Office?

Answer. Yes, sir.

Q. Do you know of any assessments made upon the clerks or employes there for political purposes?

A. I have asked the gentlemen—a portion of them—to contribute for that purpose.

Q. How was that contribution made? Was it a certain percentage on the salary?

A. In one instance it was; a small per cent. was asked of the gentlemen.

Q. Do you recollect what per cent. it was that was levied that year?

A. I can only tell from my own proportion. My recollection is that I paid \$3.20 on a salary of \$1,600.

Q. Did you collect in 1858?

A. I collected on two occasions; it strikes me that one was in 1856 and the other was in 1858.

Q. Do you know for what State or for what purpose that money was collected either in 1856 or in 1858?

A. I think the money in 1856 was collected to be appropriated to pay some balance to be supplied in Pennsylvania.

Q. By whose authority was it done? Who was it that requested or directed you to perform this duty?

A. I took the paper around at the request of the Commissioner of the General Land Office.

Q. Did all the clerks pay their assessments?

A. Nearly all that I called upon. I believe there were but one or two exceptions.

Following the testimony already given is the testimony of Mr. Vedder and Mr. Lucas, clerks in the Land Office, to the same effect.

On page 572, and following, I find the testimony of Stephen G. Dodge, as follows:

Question. Can you give any information as to the manner of raising money in that (the Pension) Department for political purposes?

Answer. I know that a contribution was raised in the Pension Office, I think it was in 1856, to aid the administration party in the State of Maryland.

Q. To what did your contributions or assessments on you for that year (1856) amount?

A. It amounted to \$30 on the Lecompton business.

Q. Anything for elections?

A. For the election in Maryland—I think it was the Baltimore City election—it was \$5.

Q. And how much for the subscription to the "Constitution"?

A. That was \$6.

That James Buchanan, democratic President of the United States, knew all about these assessments, and approved of this method of raising money for campaign purposes, appears from the following testimony of Cornelius Wendell, page 576:

CORNELIUS WENDELL.

Question. I wish to ask you a few further questions concerning the elections in Pennsylvania. When you had interviews with Mr. Buchanan previous to the election in Pennsylvania in 1858, did you not freely talk with him in regard to the use of money to carry certain districts?

Answer. I talked to him freely as to the use of money in elections; I do not remember as to any specific districts; I talked about the expenses of elections generally, the large amounts used; yes, sir.

Q. Did you not tell him that you were compelled to use large amounts of money?

A. I cannot say that I was compelled.

Q. That you were using large amounts of money?

A. He was cognizant of the fact that I contributed largely for elections.

Q. What was the character of the several letters from Pennsylvania that he read you portions of during one of the interviews you had with him about carrying certain districts? How was it to be done?

A. I think most of them wanted material aid; they made suggestions as to aid required in different districts generally, and the political affairs of their several districts.

Q. Did Mr. Buchanan object to carrying elections or helping to carry them in that way?

A. Never to me.

Now, sir, this testimony shows what the democratic practice was in regard to political assessments when the democracy were in power in this country, and have we any evidence that they would not repeat this practice if they were given power again? Have they given us any proof that they have changed in any particular for the better since 1856? I think not. They are no more of a reform party to-day than they were then. They cry "reform" with the utmost vigor, but they are careful never to practice it. Why, sir, since this bill was reported to this House the democratic employes both of this House and the Senate have been called upon to contribute, and have contributed, to the campaign funds of the democratic party. That

was during the important campaign in Ohio, and these men were called upon to help that campaign along after the regular old democratic style.

PREACH ONE THING AND PRACTICE ANOTHER.

How is this, I ask, for a party that makes such loud assertions in condemnation of political contributions? We find gentlemen on the other side rallying to the support of this bill, indorsing its principles and urging its passage with all the vigor and eloquence they can command, and yet they turn right around while doing these things and violate every principle of the bill. On this floor they advocate one thing, while outside they greedily rush to the practice of the opposite. They stand up here and condemn what we republicans do, and yet turn right around and do the same thing. Oh, democracy, thy other name is humbug!

But, sir, no one who is familiar with the history of the democratic party is surprised at their action in this matter. It is only what might be expected. In fact, we should all be disappointed if that party did not act in this matter with its usual inconsistency. It is to-day, and has been for years, the habit of the democracy to preach one thing and practice another. There never was a party in the country that is such a model as to precept or such a failure as to example. There is not a virtue in the whole catalogue that it has not claimed as its own, while there is not a vice that it has not unhesitatingly practiced. For fear some of the gentlemen on the other side may have short memories, I invite their attention to the following list:

They have cried reform, while they have been practicing all sorts of rascality. They have declared in favor of economy, while they have indulged in the most inexcusable extravagance. They have announced themselves in favor of liberty, while they have upheld the vilest and most degrading system of slavery that ever cursed the earth. They have prated about the necessity of educating the individual citizen, while by law they have made it a high crime to teach a human being to read. They have advocated free speech and a free press, while they have crushed out both without the least hesitation. They have talked loudly about the rights of the individual citizen, and yet they have never hesitated to violate those rights whenever it suited their convenience. They have waxed eloquent over the poor laboring-man, while they have oppressed labor and degraded the laboring-man. They have always proclaimed themselves as the special defenders and guardians of the Constitution, and yet they have not hesitated to violate the Constitution whenever it suited their purpose. They have paraded their honesty before the country, while their actions have shown them to be destitute of every honest principle. They have talked long and loud about the necessity of a free and honest ballot, and yet they have forged thousands upon thousands of fraudulent naturalization papers, voted thousands upon thousands of illegal voters, reduced republican majorities to minorities by bulldozing, repeating, tissue ballots, and false counts; driven legal voters by hundreds from the polls; shot down men like dogs because they refused to vote the democratic ticket; stolen scores of republican congressional districts by force and fraud, and robbed republican majorities of representation on this floor by turning their legally-elected Representatives out of their seats and giving those seats to democrats who had no shadow of a right to them. In fact, there is not one single sound political principle that they have not advocated in word while they have violated it in practice. And this is democracy not only as it was, but as it is. Gentlemen on the other side declare it wrong for Government officers and employes to make contributions to campaign funds, and even urge the passage of a bill forbidding such contributions, and yet while doing this they call upon the Government employes in this building to come forward with their money and assist in helping forward the democratic campaign in Ohio. Such gross inconsistency no one would expect to see manifested in the actions of any party but the democratic party.

STOP ALL POLITICAL ASSESSMENTS.

But, Mr. Speaker, if the officers and employes of the National Government should be prohibited from making contributions to campaign funds, why should not the same prohibition be made in regard to the officers and employes of a State government? If the principle is right in one case, it is certainly right in the other. And yet I will venture to assert that not a single democrat on this floor was ever known to advocate the application of this principle to State officers and employes. It is, as every one knows, a universal custom with both democrats and republicans to call upon not only their State, but their county and municipal officers, to assist in defraying the expenses of their political campaigns. If democrats are opposed to this custom, why have they not made their opposition manifest in the States, counties, and cities where they have resided? Many of the gentlemen on the other side who favor this bill have been members of legislative bodies in States where the democrats had full control, not only of the Legislature but of all the State offices, and yet I venture to say that not one of them in his capacity as a State legislator ever brought forward a measure forbidding political contributions on the part of State and county officers, or even hinted by word or act that he was in favor of such a measure. If there is one, let him indicate it now or forever after hold his peace. No, sir, there is none. Even the distinguished gentleman from Maryland [Mr. MCLANE] who made such a forcible speech in favor of this bill near the close of the extra session last summer is silent. What, then, are we to conclude?

Not that the gentlemen on this floor, who support this measure, support it because at heart they believe in it, but because they imagine that if they can make it a law they will be enabled thereby to cripple the republican party in the presidential campaign of this year. They imagine that, if they can stop the political contributions on the part of Government officers and employés, the republican party will be greatly embarrassed for want of funds, and that Tilden, or some other man, with his barrel, will thus be enabled to win in the presidential race. But I would advise these gentlemen not to lay any such flattering unction to their souls. You may pass this bill and as many more similar ones as you like, but you will scarcely be able to make a free track over which your candidate may ride into the presidential office. The republican party will put its candidate in the field, will have all the money necessary to fight his battles, will rally with enthusiasm and determination to his support, and will elect him, notwithstanding all your efforts to cut off our supplies, to make free fraud upon the ballot-box lawful by repealing the election laws, and to prevent the use of the Army to keep bulldozers, rifle-clubs, red-shirts, white-liners, and other armed and lawless democratic organizations from interfering with the right of American citizens to vote.

NO PROOF OF REPUBLICAN CORRUPTION.

Having said this much, sir, I now wish to say a few words in reply to what the gentleman from Tennessee [Mr. HOUSE] said in his speech of yesterday. That gentleman seems to proceed upon the idea that the republican party is utterly corrupt and dishonest, while the democratic party is a party whose honesty is beyond question and whose virtue is as bright as the new-fallen snow. But, sir, if the republican party is so fearfully corrupt as the gentleman asserts, why is it that the democrats have never been able to lay their hands upon that corruption and expose it? I am aware, sir, that for the last dozen years there has been a perfect horde of democrats dogging the steps of the republican party and howling, as loudly and fiercely as possible, about republican corruption and rascality, but I am also aware that not in any one single instance have they proven that the republican party was corrupt or dishonest. Every gentleman on this floor will remember that the democracy have come before us every campaign since the war, crying out against republican extravagance, dishonesty, and unwarranted expenditure of the people's money. To listen to their cry, one would think that all the bummers, dead-beats, and thieves in the country had fled from the democratic fold and were safely housed with the republicans, controlling the policy of our party and running it for their particular benefit. I admit that there have been corrupt men in our party. Every party which is in power any length of time attracts to itself a class of men who are without principle and who sometimes manage to crowd themselves into the front rank. But if such men have appeared in our party, these three things can be said of them: First, they have come to us from the democratic party; second, their rascalities have always been exposed by us as soon as they were discovered; and, third, as soon as their rascalities were made known, they have gone back to the democracy and begun to prate about republican corruption and dishonesty.

Now, what I want to say is, that the republican party is not responsible for the rascality of any one of its members unless it indorses that rascality, and I defy any one to point to a single instance where it has indorsed such rascality. The fact is, our party has been the only party that this country ever had which has dared to take hold of rascality in its own ranks and weed it out. In this particular it differs widely from the democracy, who instead of exposing and punishing corruption in their own ranks always attempt to cover it up. In all the many years of their power in this country, who ever heard of their punishing a single one of the many thieves and rascals who served them in an official capacity. Their policy has always been to conceal the misdemeanors of democratic officials for fear exposure would injure their party. The republican party, on the contrary, while laboring to give the people an honest and efficient Government, has always been willing that the acts of its officials should be known and read of all men. During the campaign of 1872 there were some very grave charges made against republican officials, and as soon as the Congress that was elected that year assembled the republican majority went to work to investigate these charges. They looked into the Credit Mobilier matter and found that Mr. Ames, republican, and Mr. Brooks, democrat, both leading members of the House, were mixed up in that huge swindle, and these two men were severely censured. They also investigated the War and Navy Departments where everything was found satisfactory. A committee, having on it two democrats, looked into the Treasury Department and after a thorough investigation brought in a unanimous report that they could not find even a "minor irregularity" there.

INVESTIGATIONS OF THE FORTY-FOURTH CONGRESS.

But notwithstanding this clear record of our party, the democrats came into the Forty-fourth Congress crying "Economy and reform," and determined to do all they possibly could to detect some irregularity among republican officials. Starting out with the assumption that everything connected with our administration was corrupt, they began a system of investigations, with a view of disparaging republican rule and republican officials, which was so basely partisan and unjust that no party but the democratic party would ever have undertaken it. The confederate majority in the House were anxious to elect a President in 1876, and to help them in this great work they

needed a little party capital. Hence, as soon as they had organized the House in December, 1875, they set their committees to work investigating republican officials. In their wild hunt for republican rascality all important legislation for the good of the country was neglected. The question of funding the national debt, the cheap-transportation question, the currency question, the tariff question, and many other questions vital to the industries and prosperity of the country were all passed by as of no consequence in comparison with the great question of manufacturing a little capital that would assist the democracy in electing a President. To make their work thorough no less than eighty-three resolutions of investigation were adopted, besides a legion of resolutions making inquires of the various Departments. Twenty-five standing committees and eight select committees organized themselves into scandal-making machines and raked all the highways and byways ever trod by a republican official, to find, if possible, some bit of crookedness that could be used against our party. Every man we had kicked out of office for incompetency or dishonesty, every cashiered officer of the Army, and every nameless vagabond they could reach was invited, solicited, and urged to come forward and testify as to what he knew about republican corruption.

"Partly for revenge, partly for witness fees, and partly for cheap notoriety, these birds of evil omen flocked to the Capitol, thronged the corridors, took possession of the committee-rooms and the committees, prompted questions, invented answers, retailed old scandals picked up second-hand as the dead refuse of the street, to be eagerly swallowed by the many democratic mouths that stood agape for such carrion food. The common rights of individual citizens were grossly violated, the sanctity of private correspondence outraged, telegraphic messages unlawfully forced from their proper keepers, citizens imprisoned by order of the democratic House for no valid reason, and all the rights of private individuals secured by the Constitution trampled down by these democratic hunters after republican rascalities. Secret sessions of the committees were held, parties charged with wrong-doing kept in ignorance, and the poor privilege granted to all criminals of an open investigation and of meeting witnesses face to face was denied." And after eight months spent in hunting for republican rascality and republican knaves, what did they find? Our party had been everywhere arraigned before the great tribunal of the people by these self-styled "reformers," and now subjected to such an investigation as only partisan hatred could inspire, what was the result? Not a single dollar of the people's money stolen and not a single republican official shown to be a defaulter.

INVESTIGATIONS OF THE FORTY-FIFTH CONGRESS.

But notwithstanding all this fruitless effort, this neglect of public business, and this useless expenditure of money, the House of the Forty-fifth Congress, as soon as it was organized in the fall of 1877, plunged into the investigating business as recklessly as its predecessor had done. Under a sweeping resolution introduced by Mr. Glover, of Missouri, and passed, a horde of investigators was turned loose upon the various Departments, to interfere with public business, insult their heads and scandalize the nation by an assumption of frauds that had no existence except in the brain of some democratic partisan. It is well-known that in the House of Representatives there are regular standing committees on expenditures in the State, Treasury, War, Navy, Post-Office, and Interior Departments, on Public Buildings, and in the Department of Justice, besides a Committee on Public Expenditures. Each one of these committees is charged by law with the duty of inspecting affairs in its own Department, and this ought to be sufficient. But this Glover resolution, starting out with the assumption that all these Departments were perfect cess-pools of corruption, instructed these committees to proceed at once to investigate them to ascertain if some crookedness could not be discovered. When this resolution came up in the House, it was thought best by the republicans to have it amended, and accordingly Mr. Hale offered an amendment to the effect that before the committee proceed to investigate any Department "the charges upon which such investigation is based shall be presented to the House in writing, with the names of such officers as are charged with improper or unlawful proceedings and a particular statement of the charges against them," said charges to be signed by one or more members of the House, stating that he or they believe the charges to be true. But this amendment was promptly voted down. The democrats could not present specific charges against any particular officer in any of the Departments. They had heard some fellow, who had been kicked out of some Department for incompetency or rascality, say that he believed there was something wrong in that Department, and upon such an unreliable statement they set their committees to work to see whether or not the statement was true.

Having gotten their machinery in full operation, the house awaited the result with some anxiety. Now and then some story was set afloat to the effect that this or that committee had struck a trail and expected in a few days to discover something startling. But day after day rolled away, and the something startling never came. Glover and his committees went into all the Departments, examined hundreds of witnesses from the chief down to the lowest clerk, and after continuing this sort of work with the utmost vigor during the entire session of eight months, what was the result? Absolutely nothing that shows the least rascality or dishonesty on the part of any republican official. The whole scheme resulted in such a complete failure that the Glover report has never yet been printed.

GLOVER DISCOVERS DEMOCRATIC CROOKEDNESS.

Even the democrats themselves were disgusted with it. The most that was discovered in the way of crookedness was to the detriment of the democracy. Instead of discovering republican rascality, Glover was always stumbling upon some rascality on the part of his reformed democratic brethren. Some members of his committee, who happened to look into the Doorkeeper's office, thought they discovered a little official crookedness, and when the matter was investigated, it was found that the "reformed" democratic Doorkeeper had overstepped the law and had appointed to office a dozen or two more hungry democrats than the law authorized, being absolutely bulldozed into this irregularity by democratic Congressmen who had special friends that must be supported at the public expense. These committees also discovered that a noted democratic reformer who was elected to Congress in 1876 by the most shameful frauds ever perpetrated, and whose majority, or thirteen of them at least, were arrested and sent to the penitentiary for illegal voting—that this great "reformer" had drawn pay for an imaginary clerk and put the money quietly away in his own pocket. They discovered, moreover, that a certain high-toned committee, which was made up of the choicest spirits in the democratic congressional camp, and which was sent down to Louisiana to bring to light and expose republican frauds in that State, prepared itself for the great work before it by laying in a lot of choice wine, brandy, and cigars, which cost nearly \$200 and for which the "dear people" had to pay. Glover was always running across some democratic crookedness where he least expected it and just where he did not want to find it. He went into one of the Departments one day and happened to discover a little something wrong. "What is this?" inquired he, feeling sure that he was now in a fair way to capture the scalp of some rascally republican. The matter was promptly and fully explained to him. "But what has become of the man who perpetrated this wrong?" "Oh! he was turned out of office about a year ago for stealing," was the reply. "But where is he now?" inquired the determined Glover. "He is now employed by one of your sub-committees as an expert to hunt up republican frauds," was the answer.

And so it was. The men who had been turned out of office for crookedness flocked to these committees and were employed by them to hunt down republican officials who would not tolerate or overlook their rascalities. Mr. Glover found it utterly impossible to detect anything wrong in the Departments. His investigations not only vindicated republican officials of all charges made against them, but they disappointed and annoyed democrats. The Washington Post, the national democratic paper, in speaking of what was accomplished by Mr. Glover, uses these words:

The fact remains that Mr. Glover has caused a large outcry and produced very little wool by his shearing processes. Having annoyed his own party friends to the extent of his capacity, it is to be hoped that he will now give the country something for its money and show up some of the corruption and rascality of the gentlemen who ran the Government into the ground and tried to break it off.

NOT PAID THE TAXPAYERS, BUT HAS PAID THE REPUBLICAN PARTY.

And now, in view of the exceeding meager results reached, I ask if these democratic investigations have paid? The investigations of the Forty-fourth Congress cost the tax-payers of the country no less than half a million of dollars, and those of the Forty-fifth Congress doubtless cost five hundred thousand more. Besides this, much valuable time has been wasted on this miserable business which ought to have been devoted to legislation for the good of the country. The whole course pursued in these investigations shows that the democracy are willing to squander any amount of the people's money if by so doing they can secure a little party capital. Their cry of economy and reform means nothing more than getting the republican party out of power and the democratic party in power. The true meaning of this cry is well set forth in a speech of Representative WHITTHORNE, of Tennessee, which he made in the House of the Forty-fifth Congress a few days before adjournment, when he said: "What is civil-service reform? I am in favor of it, if it means putting republicans out of office and putting democrats in." This sentiment is indorsed by every democrat in Congress, and it was to effect this change—to secure the offices of the Government for these leading democrats, that, while crying economy and reform, they undertook these investigations which have cost the people at least a million of dollars. And I ask, has this reckless and unwarranted expenditure of money paid? It has not paid the tax-payers who have had to foot the bill, and I do not think it has paid the democracy who have utterly failed to accomplish what they set out to accomplish. But it has paid the republican party, for it has shown that party to be thoroughly and reliably honest. No party in this country ever went through such a fearful ordeal and came out so completely vindicated. For five long years the democratic majority in Congress have labored night and day to blacken the character of that party, but they have labored in vain. All that party malice and hatred and venom and greed for office could do to discover something wrong in our administration of the national finances has been done, but nothing was discovered. The record of our party was found to be clean. Not a penny of the people's money had we stolen and not one of our officials had been unfaithful to his trust. In view of these democratic investigations, I feel prouder of the republican party to-day than ever. I accept the result of these investigations with gratification, for they show that there has never been a period in our history when the revenues of the Government have been so wisely managed as since the republican party has been in power.

THE DEMOCRATIC RECORD.

But, sir, the gentleman would have us believe in the purity and guilelessness of the democratic party. I have already shown what the record of that party was before the war in regard to political assessments, and I now make the assertion that the record of that party in every respect, both before and since the war, is a record blotted and stained all over with corruption and rascality. The democracy had control of this Government for thirty years, and yet so badly did they manage our governmental affairs that the people would tolerate them no longer, and in 1860 arose and hurled them from power. Such a determined and widespread uprising on the part of a great people is not without cause, and such a wholesale condemnation of a party is not expressed unless it is merited. The reason for this radical revolution every intelligent American citizen understands. The democratic party had been tried and found wanting. It had had a grand opportunity to distinguish itself in managing governmental affairs, but had most signally and ingloriously failed. In the course of a thirty years' lease of power it had shown itself to be entirely destitute of those qualities which are necessary for any party to possess in order to make its administration a success. Its whole career was marked with inability, dishonesty, and the basest kind of partisanship. Look at its history and tell me what it ever did when in power to indicate that it would be safe to intrust it with power again. Tell me what grand scheme it ever devised, what laws enacted, or what principles advocated which would convince any intelligent, honest, and unpartisan man that it possesses any fitness for the position to which it asks to be elevated. Its history tells not only what the party was, but what it is to-day. It shows that, instead of being a party of honesty and ability, it is a party of dishonesty and weakness. During all its long public career its motto was always party success. To build up party it was always willing to sacrifice everything that stood in its way. To perpetuate its rule it was willing to lay aside both its honesty and love of country. Party success is the god which the democracy have always worshiped with more than jesuitical devotion, and upon whose altar they have sacrificed all that entitled them either to the confidence or the respect of the American people.

SAME OLD PARTY.

Now, Mr. Speaker, this old party, which the people of this nation hurled from power in 1860 on account of its incompetency, is now before us asking to be intrusted with power again; and the gentleman from Tennessee has fired the first gun in its behalf—and the question which I ask is: Has this party changed for the better since the people declared it so utterly unfit to manage the affairs of this Government? Has it become possessed of any more honesty than it then had? Is its partisanship any less violent and base? Has it changed either in its spirit or its leadership? I make the assertion that the democratic party, in every objectionable particular, is the same to-day that it was in 1860.

Who were the leaders of the democracy in 1860 and during the war? In the North they were S. J. TILDEN, HORATIO SEYMOUR, FERNANDO WOOD, A. G. THURMAN, GEORGE H. PENDLETON, THOMAS A. HENDRICKS, and D. W. VOORHEES, and in the South Jefferson Davis, A. H. STEPHENS, ROBERT TOOMBS, BEN. HILL, L. Q. C. LAMAR, J. B. GORDON, ISHAM G. HARRIS, WADE HAMPTON, and ZEB. B. VANCE. To-day these men are not only leaders in the democratic party, but leaders whom the party has singled out to load with special honors. They are men whom the party has put forward as its most prominent and trusted representatives. This one fact has a wonderful significance. It speaks volumes in regard to the attitude of the democratic party to-day as compared with its attitude in 1860.

If the party has changed for the better, if it has acquired any particular fitness to govern the nation which it did not possess in 1860, it would be the most natural thing in the world for it to remove from its leadership the men through whose advice and management the party was brought into such disgrace and the country so nearly ruined. But the party absolutely refuses to remove these men. On the contrary, it clings to them with more tenacity and devotion than it manifested before and during the war. It is a remarkable fact, and one that should not be forgotten by any man who stood by the Government during the rebellion, that when the democratic party to-day has an especially important and honorable office to bestow, it bestows it, if in the South, upon the men who were the most radical advocates of secession, who were especially conspicuous in helping on the rebellion and who have been the most unwilling to accept the results of the war, and if in the North, upon the men who were the most open and pronounced in their sympathy with the rebel cause, and who did the most to embarrass and cripple the Government in its efforts to crush treason and save its own life. Look at a few of these men:

The leader of the democrats in the United States Senate, and a prominent candidate for President, is A. G. THURMAN, of Ohio, a man who was a Vallandigham democrat during the war, and who, in the State democratic convention in Columbus in January, 1861, offered the following resolution:

That the two hundred thousand democrats of Ohio send to the people of the United States, both North and South, greeting, and when the people of the North shall have fulfilled their obligations to the Constitution and to the South, then, and not till then, will they take into consideration the question of the right and propriety of coercion.

A couple of years ago the democratic Legislature of Ohio was called

upon to elect another Senator to serve with Mr. THURMAN, and from the large number of candidates selected GEORGE H. PENDLETON. This Legislature had an admirable opportunity to throw this old leader overboard, but it refused to do it. Among the candidates were General EWING, General Ward, and General Morgan, all of whom did gallant service in the Union Army during the war, but this democratic Legislature passed these Union soldiers by as unworthy to represent the Ohio democracy in the United States Senate and selected as their representative the man who stood up in Congress in 1862 and declared that he would not vote a man or a dollar to assist the Government in prosecuting the war, and who was a candidate for Vice-President in 1864 upon the democratic platform declaring the war on the part of the Government a failure.

The most prominent of the two men who represent the Indiana democracy in the United States Senate to-day is D. W. VOORHEES, a man who was in sympathy with the worst element of Indiana democracy during the war, an element which was active in organizing Sons of Liberty and Knights of the Golden Circle. In 1865 the national democratic convention nominated as its candidate for President Horatio Seymour, a man who encouraged the New York riots of 1863. In the last presidential campaign the democratic standard-bearers were two of the worst copperheads in the country. Mr. Tilden was outspoken in condemnation of the war on the part of the Government, and in February, 1861, declared to the Tweedle Hall convention that he would resist under any and all circumstances the use of force to coerce the South into the Union; while Mr. Hendricks stood opposed to the Government from the beginning to the end of our mighty struggle to save the Union.

But who are the leaders in the South to-day? They are the men who did the most to plunge the country into war and who were the last to lay down their arms when the confederacy went to pieces. That bitter and uncompromising rebel, WADE HAMPTON, is honored by the South Carolina democracy by being elected governor of his State, and is then transferred to the United States Senate. ZEB. VANCE, who declared that he would fight the Yankees until he filled hell so full that their feet would stick out of the windows, is made governor of North Carolina, and then promoted to a seat in the Senate of the United States. BEN. HILL is put into the United States Senate by the democracy of Georgia because he fought gallantly for the rebel cause and then stood up in the lower House of Congress and urged the Government to grant amnesty to Jeff. Davis, when the latter scorned to ask for it himself. Other leading representatives of the southern democracy in the Senate are GORDON, LAMAR, HARRIS, and BUTLER, all of whom distinguished themselves in aid of the rebellion. In the House, the leading man from the South is ALEXANDER H. STEPHENS, who was vice-president of the southern confederacy and who is today the chief of the seventy ex-rebels who represent the southern democracy in this body. But towering above all these, *facile princeps* in the eyes of the southern people, is Jeff. Davis, the ex-president of the defunct confederacy. These are the leaders in the democratic party to-day—the men who dictate its policy and shape its course—and does any one think that the party is a safe party as long as it retains such men as leaders?

DEMOCRACY NEVER REFORMED ANYTHING FOR THE BETTER.

But, sir, I make the further assertion that the democracy have never reformed anything for the better, and as their party is organized to-day never can so reform anything. The party is not a reform party in any sense of the word. How is that party organized? Who constitute its rank and file? Who control it and dictate its policy? The great State of New York has run the national democratic party for the past dozen years. It has dictated the nomination of the last three democratic presidential tickets. And yet the great State of New York is run by the rascals and dead-beats in New York City. Do the gentlemen on the other side desire to know who these men are? If they will listen, I will inform them. I send to the Clerk's desk the following, which I desire to be read. It is written by Brick Pomeroy, and being a good democrat, he should be regarded as the very best of authority.

The Clerk read as follows:

The republican politicians of Washington are adept thieves and somewhat perfect in the art of scoundrelism; but there are here in the city of New York men high in democratic authority—men who, by the use of money liberally expended, expect to control the next national democratic convention—who can, blindfold and with one hand tied behind them, steal more in one hour from the people than all the republicans in the city of Washington could steal in twenty-four, provided they had the chance.

Mr. HAYES. In another article, speaking of the efforts of the New York City democrats to get control of the national democratic convention in 1872, Mr. Pomeroy talks as follows:

If the head sachems of Tammany can manage to secure the nomination of "their man" for President, and then see him elected, there will be inaugurated the grandest administration of theft, corruption, profligacy, extravagance, and crime this country ever witnessed.

The ring of swindlers now holding treacherous power in New York City, under the name of democracy, are doing more to weaken the cause of democracy in the country at large than the entire vote of the city can atone for.

This is Tammany! This is the so-called democratic authority governing New York!

This is the devil's combination of thieves now ruling New York City, not for the good of the many but for the enrichment of the few.

This is the monopoly of the corruptionists now proposing to buy the nomination of the next democratic candidate for the Presidency, that Washington may be included—that some of the leading thieves of our New York officials may be transplanted to newer fields, but under the same management.

It is for the democracy of the country to look to this, to send to the national convention of 1872 men who dare to be honest to tax-payers and principles, or there will be such a defeat and such a disruption and scattering of the democracy as no power on earth will ever rally.

Honest men will not always indorse corruption.
New York, the pig-pen of Tammany, may submit to what its people have not pluck enough to help, but the democracy of the country will not submit to such dictation.

Look to New York!
One hundred and one million dollars in debt.
And what have the people to show for it?
A steam-yacht!
An American club-house!
A race-track!
A supreme court owned by the Erie Railway, with Hon. George Barnard for toll-keeper!

A palace for lying, slippery Dick Connelly, the comptroller, who went into office so poor that he could not qualify in \$1,000—who is now a millionaire!
A fortune of \$10,000,000 for Peter Bismarck Sweeney, who was a poor man when first appointed city chamberlain.

A palace for Hon. William M. Tweed, the likeliest man in the lot, who has only made \$25,000,000 out of the city, by honesty and economy, in ten years.

A fortune of \$7,000,000 for A. Oakey Hall, the popinjay mayor, who squawks when his masters pull the strings, and pockets his percentage of the plunder while angling for the nomination for governor.

Six thousand harlots and one thousand nine hundred dens of infamy supported directly from the city stealings.

These are a few of the exhibits for this enormous debt, which must be paid or repudiated.

But, sir, this is not all. I have here a description of the democratic party by Horace Greeley, who headed the democratic presidential ticket only eight years ago. Speaking of the democratic party Mr. Greeley says:

Every one who chooses to live by pugilism or gambling or harlotry, with nearly every keeper of a tipping-house, is politically a democrat.

If there were not a newspaper nor common school in the country, the democratic party would be far stronger than it is.

The essential articles of the democratic creed (are) love rum and hate niggers. The less one learns and knows the more certain he is to vote the regular ticket from A. to Lizzard.

We thereupon ask our contemporary to state frankly whether the pugilists, blacklegs, thieves, burglars, keepers of dens of prostitution, etc., etc., are not almost unanimously democrats?

To smoke is a democratic virtue; to chew is that virtue intensified; to drink rum is that virtue in the superlative.

A purely selfish interest attaches the lewd, ruffianly, criminal, and dangerous classes to the democratic party.

This would amount to six in a bed, exclusive of any other vermin, for every democratic couch in the State of New York, including those at Sing Sing and Auburn.

All do know that there are several hundred thousand mulattoes in the country, and we presume no one has any serious doubt that the fathers of at least nine-tenths of them are white democrats. And we hold that those democrats, if they will have yellow children, might better than otherwise have the mothers respectfully as wives, after the laudable pattern of that eminent democrat, Vice-President Richard M. Johnson.

The brain, the heart, the soul of the democratic party is the rebel element at the South, with its northern allies and sympathizers. It is rebel at the core to-day. It would come into power with the hate, the chagrin, the wrath, the mortification of ten bitter years to impel and guide its steps. Whatever chastisement may be deserved for our national sins, we must hope that this disgrace and humiliation be spared us.

For the last thirty years every American slaveholder on the African coast has accounted himself in politics a democrat. So every one who chooses to live by pugilism or gambling or harlotry, with every keeper of a tipping-house, is politically a democrat. He believes in "laissez faire"—that the world is governed too much; that the best government is that which governs least. He wants "his trade to move without restriction." He joyfully subscribes to the World, and echoes its cry, "Let the people eat, drink, and amuse themselves as they see fit, so long as they do not infringe on the same liberty in others."

Point wherever you please to an election district which you will pronounce morally rotten, given up in great part to debauchery and vice, whose voters subsist mainly by keeping policy-offices, gambling-houses, grog-shops, and darker dens of infamy, and that district will be found at nearly or quite every election giving a majority for that which styles itself the democratic party. Take all the haunts of debauchery in the land and you will find nine-tenths of their master-spirits active partisans of that same democracy. What is the instinct, the sympathetic chord which attaches them so uniformly to this party? Will you consider?

TILDEN AND REFORM.

But, Mr. Speaker, I wish to go a step further in showing up the rascalities of the democratic party. I claim that we have never had a party in this country that has been so utterly unscrupulous in the means employed to gain and retain power. Its history shows that there has been no scheme too vile, no policy too corrupt, and no course of proceedings too rascally and base for the party to adopt, if by so doing it could make votes and bolster up its fortunes. Its record during and since the last presidential election shows it to be the same old party that it was before the war, actuated by the same narrow and selfish motives and seeking the same partisan ends by the same unprincipled and dishonest means. To prove what I say to be true, I invite your attention not only to the course pursued by the democracy during the last presidential campaign, but to the action of the democratic majority in the lower House of Congress during the last session of that body.

Every one remembers how the great campaign for "Tilden and reform" was carried on. Beginning with the Saint Louis convention, where Mr. Tilden was nominated, down to the day of the election, the democracy did not hesitate to resort to all kinds of trickery, rascality, fraud, bulldozing, and murder in order to make certain the election of their candidate. Tilden's nomination was procured by dishonest means. He was nominated with money and because he had money. At the convention a noted democrat appeared as Mr. Tilden's most prominent friend and absolutely went about with rolls of bills in his hands buying up delegates to vote for his chief. In prosecut-

ing the campaign the great cry of "Tilden and reform" was raised and taken up by every democrat in the country and shouted with the utmost vigor—and yet the party trusted for success more in Tilden's barrel than in the humbug cry of reform. Mr. Tilden surrounded himself with a set of political tricksters such as would disgrace any man or any party, and these men, loaded down with money, were sent out all over the country to work up his interests and make success at the polls a certainty. The States of Indiana and Wisconsin were flooded with money which democratic reformers freely used in manufacturing voters for their great leader. The attempt to secure a presidential elector from Oregon for Tilden by the use of money is a matter of history, which no man of ordinary intelligence and honor will deny. In South Carolina also the democracy tried to get a Tilden elector and offered as high as \$40,000 for one. But these cases sink into insignificance when compared with the case in Louisiana. Here is a case where a republican elector, after the election was over, was approached by Mr. Tilden's friends and offered \$100,000 if he would turn traitor to his party and cast his vote for "Tilden and reform." I affirm that never in the history of our country was a political campaign conducted in such a shameful and grossly corrupt manner as was the campaign of 1876 on the part of the democracy; and it is to the credit of the American people that such a corrupt party was defeated at the polls.

INTIMIDATION AND MURDER IN THE SOUTH.

But not only was money used, but every other base means which democratic ingenuity could invent was resorted to in order to make success certain. The history of the democratic campaign of 1876 in the South is but the history of one of the most gigantic schemes of intimidation, fraud, and murder that was ever undertaken by any party. There is not a single Southern State in which there was anything like a free or fair election. The white-liners and rifle clubs were in full force in every locality and did most efficient service in aid of the democratic cause. At the tap of the court-house bell in Vicksburg, Mississippi, at any hour during that campaign, two thousand fully armed, equipped, and organized ex-rebel soldiers would muster on the streets in ten minutes, under their democratic commanders, ready for any sort of work that the interest of the democratic cause required. In every other city and town in the State there was a similar force always prepared for work at any hour. The white-liners took matters in their own hands, and the result was that Mississippi, which on a fair vote has a republican majority of from thirty thousand to fifty thousand, was carried for "Tilden and reform" by a majority of fifty thousand. And what is true of Mississippi is true of every other Southern State. The armed democratic organizations held full sway, and by terrorism, and coercion, and ballot-box stuffing, and murder managed to carry all but three of the Southern States for Tilden. Some of the congressional districts, which are republican by from six thousand to ten thousand majority, were handed over to the democracy by these organizations with the democratic vote largely ahead.

THE SHOT-GUN POLICY STILL IN FORCE.

The shot-gun policy, which worked so well in 1876 and secured such grand results for the democracy, has been continued up to the present time. To-day, under its operation, we see every Southern State in the hands of the democratic party, while the republican party is virtually wiped out. Now, it is a well-known fact that many of the Southern States are thoroughly republican on anything like a fair vote. Give us a free and honest election, and our party would carry Arkansas, Louisiana, Alabama, Mississippi, both the Carolinas, and Florida. Why, sir, it has always been our boast in this land that the majority should rule. But in the South to-day this doctrine is reversed. In almost every Southern State the minority, having by murder, house-burning, and robbing brought the majority into subjection, alone bear rule and have everything their own way. Is this right? Is it according to the principles upon which our Government is founded? Are we to tolerate such injustice?

REPUBLICAN DOCTRINE.

The doctrine of the republican party has been and is, that every citizen should be the equal of every other citizen in the enjoyment of all the rights of citizenship. We have demanded that all our citizens should stand upon the same platform of equality before the law. To establish this principle in the records, in the practice, and in the life of the nation, has been the proud ambition of our party. We have labored diligently and faithfully to so perfect our Constitution and our laws that none should be rendered so powerful by wealth or so exalted by position as to be above the law, and none so humble and poor that the law should not reach down its strong hand to defend and protect them. We have always held to the idea that wherever our flag floats in this land, there the protecting arms of the Government should be stretched out, guarding the interests of the poor as well as the rich, the weak as well as the strong, and securing to every citizen his right to life, liberty, and the pursuit of happiness. By these broad and humane doctrines we stand to-day, and demand, as we have often done before, that the republican majorities in the Southern States shall not be disfranchised.

I believe that the republican party is as true in its adherence to these doctrines to-day as it ever has been. We want the question settled at once and forever that every citizen, no matter if he be weak and poor, shall be protected in all his rights. While we are anxious for

peace and quiet, we cannot forget that there are some things more desirable than peace and quiet. Agitation and bitter discussion may often be unpleasant, but if they are directed against some shocking injustice, they are far better than the quiet and calm of indifference. "When the public conscience of a nation becomes so seared that it will tolerate peacefully and quietly some gross wrong against any class of its citizens, that nation is on the high road to degradation and ruin. There is always hope for a nation when the people are careful to note and quick to rebuke any infringement upon the rights of the individual citizen. It is the best sign that the national heart is right and the nation safe, when that heart flames out in indignation at the perpetration of any great wrong and demands its correction." Let the people of this nation once adopt the democratic idea that the majority in the South, simply because it is made up of men who are poor, and weak, and defenseless, has no rights which the wealthy and aristocratic and powerful minority are bound to respect, and that moment we abandon all that is best and most desirable in our free institutions.

DEMOCRATIC POLICY IN CONGRESS.

Let us now turn our attention to the democrats in Congress and see the base means to which they have resorted in order to strengthen themselves in power. When the Forty-fifth Congress assembled in October, 1877, the democrats found they had a majority in the House of only twelve, the vote showing 152 democrats and 140 republicans. This majority was too small to suit the leaders, considering that in the preceding Congress they had had a majority of over seventy, and so they set themselves to work to increase it. Believing that the democratic majority would favor their cause, many democrats who had been fairly beaten at the polls came to Washington at the beginning of the session to contest the seats of their successful republican competitors. These cases were taken up and considered, and in every case where any excuse could possibly be framed, the democratic contestant was given the seat. One of these cases was that of Mr. PACHECO, of California. This gentleman had been elected at the November election in 1876 as a republican, and when Congress met presented himself, with his certificate of election duly signed by the governor of his State, and was admitted to a seat. His case had been considered by the several courts of his State, from the lowest up to the supreme court, and all had decided that he was duly elected. The evidence also was such as would convince any unpartisan man that he was rightfully and lawfully entitled to his seat. And yet, upon a strict party vote, or nearly so, he was turned out and his democratic competitor put in his place.

DEAN VS. FIELD.

Another case was that of Mr. FIELD, of Boston. Mr. FIELD, like Mr. PACHECO, had been duly elected, and upon the certificate of the governor of Massachusetts, was admitted to a seat. Yet after holding his place about four months, he was obliged to vacate it to make room for his democratic competitor, Mr. Dean. The excuse given for turning Mr. FIELD out was as follows: According to the law of Massachusetts there may be two counts of the ballots cast at any election. In this there was a count by the ward officers at the several polling places, and also a count by a committee appointed by the board of aldermen of the city. By the count of the ward officers, which is always made in a hurry and in the midst of more or less confusion, Mr. Dean, the democratic nominee, had a small majority, but when the ballots, which the ward officers sealed up and sent to the city clerk, were counted by the committee of aldermen, it was discovered that the ward officers had made a mistake, and that Mr. FIELD, the republican nominee, was fairly elected. This committee which made the recount was composed of two democrats and one republican, and hence would not be apt to count Mr. FIELD in unless he had been fairly entitled to a majority of the votes. Upon the basis of this recount the governor of the State issued a certificate of election to Mr. FIELD and he was accordingly given a seat in Congress. But when Mr. Dean came forward and contested his seat the democratic majority, upon recommendation of their Committee on Elections, voted Mr. FIELD out and Mr. Dean in. Now, the great injustice of this act is seen when we remember that the second count of a vote is the official count, and is the one that always decides a contested election in Massachusetts. It is always considered more correct and reliable than the first count, which has in many instances been found to be wrong.

ACKLEN VS. DARRALL.

Another of these contested cases that came up was from the third district of Louisiana. This district had been represented in the Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses by Chester B. Darrall, a republican. At the election in November, 1876, Mr. Darrall was again elected, and on the 28th of December following received from Governor W. P. KELLOGG a certificate of election, which stated that according to the official count Mr. Darrall had received 15,626 votes, and his opponent, Mr. ACKLEN, 13,523, giving Darrall a majority of 2,103. In the month of February, 1877, after the democratic administration had been duly inaugurated in Louisiana, under Governor Nicholls, a democratic returning board was convened, which proceeded to recount the votes cast for member of Congress in Mr. Darrall's district. Upon the recount of this democratic board Governor Nicholls issued to Mr. Darrall a second certificate, which recited that Darrall had received 15,786 votes and ACKLEN 14,692, giving Darrall 1,094 majority. Armed with these two certificates, one from a

republican and the other from a democratic administration, Mr. Darrall was admitted to a seat in Congress. But when ACKLEN appeared to contest his seat the democratic committee took the case under consideration, and soon reported against Mr. Darrall, and he was accordingly voted out by another strict party vote.

PATTERSON VS. BELFORD.

But the case which more fully than any other sets forth the injustice and partisan spirit of the democratic majority in the present House is the case from the State of Colorado. The Territory of Colorado was admitted into the Union as a State on the 1st day of August, 1876. The enabling act of Congress, authorizing the Territory to elect a convention to frame a constitution, had given that convention the power to fix the day for holding the elections of the new State from the time of its admission up to 1880. That act provides:

SEC. 6. Until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the governor and other State officers, shall be elected on a day subsequent to the adoption of the constitution, to be fixed by said constitutional convention.

In accordance with the power given in this section, the constitutional convention provided in the new constitution that "the general election shall be held on the first Tuesday of October, in the years of our Lord 1876, 1877, and 1878, and annually thereafter on such day as may be prescribed by law." The Territory being admitted into the Union as a State on the 1st of August, 1876, there would of course be two members of Congress to be elected at the first election, to be held in October of that year, one to fill out the unexpired term of the Forty-fourth Congress, and one for the Forty-fifth Congress. Judge BELFORD was the republican candidate for both Congresses, and T. M. Patterson the democratic candidate for the same. There was some little question about the legality of holding the election for member of the Forty-fifth Congress in October, but finally the two candidates and their friends agreed that the whole matter as to both Congresses should be settled at one election. Accordingly the two candidates went into the field, canvassed the State, and on the 3d day of October the election came off. The official count showed that BELFORD had received for the Forty-fourth Congress 13,328 votes, and Patterson 12,410, giving BELFORD a majority of 918 votes. For the Forty-fifth Congress BELFORD received 13,483 votes, and Patterson 12,611, giving BELFORD a majority of 872 votes. As I said, both parties went into the campaign expecting that the whole question was to be settled at this election. But after the election was over and Patterson saw he was defeated, he and his friends got together and determined to hold another election in November upon the day fixed by the laws of the United States for holding elections in all the States, except where some other day is fixed by special enactment. This was accordingly done; but the republicans paid no attention to it whatever, and only a few of the democrats turned out, so that the entire vote cast was only 3,580 as against 26,094 in October, and all of these were cast for Mr. Patterson. Now, no one questioned that Mr. BELFORD was elected as a member of the Forty-fourth Congress, and when the last session of that body convened in December, 1876, he was admitted to a seat. But when the Forty-fifth Congress assembled in 1877, Mr. Patterson came up to contest his seat in that body, and the democratic majority awarded the seat to Mr. Patterson. Now, I affirm that no party ever perpetrated an act of grosser injustice than this. There were cast in October for member of the Forty-fifth Congress over 26,000 votes, of which Mr. BELFORD received almost 900 more than half, showing that he was the choice of a majority of the people, but this fact the democrats in the House entirely ignored and gave the seat to Mr. Patterson, who was not only not the choice of a majority of the people, but received at his November election only 3,580 votes. Now, I hold that Mr. BELFORD was legally elected to the Forty-fifth Congress; but if there was any doubt in regard to it, the proper and just way to settle the matter was not to give Mr. Patterson the seat, but to declare that there was no election, and refer the question back to the people, and let them decide it by a new election. But the democrats of the House did not dare to do this. Such an election would have resulted, as the other had done, in favor of Mr. BELFORD; and, fearing this, they gave the seat to Mr. Patterson, who was no more entitled to it than any citizen of Colorado who never thought of running for Congress.

FINLEY VS. BISBEE.

But, sir, I wish to call attention to one more case, that of Finley vs. Bisbee. Mr. Bisbee, republican, had been fairly elected from the first district in Florida, and his credentials being all right he was admitted to a seat at the beginning of the Forty-fifth Congress. Mr. Finley, democrat, contested his seat, but so firmly convinced were the democratic majority that Mr. Bisbee was legally elected and was entitled to the seat that they did not dare to turn him out until about a week before the Forty-fifth Congress expired. Then a resolution declaring Finley legally elected was brought in and passed, and that gentleman was given the seat. Such another act of gross injustice cannot be found in the entire history of this country. That Bisbee was entitled to the seat was acknowledged by the democrats themselves, who allowed him to occupy it for almost two years. The seating of Finley was not only an act of the basest partisanship, but, like all the other cases I have mentioned, was a violation of the very fundamental principle upon which our free institutions rest, the principle that the person who is the choice of a majority of voters shall be entitled to and made secure in the office to which that majority elevated

him. Bisbee had done the work for two years. He had been faithful in his attendance upon the sittings of the House and in all his other duties as a Representative. Finley had done no work, and yet just at the close of the Congress he was voted into the seat, drew his pay for the full two years during which Bisbee had done the work and received the usual amount for mileage and stationery, making in all about \$12,500 that he received from the Government, for which he returned no equivalent whatever. Finley was in no sense entitled to a single penny of this money, and the giving it to him was nothing less than robbery on the part of the democratic majority in this House that did it. It was stealing \$12,500 out of the Treasury of the people and giving it to a democrat who had never earned it and who, on the score of right, was not entitled to a single penny of it.

And this, Mr. Speaker, is your "reform" democracy! This is the way the great democratic party of this country reform things when they are in power. This is one of their many unprincipled and rascally methods to get democrats into office, and thus build up and strengthen an unreliable and small majority. These cases show that they do not hesitate to override the will of the majority in any congressional district, if by so doing they can favor a democrat and add to their own strength. In their national platform of 1876 they declare their "absolute acquiescence in the will of the majority as the vital principle of the Republic," and yet in each of the cases to which I have referred they have refused to acquiesce in the will of the majority and have declared that the will of the minority should rule.

ATTEMPT TO MAKE TILDEN PRESIDENT.

I have already said, Mr. Speaker, that the democratic party was controlled by the same spirit to-day that controlled it in 1860. It cares more for party to-day than it does for country, and is still determined either to rule or ruin. In proof of this assertion I have but to refer to the action of that party since the presidential election of 1876. As you all know, the democracy went into the campaign of 1876 not only determined but expecting to win. As I said before, they resorted to all manner of dishonorable means to achieve success—the shameful and dishonest use of money, bulldozing, intimidation, fraud, and murder. Never did a party get down so low in rascality and corruption to secure any office. But all their trickery and rascality failed to give them success. Hayes was elected, and no sooner was this fact known than the leaders of the democratic host, who had hoped to get office in case Tilden became President, set up a cry of fraud, which has been echoed and re-echoed by the democracy throughout the length and breadth of the land from that time to this. These men, most of whom held seats in Congress, at once began to consult together how they might prevent the counting in and inauguration of Hayes and secure the same for Tilden. Their first efforts were directed toward buying up one or more of the Hayes electors, and as high as \$100,000 were offered for one elector in Louisiana. But these efforts proved fruitless, and then a mighty effort was made to buldoze Congress into counting Tilden in, and thus disregard the wishes of the people as expressed through the ballot-box.

Some of the most violent called upon their friends throughout the country to rise and resist the attempt to put Hayes in the presidential chair, while others pledged themselves to lead one hundred thousand armed men to Washington to inaugurate Tilden. Some of Tilden's chief advisers issued manifestoes, urging the calling of public meetings all over the country for the sole purpose of intimidating Congress and thus force it to count Tilden in. Hundreds of democratic bummers and dead-beats actually came to Washington expecting that their services would be needed and ready to do all they could toward placing in the presidential chair the man whose barrel had been so freely opened to supply the wants of the whisky-loving voters. This sort of thing actually frightened some good republicans. They really thought we were on the verge of another war, and had it not been for the silent man who then occupied the presidential chair, the leaders of the democratic host might have plunged the country into another war. As it was they saw nothing to be gained by such a course, and so they resorted to another plan. They hit upon the idea of a joint commission, hoping that they might so make up this commission and so manipulate it after it was made up as to secure the counting in of Tilden. But in this they were again disappointed. The commission gave all the contested States to Hayes, and he was accordingly declared elected to the office of President.

DEMOCRATS FAVORED THE COMMISSION.

Being beaten at every game they had attempted to play, one would suppose that they would have submitted quietly to the decision of this commission. It was certainly expected that they would. The commission was their own creature. It was proposed by them, and when the resolution providing for it was brought up in the House it was supported in speeches by such leading democrats as Payne, TUCKER, HILL, Hewitt, HUNTON, GOODE, LAMAR, SINGLETON, SPRINGER, and Walker. The most interesting feature of the debate on the part of the democrats was the fact that the decision of the commission was to be accepted by them as final.

Mr. HUNTON, of Virginia, one of the framers of the plan of settlement, said:

With such a tribunal to decide this question absolute fairness in the decision must be expected. Napoleon said: "Providence was on the side of the heaviest artillery." In this case victory will be on the side of the stronger case.

Mr. GOODE, of Virginia, said that—

—The chief merit of the plan of settlement consists in the fact that it affords a certain guarantee of a safe and speedy deliverance from the military arm of the Government. The successful candidate will be inaugurated according to the peaceful forms of law, and without violence to our republican system of government.

Mr. SPRINGER, of Illinois, said:

There can be little difference between requiring this decision to be final unless rejected by the two Houses, and making it final when concurred in by both Houses, because, sir, no political party can afford to go before the country after rejecting the finding of this tribunal. It will be effectual and final.

Mr. FELTON, of Georgia, declared that—

The commission would free the incoming Administration of all taint of irregularity or fraud.

Mr. LAMAR thought that—

To have solved so dangerous a question so simply, so calmly, and so justly was the highest tribute that could be paid to those principles of constitutional liberty which have trained the American people to such a possibility.

Mr. Harrison, of Illinois, said:

What may be the result of its [the commission's] working upon the aspirations of the two distinguished candidates for the Presidency I cannot tell, and that, to my mind, is its very best feature. It is in the interest of neither party. The tribunal will be fair and honest.

Mr. O'BRIEN, of Maryland, said:

Peace can only be secured by a decision of the late presidential election which will guarantee to the occupant of the presidential office that he is not regarded as a usurper by a majority of the people. In this view I shall vote for the bill.

Mr. Walker, of Virginia, said:

Whatever the result may be the American people will bow before it in respectful obedience.

Mr. David Dudley Field, of New York, said:

While I have thought it [the subject under discussion] beyond question within the competence of Congress I was sure that it [the proposed plan] was a just and honorable settlement and the best method of escape from impending calamity.

The tone of the discussion in the Senate was the same, no one questioning in any way the final effect of the commission's decision. Mr. BAYARD, of Delaware, defending the proposed commission, said:

I have failed to discover wherein anything is compromised; what power that both Houses should possess is withheld? I do not know where the compromise can be, what principle is surrendered; the bill intends to provide an honest adjudication for the rights of all.

Mr. THURMAN said:

This is the act of the two Houses, and this bill contemplates nothing else; and it is just as much in a constitutional sense the act of the two Houses and the decision of the two Houses as if both Houses were of the same political complexion.

Mr. WHYTE, of Maryland, said:

I shall hail the decision [of the commission] as a heavenly message, giving us peace in the land and quietude, until we shall provide by some constitutional amendment to prevent the recurrence of this unfortunate trouble.

Such was the spirit in which the democratic representatives of the people in Congress accepted the plan of settling the electoral controversy.

When the resolution was put to a vote it was carried by 191 yeas and 86 nays, the majority being composed of 158 democrats and 33 republicans, while the minority was composed of 68 republicans and 18 democrats. I say under these circumstances it was to be expected that the decision of this commission would be considered by the democrats as settling the presidential question at once and forever.

POTTER RESOLUTION.

But such was not the case. Notwithstanding the question had been decided against them by their own tribunal, they refused to give up the idea of making their candidate President. Hence it was that, after much deliberation and a vast amount of consultation among the leaders, they brought forward a resolution in the House through Mr. Potter, providing for an investigation into what they were pleased to call republican frauds in Louisiana and Florida, by which they claimed the electoral votes of these States had been secured for Hayes when of right they belonged to Tilden. The object of this resolution was apparent upon its face, and the purpose of those who favored it was shown in their emphatic refusal to allow it to be amended so as to include the investigation of democratic frauds as well as republican frauds. When the resolution was first brought forward, Mr. Hale, in behalf of the republicans, offered an amendment to the effect that this proposed investigation should include all the frauds alleged to have been perpetrated by either party, not only in Louisiana and Florida, but also in Oregon, South Carolina, and Mississippi. But Mr. Potter and his friends did not want such a full and free investigation as this. They knew that such an investigation would ruin all their schemes and crush all the fond hopes they entertained of getting Tilden into the presidential chair. They knew that a full, thorough, and searching investigation would bring to light all the frauds and rascality and intimidation and murder which their party had been guilty of in the campaign of 1876, and hence they refused to accept the amendment proposed by the republicans. By limiting the investigation to certain localities they expected to fix up a good case for Mr. Tilden, and this done, it was their intention to put Mr. Hayes out of office and put Mr. Tilden in. Just how this was to be accomplished does not appear, but that such was their intention is abundantly clear. As proof of this I call your attention to the following facts:

DEMOCRATS DETERMINED TO PUT HAYES OUT OF OFFICE.

A day or two after Mr. Potter introduced his resolution the democrats of the House held a caucus, at which Mr. YOUNG, of Tennessee,

offered a motion stating that it was not the purpose of the proposed investigation to bring about the impeachment of Mr. Hayes or to disturb him in the possession of his office. This motion was opposed on all sides, and when put to a vote was voted down almost unanimously. Now, I ask why was this proposition of Mr. YOUNG voted down if there was no intention on the part of the democrats to disturb Mr. Hayes in the possession of his office? Its adoption could certainly have done no harm, but would have quieted the apprehensions of a great many of our people and would have placed Mr. Potter and his friends in a much better light before the country than they stand in to-day. But the adoption of this proposition was not according to the programme of the leaders, and so it was rejected. These men wanted to be left free to work up Mr. Tilden's case as they saw fit and to make him President if they could. ALEXANDER H. STEPHENS, who is good authority, and who opposed the investigation, is reported to have said: "I know it was the intention of the leading men to vote Mr. Hayes out and Mr. Tilden in. I talked with them, and know it." Other democrats who favored Mr. Tilden's cause were outspoken in regard to the purpose of the investigation. I have here an extract from the Washington correspondence to the Philadelphia Press, from which I read:

Careful comparison of the views expressed by the democratic leaders upon the objects and purposes of their present course in the House leads to the conclusion that the country is rapidly drifting into a revolution; and it would be well for the law-abiding people in every part of the country to shake off the apathy which enchains them, and anticipate the calamitous state of things which now appears inevitable.

A prominent democrat in the House said to-night: "We will have Hayes out of the White House within six months, or there will be another rebellion."

Another one remarked: "Some night you will hear of Hayes and his family landed at the depot and shipped for Fremont."

Another remarked: "The public mind needs to be educated up to this thing. When Montgomery Blair submitted his memorial and resolution to the Maryland Legislature it was ridiculed by everybody. Now the movement has taken definite shape and is a subject of comment among the people. The object of the Potter investigation is to educate the public mind. The testimony is important only in that direction. Our purpose is fixed. The democratic party will use the machinery of the Federal Government to elect the next President."

Another said: "At the proper time, if necessary, we can concentrate at the Capitol, without attracting attention, enough men to carry out any purpose which the democratic party may have to accomplish."

Another, fixing the time for the initial steps, said: "By December this investigation will have proven the frauds practiced in order to place Hayes in the presidential chair, and we will refuse to receive his annual message. We can control the Senate on that, but, if it cannot be done in December, we will have both Houses after March 4."

Many of the prominent democratic papers in the country believed that the purpose of the investigation was to remove Mr. Hayes from office. The Raleigh (North Carolina) News contained the following:

The object of this investigation is not simply to collect into durable form the evidence of frauds in the stolen States. It is said that the complicity of President Hayes and Secretary Sherman will be clearly established. If such shall be the case, the impeachment of both these high officials is among the possibilities of the immediate future. Indeed, that would be a logical sequence of the investigation.

SAME SPIRIT AS IN 1860.

These facts prove conclusively that Mr. Potter and his friends meant mischief and that they undertook this investigation for the sole purpose of putting Mr. Tilden in the presidential chair. They prove also that these democratic leaders are as ready to-day as they were in 1860 to sacrifice the peace and business interests of the country to the interests of their party. In 1860 they were mad because they did not elect their candidate for President, and they have been mad ever since it was shown that they did not elect their candidate in 1876. In 1860 they plotted revolution and in 1878 and 1879 they plotted revolution again. In 1860 they made war upon our Army and weakened it in every possible way, so that it could not be relied upon to prevent them from carrying out their revolutionary schemes, and for the past five years they have been making a like war upon the Army, crippling it here, cutting it down there, and seeking to make it weak and inefficient everywhere, so that when they attempted to revolutionize the Government the Army could not be used as a power against them. Such being the spirit of democracy to-day, is it at all probable that the democratic party would institute any reform measures of any consequence if we should again intrust it with power?

OTHER REVOLUTIONARY SCHEMES.

But, Mr. Speaker, after witnessing the utter failure of the Potter committee, and after receiving convincing evidence that public sentiment would not uphold them in their revolutionary scheme to put Hayes out of the presidential chair and to put Tilden in, the democrats at once abandoned that scheme and turned their attention to the perfection of plans to carry the presidential election in 1880. During the last session of the Forty-fifth Congress and the extra session of the present Congress the democrats of each House had but one thought in their minds, and that was how they might shape things so as to make certain a democratic victory at the coming election. For this they labored, for this they caucused, for this they planned, for this they threatened, and for this they attempted to strike from the statute-books the election laws which were enacted for the sole purpose of preventing fraud upon the ballot-box. You gentlemen on the other side knew that if you could repeal the election laws you would be enabled to carry the State of New York by an overwhelming majority. If you could take from the President the power to use troops at the polls to preserve peace, you could carry a solid South by your tissue-ballots, bulldozing, and murder. You had determined upon success at the next presidential election, and you had resolved to strike down

any and every thing that impeded your way. You proposed to repeat upon a broader scale the dishonest trickery and gigantic frauds that you had practiced in 1868, 1872, and 1876. You said to yourselves that in order to carry New York and Ohio for the democracy, the bummers, dead-beats, and plug-uglies of New York City and Cincinnati must be allowed to vote half a dozen times each instead of only once as they can now do under republican law. You also said that the white-liners, red-shirts, and bulldozers must be permitted to intimidate republican voters, drive honest and peaceable citizens from the polls, shoot down all who dared to oppose the democratic party, and vote tissue-balloons to their hearts' content, in order to make the South solid for the great "reform" democracy.

There was method in all your actions. You had studied the vote in the electoral college. You felt certain that with a solid South, with New York, and with Ohio you could elect your presidential candidate; and to secure these States and make democratic success certain you went deliberately to work and did your utmost to strike down every safeguard about the ballot-box and to open the floodgates of iniquity, ballot-box stuffing, intimidation, and fraud. It was to secure success in 1880 that the democratic majority in this House attempted to bulldoze a republican Senate into passing the appropriation bills with your political riders. It was for this purpose that you threatened to starve the Government if republicans in this House and in the Senate refused to let you have your own way. It was for this purpose that you sought to force the President to sign your bills, political riders and all, which he had announced that he could not conscientiously do. It was for this purpose that you refused to pass the appropriation bills in the Forty-fifth Congress and thus forced an extra session of the Forty-sixth Congress, hoping thus to get these bills through with your political riders attached to them. It was for this purpose that you protracted the extra session for three long months at such an enormous cost to the tax-payers of the country.

THIS ACTION IN KEEPING WITH DEMOCRATIC HISTORY.

To one unacquainted with democratic tactics and methods your action last winter and spring would seem wonderfully strange, but to those who have studied your history nothing could be more characteristic. In taking the course you did in attempting to bulldoze the President and the republicans in Congress by threatening to starve the Government unless you could have your own way, you only manifested the same spirit that has characterized democratic action and democratic legislation for the past quarter of a century. It is a notorious fact that the great democratic party has had but one leading principle of action for the past twenty-five years, and that is to gain power and hold it after they had gained it. For this they have been willing to sacrifice everything that ennobles and dignifies a party. For this they have violated the Constitution, torn down solemn compromises, attempted to force slavery upon a free Territory at the point of the bayonet, and plunged the nation into a cruel and bloody war. They have shown themselves ready and willing to tear down any and everything that stood between them and power, no matter how sacred it was or how necessary to the safety and welfare of the people. And to-day we find them actuated by the same motives and controlled by the same spirit. We see them to-day at their old tricks again, and we cannot but feel that they are as hostile to the common good as ever. In demanding the repeal of the election laws they showed that they were as ready as ever to resort to any means, however questionable, to achieve success. But thanks to the republicans in this and the other House and to a republican President, they were unable to repeal these laws. To-day these laws stand upon our statute-book, and there is but little prospect that the democrats in this Congress will be able to strike them down. Realizing this fact, these gentlemen have turned their attention to other methods for securing a President. The first of these was developed in Maine, where the democracy, by the most dishonest, rascally, and damnable trickeries and frauds endeavored to override the will of the majority, place the minority in power, and thus steal the electoral vote of that State.

Other methods are gradually developing in this House, and will be brought to our attention in due time. What these methods are every gentleman on this floor understands. The plan is to turn republicans from certain States out of their seats on this floor and put democrats in, thus securing the vote of those States for the democratic party in case the election of a President should be thrown into this House. This is the plan that has been studied up during the past summer and that is proposed to be carried out by the leaders on the other side. The only reason why it has not been brought forward before is the fear on the part of the democratic managers that they might commit another blunder by calling it up for action. These gentlemen stand ready to rob the republicans of a Representative from Indiana and one also from Minnesota, and they will attempt to do it just as soon as they become convinced that it will not injure their party.

THE REPUBLICAN PARTY THE PARTY OF SAFETY.

And this, Mr. Speaker, is the party that claims to be the only genuine "reform" party in the country. After having practiced, with unblushing effrontery and boastfulness, the many high-handed and damnable outrages and crimes which I have referred to, they now come forward with a great flourish of trumpets and call up this insignificant measure to prevent a few Government officials and em-

ployés from contributing money for political purposes, hoping, by vigorously urging its passage and by talking loudly about "reform," to lead the people to forget their past black and criminal record and to believe that they are all they profess to be in this regard. But, sir, the people are not to be humbugged in this way. They have been deceived too often by the democracy to trust them now. They understand the spirit and methods of the democratic party far too well to believe in any professions of reform that that party may make at the present time, on the eve of an important presidential campaign. No, sir; the democratic is not a "reform" party in any sense of the word, and I ask gentlemen on this floor to look at it as it stands before us to-day, and tell me if there is anything either in its organization, its principles, or its leadership that gives any individual democrat the right to speak of it as a "reform" party? Is there anything in all its long history which gives any indication that it would inaugurate a single reformatory measure if it were again to be intrusted with power? I say not. The party, as it stands before us to-day, is the same in all essential particulars as it was in 1860, and it would be as unwise and dangerous in every particular to put it in power now as it would have been to have continued it in power then. I say this, sir, because I believe it to be true; and I believe it to be true both from what I have noted in this House and from what I know of the present organization, spirit, and leadership of the party. I say it because I believe, as I did in 1860 and 1864, that the only genuine reform party, the only safe party in the nation is the republican party. It was the republican party that we tied to during all the years of the war, and that brought us through in safety, and I believe that party is as necessary to the highest and best good of this great Republic to-day as it was in the darkest days of that mighty struggle. In fact, there has been no time since we achieved our first national victory under our trusted leader, Abraham Lincoln, when it would have been wise or safe to exchange that party for the democratic party. There has been no time since then when the rule of the republican party was not demanded by every interest of the individual citizen and by every principle of good government and national honor. To-day, after having tried the democratic party in the lower House of Congress for five years, we come back to the republican party as our only hope. We feel, as we have not felt at any time since the war, that the democratic party is not a party of safety. We realize more fully than ever that the democracy have learned nothing from the great lessons of the war, and that they are no better fitted, either in ability, honesty, or patriotism, to manage the affairs of this nation than they were in 1860, when the people arose in their might and bade them vacate the high places which they had filled only to dishonor.

Mr. HOSTETLER. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. BUTTERWORTH. I claim the floor in my own right.

Mr. MCLANE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCLANE. The gentleman from Indiana [Mr. HOSTETLER] in charge of this bill gave notice yesterday that he intended to call the previous question at four o'clock to-day. Of course the hour to which he is entitled to close the debate can be taken by him prior to or after four o'clock. In explanation to a gentleman on the other side whom I now have in my eye, I will say that it was understood that the gentleman from Indiana would take his hour after four o'clock. I desire to ask if my understanding is correct. If so, then the floor is still open to the gentleman from Ohio [Mr. BUTTERWORTH] until four o'clock.

I rise now for the purpose of having the Chair make the explanation to the House that the gentleman from Indiana [Mr. HOSTETLER] has the right at four o'clock to take the floor and call the previous question, or he has the right to take the floor now for remarks, and at four o'clock to call the previous question.

Mr. CONGER. The Speaker has that under advisement.

Mr. GARFIELD. An event has occurred since then which changes the matter somewhat.

Mr. MCLANE. What is it?

Mr. GARFIELD. One gentleman yesterday took nearly two hours of the time of the House. His time was extended by general consent, by the courtesy of the House. If a similar courtesy cannot be extended to this side it would certainly be very unfair.

Mr. ATKINS. I hope the same courtesy will be extended.

Mr. GARFIELD. It will be hardly fair to call the previous question to-day.

Mr. HOSTETLER. In response to the gentleman from Ohio, [Mr. GARFIELD,] I will say that, notwithstanding that was an act of the House for which I was not responsible at all, the extension of time was outside of the agreement, yet I want to do full justice to the other side of the House, and I have yielded the next hour to the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. WHITE. There was no agreement at all.

Mr. HAYES. During the extra session the other side consumed an hour on this bill; and yesterday they consumed two hours and a quarter.

Mr. BUTTERWORTH. The House can judge what understanding existed from what was said yesterday. The gentleman from Ohio [Mr. McMahan] said that he would call the previous question at four o'clock, as he was desirous of having a vote taken on the bill to-day.

Mr. McMAHON. I had no right to demand the previous question.
Mr. BUTTERWORTH. I beg pardon, the gentleman said that he would insist upon its being called at four o'clock.

Mr. McMAHON. I said that I would insist upon the agreement being carried out, provided the extension of time would carry the matter over until to-morrow.

Mr. BUTTERWORTH. The gentleman said he would not object to the debate extending after four o'clock to-day, but he wanted the vote taken to-day.

Mr. CONGER. There was no agreement yesterday about the time such as that to which the gentleman from Ohio [Mr. McMAHON] refers.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. HOSTETLER] yield the floor to the gentleman from Ohio, [Mr. BUTTERWORTH?]

Mr. WHITE. That is not the way to put it; the gentleman from Ohio is entitled to the floor in his own right.

Mr. HOSTETLER. Who has the floor?

The SPEAKER *pro tempore*. Does the gentleman yield to the gentleman from Ohio?

Mr. HOSTETLER. I want an understanding before there is any yielding in the case. The understanding which was agreed to yesterday by the distinguished gentleman from Ohio [Mr. GARFIELD] and other gentlemen was that the previous question should be called to-day at four o'clock.

Mr. CONGER. It was distinctly stated that there was no such agreement.

Mr. HOSTETLER. The RECORD will show.

Mr. CONGER. I made that statement myself, and the RECORD will show it.

Mr. HOSTETLER. If the RECORD does not bear me out, then of course I have no more to say. In accordance with that understanding I yielded the floor yesterday to my colleague on the committee, the gentleman from Tennessee, [Mr. HOUSE,] who addressed the House for one hour. At the expiration of that hour his time was extended, not by me individually, but by unanimous consent of the House.

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

Mr. HOSTETLER. Wait a moment. After the time of the gentleman from Tennessee was extended by unanimous consent it was asked if additional time would be allowed for debate beyond four o'clock to-day. Now, if there was no understanding, no agreement that the previous question should be called at four o'clock to-day, how could additional time beyond four o'clock be asked for?

I will say this: I am willing to concede to the other side the next hour, provided, if the understanding has to be changed from what it was yesterday, we shall be allowed to have a vote this evening at some time, as near four o'clock as possible.

Mr. CONGER. I desire to call the attention of the gentleman from Indiana [Mr. HOSTETLER] to the RECORD.

The SPEAKER *pro tempore*. The only question now before the House is to whom the gentleman from Indiana [Mr. HOSTETLER] yields.

Mr. CONGER. I know; but I desire to refer to what was said about the agreement. I read from the RECORD of yesterday's proceedings:

The SPEAKER. The bill will go over as unfinished business—not only as unfinished business but by agreement.

Mr. CONGER. I do not desire to be misunderstood—

The SPEAKER. The Chair does not misunderstand the gentleman.

Mr. CONGER. There has been no agreement except the declaration of the gentleman in charge of the bill that he will call the previous question. There has been no agreement on this side of the House so far as I know.

The SPEAKER. The rule of course will control everything in connection with the legislative matters before the House.

Mr. CONGER. I do not wish anything to go by agreement—only by the rules.

And that is the last upon this subject. There never was any agreement as understood by this side of the House.

The SPEAKER *pro tempore*. That question is not now before the House. At four o'clock it will be proper to consider that question. The Chair now recognizes the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. McMAHON. I wish to ask gentlemen on the other side one question. If this debate is allowed to run into to-morrow will they give us a vote then at three or four o'clock?

Mr. CONGER. Let the debate go on; and we will give a vote just as soon as we get through with our remarks.

Mr. McMAHON. I thought the gentleman was anxious to take up the appropriation bill.

Mr. CONGER. Ah! the gentleman, I am informed, was instructed some days ago by his committee to report an appropriation bill forthwith, but has declined to do it.

Mr. McMAHON. I want to give gentlemen on the other side a chance to put themselves on the record upon this political-assessment bill.

Mr. CONGER. The gentleman has disobeyed the instructions of his committee.

Mr. HAWLEY. We want to go on the record.

Mr. HAWK. But we want to go on the record intelligently.

Mr. McMAHON. Now, I want to say to gentlemen that if they will give us a vote to-morrow—

Mr. CONGER. The gentleman has not charge of this bill; why is he interfering with it?

Mr. McMAHON. Simply because I have an appropriation bill in charge; and I may have something to say in regard to the time that this debate may run.

Mr. CONGER. I understand that the gentleman's committee instructed him some days ago to report an appropriation bill; and he declines to do it.

Mr. McMAHON. The gentleman is not the repository of the secrets of the Committee on Appropriations; and this matter, like a great many other things, is one he knows nothing about.

The SPEAKER *pro tempore*. This discussion is coming out of the time of the gentleman from Ohio.

Mr. CONGER. I will say that on this side of the House we are willing to postpone this subject to take up the appropriation bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. The gentleman from Ohio is recognized.

Mr. BUTTERWORTH. I understand that I have the floor in my own right, and not by virtue of its being yielded to me by the gentleman from Indiana.

Mr. CONGER. But I presume my friend from Ohio would postpone his remarks until the appropriation bill can be passed, if it be taken up now. [Laughter.]

The SPEAKER *pro tempore*. The Chair desires to announce that at fifteen minutes after three o'clock he recognized the gentleman from Ohio; and this debate is coming out of his time.

Mr. CONGER. My proposition is to postpone this bill until the appropriation bill can be passed.

Mr. McMAHON. I was always taught to dispose of the matter in hand before proceeding with anything else. [Laughter.]

Mr. BUTTERWORTH. Mr. Speaker—

Mr. McLANE. Before the gentleman proceeds I want my parliamentary inquiry responded to. I asked the Chair whether the gentleman from Ohio had been recognized in his own right, or whether the gentleman from Indiana had yielded to him. The answer is very material; because if the gentleman from Ohio has been recognized in his own right, of course his time will extend till twenty minutes after four o'clock; and the gentleman from Indiana has given notice of his intention to call the previous question at four o'clock.

A MEMBER. As soon as he gets the floor.

Mr. McLANE. I want to understand whether the gentleman from Ohio proceeds in his own right, or in time yielded to him by the gentleman from Indiana. [Cries of "Regular order!"]

Mr. BUTTERWORTH. I understand that I have the floor in my own right.

The SPEAKER *pro tempore*. The Chair is prepared to answer the inquiry of the gentleman from Maryland, but it would consume time belonging to the gentleman from Ohio.

Mr. KEIFER. Oh, no; the time spent upon a question of order ought not to be charged against the member holding the floor.

Mr. BUTTERWORTH addressed the House. [His remarks will be found in the Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (S. No. 1256) to authorize the construction of the Mullan wagon-road between Forts Missoula and Cœur d'Alene; in which concurrence was requested.

ORDER OF BUSINESS.

Mr. HOSTETLER rose.

Mr. WHITE. I move that the House take a recess until half past seven o'clock.

Mr. HOSTETLER. I gave notice that at the hour which has now arrived I would call the previous question.

Mr. McMAHON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMAHON. It is whether a session has been ordered for this evening; and, if so, for what purpose?

The SPEAKER *pro tempore*. An evening session has been ordered for the consideration of pension bills.

Mr. WHITE. I have moved that the House take a recess.

The SPEAKER *pro tempore*. That motion is not in order while the gentleman from Indiana [Mr. HOSTETLER] has the floor.

Mr. BURROWS. I am informed the chairman of the Committee on Invalid Pensions is ill and not able to be here to-night.

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

The SPEAKER *pro tempore*. Does the gentleman from Indiana take the floor?

Mr. CONGER. It is in the power of the Chair to recognize somebody else.

Mr. KEIFER. Is it not in order to move that the House do now adjourn?

The SPEAKER *pro tempore*. Not while the gentleman from Indiana has the floor. That gentleman will state for what purpose he has risen.

Mr. HOSTETLER. In accordance with the notice I gave yesterday, I now move the previous question.

Mr. HAWLEY. Oh! do not do that.

Mr. HOSTETLER. That was the understanding come to yester-

day, and in accordance with that understanding I now move the previous question.

The SPEAKER *pro tempore*. Pending the demand for the previous question the motion for a recess is in order; pending which the gentleman from Ohio [Mr. KEIFER] moves that the House do now adjourn.

Mr. KEIFER. I withdraw the motion.

Mr. BUCKNER. I renew it.

The question being put on the motion to adjourn, there were—ayes 72, noes 125.

So the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Pennsylvania [Mr. WHITE] that the House take a recess.

Mr. WHITE. I withdraw the motion.

Mr. BROWNE. I renew it.

The question being put on the motion to take a recess, there were—ayes 82, noes 78.

Mr. BUCKNER. I call for tellers.

Tellers were not ordered, 29 members voting therefor; not one-fifth of a quorum.

Mr. WARNER. I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Whether the session of this evening is devoted to pension cases exclusively, or whether it is for the continuation of the debate on the pending bill?

The SPEAKER *pro tempore*. It is for the consideration of pension cases exclusively.

Mr. BUCKNER. I call for the yeas and nays on the motion for a recess.

The yeas and nays were not ordered, only 24 members voting therefor; not one-fifth of the last vote.

So the motion for a recess was agreed to.

LEAVES OF ABSENCE.

Pending the announcement of the vote, leave of absence was granted as follows:

To Mr. COX, for to-night; and

To Mr. O'NEILL, till Monday next, on account of important business.

The result of the vote was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

At seven o'clock and thirty minutes p. m. the House resumed its session.

The SPEAKER. The Clerk will read the resolution of the House under which the session this evening is held.

The Clerk read as follows:

Resolved, That Thursday evening, at seven o'clock and thirty minutes p. m., March 4, and Wednesday evening at seven o'clock and thirty minutes p. m., March 10, be set apart to receiving reports from the Committee on Invalid Pensions, and to consideration and action on pension bills in their order pending in the Committee of the Whole House on the Private Calendar, no other business to be transacted.

PENSION BILLS REPORTED.

Mr. HATCH. I desire on behalf of the gentleman from Pennsylvania, [Mr. COFFROTH,] the chairman of the Committee on Invalid Pensions, who is detained at his room by sickness, to report from that committee the bills which I send to the desk, that they may be placed on the Calendar and printed.

The SPEAKER. That is in order under the first clause of the resolution of the House under which this evening session is held.

Mr. HATCH (for Mr. COFFROTH) reported back, with favorable recommendations, bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 4780) granting arrears of pension to Mrs. Annie A. Hays;

The bill (H. R. No. 3102) granting a pension to Susan R. Johnson; and

The bill (H. R. No. 2007) granting a pension to Mary P. Thompson, widow of James B. Thompson, late captain of Company F, One hundred and ninetieth Regiment Pennsylvania Volunteers.

Mr. HATCH also (for Mr. COFFROTH) reported from the Committee on Invalid Pensions bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5060) granting a pension to James McMullen;

A bill (H. R. No. 5061) granting a pension to Anderson Langford;

A bill (H. R. No. 5062) granting a pension to Theodore Artz; and

A bill (H. R. No. 5063) granting a pension to Aaron Snyder.

ORDER OF BUSINESS.

Mr. CALDWELL. I move that the House resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering pension bills on the Calendar.

Mr. DUNNELL. I understood the gentleman from Missouri [Mr. HATCH] to say that the chairman of the committee desired that cases which he had reported might be passed to-night.

The SPEAKER. The gentleman from Missouri did not make that statement; he reported sundry bills on behalf of the chairman of the committee.

Mr. HATCH. I will state to the gentleman from Minnesota [Mr. DUNNELL] that members of the House who presented the bills that are now on the Calendar desire that the Calendar shall be called in its regular order.

The motion of Mr. CALDWELL was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. CALKINS in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the pension bills on the Private Calendar.

The first bill in order on the Calendar was stated to be the bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty.

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. Are not bills on the Calendar preceding the one just referred to first entitled to consideration?

The CHAIRMAN. The Clerk has taken the first bill on the Calendar from the point where the Committee of the Whole left off at its last session.

ELIZABETH DOUGHERTY.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth Dougherty, widow of Charles Dougherty, deceased, a soldier in the late war of the rebellion, and pay her a pension at the rate allowed by existing laws to the widows of deceased privates killed in the service of the United States and in the line of duty in the said war, from and after the 18th day of April, 1864, the date when the said soldier was killed while in the said service and in the line of duty as aforesaid.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 219) granting a pension to Elizabeth Dougherty, widow of Charles Dougherty, late fourth sergeant of Company C, Sixty-ninth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

The record shows that Charles Dougherty, on the 23d day of August, 1861, was enrolled in the United States service as fourth sergeant of Company C, Sixty-ninth Regiment Pennsylvania Volunteers, and that he was honorably discharged on the 31st day of January, 1864, by reason of re-enlistment as a veteran volunteer.

The testimony of Michael Brady and Patrick Desmond, sergeant of the said company, shows that said Dougherty was on veteran furlough in Philadelphia in April, 1864, and had returned to barracks at Chester, Pennsylvania, where the regiment was to be reorganized preparatory to being sent to the front; that while so stationed there the said Dougherty, in company with the above deponent, Desmond, was ordered to proceed to Philadelphia to collect the stragglers. On April 18, 1864, while on board of the cars at Chester, Pennsylvania, in pursuance of the said order, the said Dougherty was rudely pulled off by one of the provost officers while the train was in motion, and thrown beneath the cars, sustaining injuries that resulted in death on the 20th day of April, 1864.

Edward Thompson and James O'Reilly, of the said company, testify to the gallantry and faithfulness of Dougherty while in the service. It is clearly proven that at the time the fatal injuries occurred Dougherty was in the service of the United States engaged in arresting stragglers. He had previously served three years in the Army and re-enlisted.

The marriage of said Dougherty with the petitioner is duly established.

The committee therefore recommend the passage of the accompanying bill.

The CHAIRMAN. The question is upon laying the bill aside to be reported favorably to the House.

Mr. STEVENSON. I would inquire if the testimony shows what was done with the provost-marshal who treated this soldier in this way?

Mr. WARD. I will answer the gentleman by saying that there is no evidence, I believe, before the committee on that point. It is very clear, as the report states, that the soldier was in the line of his duty and under military orders at the time the injury was sustained by him.

Mr. STEVENSON. I am satisfied the soldier was in the line of his duty and should have a pension. But I want to know, as a matter of fact, what was done with the provost-marshal.

Mr. WARD. The evidence does not show.

Mr. BUCKNER. Has this claim ever been presented to the Commissioner of Pensions?

Mr. WARD. It has been.

Mr. BUCKNER. And refused on what grounds?

Mr. WARD. On the ground that the Commissioner could not, under the technical rules of law as they now exist, allow a pension to this widow and her orphan children.

Mr. CONGER. I am not exactly aware of the rule which the Committee on Invalid Pensions has adopted in regard to the time when the pensions granted shall commence. I would thank some member of the committee to state whether any rule has been adopted by the committee in regard to dating back pensions granted to widows of soldiers who never have received pensions; whether to the time of disability or death of the soldier.

Mr. CALDWELL. I will state for the information of the House that the Committee on Invalid Pensions has adopted this rule in reference to all these bills: that they will report bills granting pensions from the date of the discharge of the soldier, where the disability occurred before his discharge, and from the date of the disability where it occurred subsequent to the discharge. In the case of a widow whose husband has been on the pension-roll the committee will report a bill granting a pension from the date of the death of the husband. In the case to which the gentleman refers I think there

has been no conclusive action or resolution on the part of the committee.

Mr. CONGER. Will the gentleman state whether the practice of the House has been to date the pensions of widows back to the time of the disability or death of the soldier?

Mr. CALDWELL. So far as my own personal experience is concerned, my recollection is that it was the purpose of the Forty-fifth Congress to date all pensions from the passage of the bills, without granting any arrears at all.

Mr. CONGER. I had supposed that was the rule. The rule should be uniform one way or the other. Of course I have no choice about the matter.

Mr. CALDWELL. In order that the views of the committee may be clearly understood, I will say that while I had nothing in the world to do with the passage of the bill granting arrears of pensions, yet I hold that since that bill has become the law of the land any pension bill that passes this House should give arrears of pensions just the same as the Commissioner of Pensions grants arrears to the persons applying to him for pensions. That is my belief, and so far as I am concerned that will be the action of the committee.

Mr. ATKINS. Has this case been before the Commissioner of Pensions?

Mr. CALDWELL. It has been, and was rejected.

Mr. ATKINS. Rejected because there was no law authorizing it?

Mr. CALDWELL. So I understand.

Mr. ATKINS. And it is now proposed to enact a law in this case giving arrears of pension?

Mr. CALDWELL. It is the purpose of the Committee on Invalid Pensions to carry out in good faith, and in the letter and spirit, the pension laws of the country. There has been a great deal said here as to the policy of entertaining appeals from the Commissioner of Pensions. I want to be clearly and emphatically understood that I will never vote one dollar for pensions if there can be no appeal from the Pension Bureau; and I believe that is the determination of a number of the members of the Committee on Invalid Pensions.

Of the appeals which have been brought to the House from the Commissioner of Pensions I have found that not only the law in letter and spirit but every principle of equity known to the law has been violated by the rejection of those cases. In regard to the policy which has been adopted by some here of objecting to these bills because they are appeals from the Commissioner of Pensions, I want to say that I cannot myself conceive of any greater hardship that can be inflicted upon the soldiers of the country than to have one man clothed with the absolute power of disposing of \$30,000,000 without any appeal from his decision. If that is the policy to be pursued here, then I am for one ready now to quit this pension business altogether. But I want the responsibility to rest upon those gentlemen who oppose these bills.

Mr. NEAL. For the purpose of testing the sense of the committee, I move to strike out all after the word "war," in the ninth line, to the end of the bill.

The CHAIRMAN. The Clerk will read the words proposed to be struck out.

The Clerk read as follows:

From and after the 18th day of April, 1864, the date when the soldier was killed, while in the said service and in the line of duty as aforesaid.

Mr. RANDALL, (the Speaker.) We would like to know the effect of this amendment.

Mr. NEAL. The effect will be that the pension will commence from the date of the passage of the act.

Mr. RANDALL, (the Speaker.) Not from the date of the application?

Mr. NEAL. No, sir. Mr. Chairman, I believe that all these soldiers and their widows who are placed upon the pension-roll by special acts of Congress ought to have arrears of pension to the same extent and with like effect as those whose claims have been allowed at the Pension Office. At the extra session of this Congress this House passed a joint resolution, which I had the honor to introduce, construing the arrears of pension law so as to give all persons placed upon the pension-roll arrears of pension in the same way as if their claims had been adjudicated in the Pension Office. I believe that to be right. The resolution has not yet been acted upon by the Committee on Pensions in the Senate; for I inquired only a day or two ago of one of the members of that committee, and was informed that they had not yet taken it up for consideration. It seems to me that we ought to pass these bills in the same shape in which they have been heretofore enacted. In the Forty-fifth Congress no bill was passed dating the pension back beyond the date of the passage of the act. This amendment, if adopted, will place this pensioner in precisely the same situation with pensioners who were put upon the rolls by the action of preceding Congresses. If the joint resolution which passed the House without a single dissenting voice shall be passed in the Senate, as I trust it will be by a like vote, then all persons pensioned by special acts will enjoy the arrears of pension to the same extent as if their pension claims had been allowed by the Commissioner of Pensions.

Mr. STEVENSON. The gentleman will allow me to make a suggestion: I did not distinctly hear his amendment read; but as I understood it the effect of it will be that this particular pensioner and others receiving pensions under pension bills similar in language

must run the risk of the passage of an act hereafter placing them upon the same footing as those who received the arrears of pension.

Mr. NEAL. The effect of this amendment, if adopted, will be that persons put upon the rolls by the action of the Forty-sixth Congress will be in precisely the same position as those who have been put upon the rolls by the action of the Forty-fifth, the Forty-fourth, and preceding Congresses. In other words, they will not get any arrears unless Congress should pass the joint resolution now pending in the Senate or some other act giving them arrears.

Mr. STEVENSON. Let me suggest to the gentleman that no possible harm can come from the passage of this bill in the form reported by the committee, because if the resolution to which he has referred should pass, this pensioner and others pensioned under bills of a similar character will get no more than if an amendment of this kind should prevail. On the other hand, in the event of the failure of that resolution, they will be placed on the same footing with those who get the benefit of the arrears.

Mr. NEAL. If this bill passes in the form reported by the committee, then this woman obtains a pension which dates from the death of her husband, while a woman who may have been placed upon the pension-rolls under precisely similar circumstances by the last Congress will draw her pension only from the date of the passage of the act.

Mr. HUMPHREY. If the action of a former Congress was wrong, let us make our own action right.

Mr. WILSON. Let us correct the error now.

Mr. DAVIS, of Illinois. Mr. Chairman, I hope the House will vote down this amendment. I do not know what reason there is in the gentleman's argument when he advocates the amendment and at the same time states that he himself presented a joint resolution providing for just what the committee recommend in this bill. Nor do I see by what right or reason we should be judged by the action of the Forty-fifth Congress. It is our duty to act equitably and justly upon these claims. If this bill is correct to-day, it is our duty to pass it. It proposes to give this pensioner all the rights that are given under the general law—nothing more. If the Forty-fifth Congress failed to do this in similar cases, let the joint resolution which passed the House be adopted by the Senate, and then all these pensioners will be on an equality.

I do not wish to occupy the time of the House this evening. I hope that we came here for action; that each bill will be discussed on its merits. I trust the general pension laws and the duty of the Committee on Invalid Pensions will not be discussed.

Mr. HATCH. The gentleman will allow me to remind him, as he was a member of the sub-committee which acted on the subject, that the Committee on Invalid Pensions to-day reported favorably a bill introduced by the gentleman from the first district of Missouri [Mr. CLARDY] giving to the widow the same arrears of pension to which the husband would have been entitled had he made his application and obtained a pension during his life. That bill, which the gentleman no doubt remembers, went upon the Calendar to-day.

The question being taken on the amendment of Mr. NEAL, it was not agreed to.

Mr. SAMFORD. I understood a question to be asked by the gentleman from Tennessee which I have not yet heard answered by any member of the Pension Committee. That question was whether or not these special acts grant pensions under circumstances and in cases not provided for by the general pension law. I understand a gentleman over the way from the Committee on Invalid Pensions to say perhaps that the Commissioner refuses to grant this individual case because it did not come within the general rule. Then, Mr. Speaker, we are passing special acts which are not provided for by the general law.

Mr. DAVIS, of Illinois. Under his interpretation.

Mr. WARD. The claim was rejected, not upon the ground that this man did not come within the pension laws which entitled the widow of a soldier killed in the service to a pension, but that this widow was not able with the evidence she had at hand to bring her case within the technical rules of evidence required by the Department in order to establish her claim.

Mr. SAMFORD. Then I ask the gentleman whether she has brought more evidence before the committee than before the Commissioner of Pensions?

Mr. WARD. I do not know that she did.

Mr. SAMFORD. I would ask the gentleman a further question, whether the Invalid Pensions Committee requires less testimony than the Commissioner?

Mr. WARD. Not at all; but the Invalid Pensions Committee is able to take this inquiry beyond the strict letter of the technical rule. It has been found in this case that this widow and her orphan children were the widow and children of a man who had served three or four years faithfully in the Army; that he had been detailed by military orders upon special duty, still being in the Army, and that the kind of duty he was thus detailed on under those orders was not the species of duty the Commissioner of Pensions thought he could grant a pension for, and when they considered the case they found he was engaged in a kind of service which eminently entitled his widow and orphan children to have the pension the Government gave.

Mr. BUCKNER. I do not suppose there is any gentleman on this

floor who would not be willing and anxious that every man who under the law of the land is entitled to a pension, either as a soldier or dependent relative, should have it. The action of this Congress heretofore and its every-day action has shown that we are not disposed to be stinted in that direction, but on the contrary to be liberal. The question is not whether we want to grant a pension or not, but the question is this: to decide who is entitled to a pension.

But as my friend from Kentucky says we are to supervise the action of a tribunal vested by law specially for the purpose of deciding these questions; but whenever he has given a judgment which on the one hand concludes the Government but does not preclude the claimant, if that is the ground, as I understand, on which the Invalid Pensions Committee has acted, I say it is about time we should call a halt in this business.

Why, sir, what precedent have you that will justify this course toward any other branch of this Government? Do you say the same thing in reference to the Patent Office? Here is a tribunal where are six or seven hundred officials presumably skilled in this business, with various officers to help them, with the Attorney-General and his assistants to decide the law, a tribunal invested by law with the decision as to the facts; and the party who presents his claim is, in point of fact, impliedly bound by that jurisdiction, and it is only a matter of grace and favor on the part of Congress when it takes jurisdiction of any matter which has already been decided by the Commissioner.

Mr. TOWNSHEND, of Illinois. We so understand it, and put it on the ground of grace.

Mr. BUCKNER. I wish to say, if that is the ground upon which these claims are to be paid; if, as the gentleman says, the Commissioner has technical objections; if it is upon the ground he does not give the same construction to the evidence the Committee on Invalid Pensions chooses to give, then I say there will be no end to it.

Mr. STEVENSON. In many cases, as many of the members of the House know who have been written to by parties in reference to pensions, the applications have been rejected on technicalities, and sometimes on very small technicalities, by the Commissioner of Pensions; and the only remedy the applicant has, and the only remedy he can have, is to appeal to Congress. The gentleman from Missouri does not mean to take the position that when the Commissioner of Pensions rejects an application upon some supposed technicality then the applicant has no remedy at all. His only remedy is to come to Congress.

Mr. BUCKNER. My idea is this: where it is a question of the weight of testimony, where the Commissioner has decided on the weight of the testimony that the applicant is not entitled to a pension, I say he ought not to have the right to appeal to Congress and Congress ought not to give it; otherwise we should abolish the Pension Office. If, on the other hand, he can show equitable circumstances, or can show circumstances which appeal to the sense of equity and conscience of Congress, then it is a proper subject for investigation here. But for us to come here and give our version as to the weight of testimony when the Commissioner of Pensions after examination has decided, I say if we adopt such a course then there will be no end to this matter.

Mr. HUMPHREY. I rise to a point of order.

The CHAIRMAN. State it.

Mr. HUMPHREY. My point of order is that there is a bill before the committee and I have not heard a word said about it.

The CHAIRMAN. The point of order is not well taken. The gentleman from Missouri still has the floor.

Mr. HATCH. I desire to ask my colleague a question. He has spent many years upon the bench. I desire to ask if he has never known a case presented to him as judge where the party had no remedy at law, and yet he, as chancellor, could find a remedy that would relieve him?

Mr. BUCKNER. That is the very case which I have made an exception of; and if the gentleman will come in here and say this case is not a question depending upon the weight or strength of the testimony before the Commissioner, as this appears to be, but there are equitable considerations—there are facts outside, and I could mention a great many—then I hold this is a case where Congress ought to interfere, and either the law ought to be amended so as to give jurisdiction to the Commissioner of Pensions, or we should interfere in some other way.

Mr. RANDALL, (the Speaker.) I hope that in the discussion of the theories of the pension laws the merits of this case will not be overlooked. I do not know of a stronger claim in behalf of any widow than this case presents. Here is a man who enlisted, served honorably for three years, who was honorably discharged and re-enlisted as a veteran soldier, and who, while on veteran furlough, being detailed to do a certain duty by proper authority, was killed in the line of duty. Now his widow comes and seeks for a pension. I cannot imagine a better claim than the one presented here, where a widow's husband was killed in line of duty. I do not know what are the technical objections, but I do know that somebody ought to grant this widow a pension; and if the Pension Department does not do it, then Congress should immediately apply the relief.

Mr. ATKINS. I desire to ask the distinguished gentleman from Pennsylvania a question.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. ATKINS. I wish to ask if he does not think it would be a much better practice, and especially as he is Speaker of this House, for this Congress to address itself to the making of a law that would cover these meritorious cases, and not bring them here before Congress for gentlemen to vote on in order to popularize themselves in their own districts?

Mr. RANDALL, (the Speaker.) I have a right to speak in this case, for nearly all the men who enlisted in this regiment came from the city I in part represent; and I want to say here that that regiment somehow or other was very often placed in the position where David put Uriah. They were in the front of the battle nearly all the time. It was an Irish regiment, and hence I feel some interest in it. But to the point. I do believe if Congress could rid itself of these cases it would be desirable to establish a court to pass upon pension cases; but I never will agree, as the gentleman from Kentucky has so forcibly said, that one man with no judicial authority, as it were, thrown around him shall have absolute power to reject pensioners' claims.

Mr. SPARKS. I wish to ask the gentleman from Pennsylvania, whether all the cases reported thus far for pension claims are not from the gentleman's district or State?

Mr. RANDALL, (the Speaker.) It does not matter where they come from; if the merit of the case prompts its passage, then it should be promptly passed.

Mr. TALBOTT. Mr. Chairman—

Mr. SPARKS. I think it does matter in this—

The CHAIRMAN. The gentleman from Maryland has the floor.

Mr. SPARKS. I want to make a rejoinder to the gentleman from Pennsylvania. It does seem to me—

The CHAIRMAN. The Chair has recognized the gentleman from Maryland, but will recognize the gentleman from Illinois after he concludes.

Mr. TALBOTT. I merely desire to ask the gentleman from Pennsylvania [Mr. WARD] a question. He has stated there are technical objections to this case, and that is the reason the Commissioner of Pensions did not grant it. Now I would like him to state what these technical objections are.

Mr. WARD. I will state to the gentleman the husband of the applicant in this case was killed while on a furlough and not, strictly speaking, while in the line of duty.

Mr. SPARKS. Mr. Chairman—

Mr. HATCH. I rise to a privileged question. I desire to move that the committee now rise with a view to offering a motion in the House to limit debate.

Mr. SPARKS. That is not a privileged question, and the Chair promised to recognize me.

The CHAIRMAN. The Chair recognizes the right of any member of the committee to move at any time that the committee rise, and the Chair will recognize the gentleman from Illinois if that is voted down.

Mr. ATKINS. Can you take the gentleman off the floor to offer a motion that the committee rise?

The CHAIRMAN. The gentleman from Illinois was not on the floor at the time when the motion to rise was recognized by the Chair.

Mr. HUMPHREY. I move that the committee rise.

Mr. SPARKS. I rise to a point of order.

The CHAIRMAN. No business will be done until the committee is in order. Gentlemen will suspend conversation. The gentleman from Illinois will state his point of order.

Mr. SPARKS. My point of order is that a gentleman cannot rise to a privileged question with the view of making that privileged question simply give him the floor for the purpose of making a motion that the committee rise, as the gentleman from Missouri has done.

Mr. HUMPHREY. I withdraw the motion.

Mr. SPARKS. If the gentleman from Wisconsin should withdraw himself from the House I do not know that it would do anybody any harm. I think I was on the floor, and the Chair stated he would recognize me.

The CHAIRMAN. The point of order of the gentleman from Illinois [Mr. SPARKS] is not well taken. The Chair stated he would recognize the gentleman from Illinois after the gentleman from Maryland had finished his remarks. But before the gentleman from Illinois rose and was recognized, the gentleman from Missouri [Mr. HATCH] rose to a privileged question, and being recognized, the gentleman made a privileged motion, which the Chair thinks is in order.

Mr. HATCH. I withdraw the motion for the present, until the gentleman from Illinois is heard; and I hope that after he has been heard we shall then have a vote.

Mr. SPARKS. I am certainly desirous that the committee should come to a vote on this and every other case that comes before it. But I wanted to answer the argument of the distinguished Speaker of the House. These cases, sir, so far as I have seen, have all come from the State of Pennsylvania. I know that Pennsylvania did not furnish all the soldiers, and you know it. But a Committee on Pensions may be so organized—not intentionally, of course, but so organized—that a locality can be represented and all those from that locality that claim pensions can get through, while the other parts of the country may be neglected. Is it fair to your district, sir, that this House should act upon pension claims coming from one locality alone? There may be influences at work by which parties can get

before the Pension Committee, while others may not be in condition to get before it.

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

Mr. SPARKS. I will allow the gentleman, of course.

Mr. HATCH. In justice to the chairman of the committee, who is detained at his room by sickness, I desire to restate to the Committee of the Whole that the chairman of this committee, who reported these bills, remained here during the entire Christmas holidays and gave his time with a clerk that he employed outside of the House force to assist him, in considering the bills that had been referred to him as a sub-committee; and that is the reason why so many more of his bills have been reported to the House at this date than have been reported by any other member of the committee.

Mr. SPARKS. Precisely. I was not here during that time. My constituents and those of my colleagues are making their applications for pensions—where? To the Pension Office, an office organized by law to examine and pass upon these matters. Now, when you attempt to make this House the tribunal for granting pensions you might as well dismiss the other tribunal, the Pension Office. If not, a part of these claims will go to the Pension Office and the others will seek this House.

I think I have demonstrated—since I have been a member of this House, and if I have not I have demonstrated nothing—that I am as much in favor of pensioning meritorious claimants as any man in this Congress, but only meritorious ones should be allowed, as all fair-minded men must agree. The Commissioner of Pensions (and I presume he is an honorable man) would tell you, I think, to-day that there are perhaps from 10 to 15 per cent. of the existing pensions that are unjust. Is that not unfair and prejudicial to those pensioners who are really meritorious and entitled to pensions? Sir, a government that will not protect and properly care for those who at the risk of life defend it, ought not to exist. Ours attempts to do this and will do it. Now, sir, if the law is not sufficient, if the law is such that the Commissioner of Pensions can take advantage of technicalities, let us amend it and make it so plain and broad that he cannot do it, so that all who are entitled to pensions can come in on equal terms, and be treated equally and alike—

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. SPARKS. After I have completed this sentence.

Or if the Commissioner of Pensions does not discharge his duty efficiently and with impartiality let us make the Administration that appoints him and keeps him in office responsible for his dereliction of duty. Is he failing to discharge his duties properly, efficiently, honestly, fairly, and according to the law? Then it is the duty of this Administration to turn him out and get a man in the office who will do what is right. But I must presume that he is doing his duty. Is your law deficient? Then it is the duty of Congress to enact a law that will cover all fair and honest claims that may be presented.

Mr. HUMPHREY. Introduce such a law and we will put it through under a suspension of the rules.

Mr. HARRIS, of Massachusetts. I wish to ask the gentleman from Illinois this question: Did the gentleman hear the testimony in this case read?

Mr. SPARKS. I am speaking, Mr. Chairman, to no particular case.

Mr. TOWNSHEND, of Illinois. Then you are not in order.

Mr. SPARKS. I am speaking to this point, that if the law is deficient it ought to be made so plain as to cover this case, if it be a meritorious one, and all others of the same class.

Mr. VAN VOORHIS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VAN VOORHIS. There is a particular case before the committee. The gentleman is speaking to no particular case, and therefore he is out of order.

Mr. HARRIS, of Massachusetts. Will the gentleman answer the question which I have put to him?

Mr. SPARKS. I am speaking in favor of an amendment of the general law, which will cover all these cases.

Mr. HARRIS, of Massachusetts. I asked the gentleman a fair question and I want a fair answer. Do the facts disclosed by the report in this case justify this House in granting this pension?

Mr. SPARKS. Well, I really do not know. I have not had leisure to examine it fully, and am speaking to a general principle and not a particular case.

Mr. HARRIS, of Massachusetts. Then I want to ask the gentleman this question: how does he make his speech, just delivered, applicable to this case? I cannot see.

Mr. SPARKS. I understand this claim has been before the Commissioner of Pensions, and that he has rejected it. It is urged that he rejected it upon technicalities. Now, if the Commissioner rejected this claim upon some technicality of the law, or because the claimant failed to make his case good by evidence substantially good but technically deficient, then it shows that the law is insufficient. Hence I insist that we should so amend the law that the Commissioner of Pensions, as an honest and efficient officer, which we must presume him to be, cannot reject a fair claim.

With respect to this particular claim, I did not hear the report in the case read. I will take it for granted, however, that it is a fair claim, and that the pension should be allowed; but it should be al-

lowed in the proper manner and at the proper place—at the Pension Office.

Mr. HUTCHINS. Let me inquire of the gentleman if he is in favor of Congress passing any pension bill for an individual claimant.

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] is entitled to the floor.

Mr. FINLEY. I will answer the question of the gentleman from Massachusetts, [Mr. HARRIS.] I say that this is a meritorious case. I say that the facts disclosed in this case show clearly that it is a meritorious case, and for one I am going to vote for it.

But while I say that, I want to put in another word, to stick a pin right here, and say something which occurs to me to be *appropos*. The democratic party stands responsible for the action of this Congress. In the Forty-fifth Congress we passed a bill granting arrears of pensions, involving an expenditure of about \$26,000,000. We passed also an annual pension bill appropriating about \$31,000,000; making a total of \$57,000,000. Yet we got no credit for it. [Laughter.] The republicans in the State of Ohio held up the democratic party to the soldiers and to the people as an extravagant party. They pointed to the appropriations made by the last Congress of \$190,000,000, and said, "There is your democratic administration; there is your democratic party which has had control of both branches of Congress for years, and it has swelled the expenditures of the Government to \$190,000,000." And for that very reason they appealed to the soldiers to vote the republican ticket.

Mr. BROWNE. And they voted it. [Laughter.]

Mr. FINLEY. I say that the democratic party in the Forty-fifth and Forty-sixth Congresses has done more for the soldiers of the country than was done in the three preceding Congresses in which the republican party had control. Yet why do we get no credit for that? Gentlemen on the other side of the House will stand up here and endeavor to make capital against the democratic "confederate brigadier" House of Representatives, and tell the people and the soldiers that we are not to be trusted, that we are unsafe, that we were disloyal during the war. Yet they are very willing that we shall vote millions of dollars for the soldiers, as we have done cheerfully heretofore. These men here from the South who were in arms against the Government, who cannot under any circumstances expect to obtain one dollar of the money so appropriated, as members of the democratic party are found here daily voting liberally for the soldiers; and I want to say here and now, and I want the country and the soldiers and the soldiers' widows to know it, that the confederate brigadiers have done more for the soldiers and their widows during the time they have been here than has been done for them by the republican party in the last ten years.

Mr. HATCH. I move that the committee now rise for the purpose of closing debate on the pending bill.

Mr. TAYLOR. I claim the floor to speak on the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] moves that the committee now rise for the purpose of obtaining an order from the House to limit debate on the pending bill.

The motion was agreed to upon a division—ayes 71, noes 17.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole had had under consideration the Private Calendar and had come to no resolution thereon.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the pension bills on the Private Calendar; and pending that motion I move that when the House shall again in Committee of the Whole resume consideration of the Private Calendar all debate upon the pending bill shall close in one-half minute.

The motion to limit debate was agreed to.

The motion to go into Committee of the Whole was also agreed to.

The House accordingly resolved itself into Committee of the Whole, and Mr. CALKINS resumed the chair.

The CHAIRMAN. By order of the House all debate upon the pending bill has been limited to one-half minute. If no further debate is desired, the question is upon ordering the bill to be laid aside, to be reported favorably to the House.

The question was taken; and the bill was ordered to be laid aside, to be reported favorably to the House.

SAMUEL B. HUTCHINSON.

The next pension bill on the Private Calendar was the bill H. R. No. 3100, introduced by Mr. KLOTZ and reported by Mr. COFFROTH. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Mary Ann Shurlock, and to pay to the said Samuel B. Hutchinson, her guardian, the amount of money due her on certificate 153434, from September 4, 1871, to February 5, 1876, the time of the death of his ward, the said Mary Ann Shurlock.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Samuel B. Hutchinson, guardian and next friend of Mary Ann Shurlock, sister of the late Captain Samuel Shurlock, Company D, Eighty-first Regiment Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

The evidence presented before your committee shows that by a special act of Congress, approved March 1, 1869, the name of Mary Ann Shurlock, dependent sister of Samuel Shurlock, late a captain of the Eighty-first Regiment Pennsylvania Volunteers, and who was killed in action at or near Fair Oaks, Virginia, on the 15th day of June, 1862, was placed on the pension-roll at the rate of \$10 per month,

and made payable to Samnel B. Hutchinson, "committee," or her guardian, a resident of Mauch Chunk, Pennsylvania.

That the pension certificate is numbered 153434, and bears date September 8, 1871; that your petitioner, the said Samuel B. Hutchinson, received the pension up to September 4, 1871, and soon thereafter left for Nottaway County, Virginia, and from there to Virginia City, Nevada, and did not return until May 22, 1876, when his said ward, Mary Ann Shurlock, had died; that he provided for his said ward all this time, and expended the sum of \$650 for her maintenance, &c., which amount he advanced to James Belford, of Mauch Chunk, Pennsylvania, his son-in-law, with whom she had taken up her abode, and who, under oath, acknowledges the receipt of the said \$650 in payment for the maintenance, clothing, and funeral expenses of said Mary Ann Shurlock, ward of Samuel B. Hutchinson, your petitioner. Owing to his absence from home, and his ignorance of the fact that he could draw the pension money at any other place, he advanced the money aforesaid out of his own purse, expecting, of course, to reimburse himself with the uncollected pension money, as he supposed, due his ward; but no demand for same having been made in the time prescribed by law, three years, payment thereof was refused at the Pension Bureau, and he, the petitioner, informed that in view of his ward's demise, February 5, 1876, (and the dropping of pensioner from the rolls, no claim for payment having been made for three years,) there was no law under which her name could be restored to the pension-roll.

This being the fact, your committee, with a view to at least in part reimburse your petitioner, Samnel B. Hutchinson, the said "committee" or guardian of Mary Ann Shurlock, deceased, for the support of whom it is shown, under oath, that he expended the sum of \$650 out of his own private funds, report and recommend the passage of accompanying bill, which provides for the restoration of the name of said Mary Ann Shurlock on the pension-roll from September 4, 1871, to February 5, 1876, and which, if allowed, would only amount to \$530.33.

Mr. KLOTZ. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

JAMES P. SAYER.

The next pension bill on the Private Calendar was the bill (H. R. No. 1460) granting an increase of pension to James P. Sayer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed, from and after the passage of this act, to carry upon the pension-rolls the name of James P. Sayer, late of Company C, One hundred and fortieth Regiment Pennsylvania Volunteers, at the rate of \$30 per month, in lieu of the pension he is now receiving.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1460) granting an increase of pension to James P. Sayer, late a private in Company C, One hundred and fortieth Regiment Pennsylvania Volunteers, having had the same under consideration, respectfully submit the following report:

It is in evidence that the claimant received four distinct wounds at the battle of Gettysburg, Pennsylvania: one a gunshot wound in left leg, which subsequently necessitated the amputation of leg below the knee; a gunshot wound in each shoulder, and a shell wound on right fore-arm. That he now draws a pension at the rate of \$18 per month, the same as is allowed by law to those who have lost a leg below the knee and have full use of both arms for clerical work. It also appears in evidence that claimant made application to the Pension Office for increase in 1877, offering medical and other testimony as to the condition of these several wounds and the disability resulting therefrom, which application was rejected on the ground that claimant was then receiving all the pension to which he was entitled under existing law, notwithstanding the painful and increasing disability from three several wounds other than the one which of itself entitled him to the pension he was receiving. Dr. George A. Dougherty, United States examining surgeon, September 19, 1873, says of these wounds: "Large cicatrix on left shoulder, deep-seated; frequently has numbness in middle and ring fingers, sometimes in arm; cicatrix of right shoulder from a flesh wound; cicatrix on right fore-arm, tender on pressure and adherent to tendons; at times painful." Dr. T. D. M. Wilson, United States examining surgeon, October 22, 1877, says of shoulder wounds: "Nervous sensibility partially destroyed, numbness of whole hand, and cramping when much used." Dr. A. S. McElree, a reputable physician, in affidavit dated March 21, 1879, says of wound of shoulder and right arm, that they render him unfit to perform manual labor, and that he performs light office work with great inconvenience and physical suffering; that arms very often become void of feeling and to some extent powerless when used in writing, &c. Dr. W. R. Thompson, the family physician of claimant, who amputated his limb, in his affidavit March, 1879, says of these wounds that at the time they were received they were also attacked with gangrene; they are now the seat of unsightly scars, a source of constant suffering, and have permanently impaired the use of the arms, so that writing or other employment becomes tiresome and painful.

It also appears in evidence that this soldier enlisted when very young and was exceptionally heroic and temperate in habits, himself witnessing the amputation of his leg without a tremor, positively refusing either chloroform or ether.

The law provides a pension of \$50 per month for total disability, and \$18 per month for loss of leg below the knee. The claimant in this bill asks an increase from \$18 to \$30 per month.

The committee recommend the passage of the bill.

Mr. WARNER. I move to amend by adding to the bill the following:

Subject to the provisions and limitations of the pension laws, including the provisions of the act approved June 25, 1879, and all subsequent acts.

Mr. Chairman, I do not question the justice of this claim; I will concede that an increase is merited in this case. But while that may be true, I do know that there are others who ought to have the benefit of any increase given to this man. They have had their pensions rated in the Pension Office by a board of surgeons who rate disabilities upon principles they have established, and which they apply to all cases. In this case, however, we have a surgeon in some district in Pennsylvania giving his opinion of the rate of disability. Now, I think it must be apparent to every gentleman here that by such a method of rating disability we may have one man drawing a pension for a certain disability and another man somewhere else drawing a lower rate of pension for a like or even a worse disability. A system of this kind is obviously so unjust that I think we ought not to go on passing claims in this way.

Mr. HARRIS, of Massachusetts. Will the gentleman yield for a question?

Mr. WARNER. Most cheerfully.

Mr. HARRIS, of Massachusetts. If, according to the contempla-

tion of the law, it is worth \$18 a month to have lost a leg below the knee—which I understand to be the provision of the law—is it not worth something more to have gun-shot wounds in both shoulders and in the right hand?

Mr. WARNER. I was not raising any question of that kind. I have constituents who are drawing \$18 a month for the loss of one limb and several other wounds. I say that if this claimant should have his pension increased other similar claimants ought to have theirs increased.

Mr. HARRIS, of Massachusetts. If there are other similar claimants.

Mr. WARNER. This committee should put them together—should bring in a general bill covering such cases and rating the disability in such a way that all who are similarly disabled may receive like pensions.

Mr. HARRIS, of Massachusetts. I want my friend to say whether in his judgment the case here presented is not an equitable one for increase of pension. If it is, then it seems to me the gentleman's speech is all out of order.

Mr. WARNER. Well, that may be the gentleman's opinion; but I hope this House is becoming convinced that this is not the place to rate disability—that this House is not competent to decide upon such a question.

Mr. RYON, of Pennsylvania. Will the gentleman explain to the House what will be the effect of his amendment upon the bill?

Mr. WARNER. I will endeavor to answer. Section 4720 of the Revised Statutes—

Mr. DE LA MATYR. This House has already at the last evening session decided four times against this very proposition, after listening to four different speeches from the same gentleman.

Mr. WARNER. I do not yield to the gentleman from Indiana. I call the attention of the committee to this section of the law:

SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, &c.

Now, the amendment I have offered allows this man to have an increase of pension; it removes all technical difficulties; but it sends him where the one hundred and fifty thousand other pensioners have to go for a determination of the rate of pension they are entitled to receive. I say that it is not right to select one man here and there, and give him a pension at a special rate which is not granted to others equally disabled.

Mr. RYON, of Pennsylvania. Will the gentleman allow me to ask another question?

Mr. WARNER. I will.

Mr. RYON, of Pennsylvania. Would not this amendment be equivalent to a defeat of the bill so far as the bill proposes any increase?

Mr. WARNER. Not at all. If there is any technical difficulty in the way of this man's receiving his pension, it will be removed by this act. Then for the amount of his pension he will go where all other pensioners go. This is all I claim. This principle is right. I do not see how any gentleman can really take ground against it.

Mr. BAILEY. I would like to have the gentleman point out any provision in the pension laws (a copy of which he seems to hold in his hand) under which this man can receive more than \$18 a month if his case is referred back to the Commissioner of Pensions. I want to hear that provision of law for my own information.

Mr. WARNER. The bill itself grants an increase.

Mr. BAILEY. Certainly.

Mr. WARNER. The rate of increase will be determined in the Pension Office.

Mr. BAILEY. Has the Commissioner of Pensions any authority to give this man more than \$18 per month, if the case is referred back to the Pension Office?

Mr. WARNER. There is authority given in this very bill as I understand. This man is granted an increase by the bill itself.

Mr. BAILEY. My question relates to the gentleman's amendment.

Mr. WARNER. My amendment refers only to the rating, that is all.

Mr. BAILEY. By the provision of law has the Commissioner the right to increase it at all?

Mr. WARNER. None; except what is given in this special act.

Mr. HUMPHREY. This does not give any.

Mr. WARNER. I understand it does. If it does not, then, Mr. Chairman, if that be the case, the reasons I have urged are all the more potent. If there are five hundred men—and it is in their behalf I appeal—if there are five hundred men who have lost limbs and have wounds as severe as this, is it not right for them to have their pensions increased as well as this single one, whether they come here and ask Congress for it or not? It is our duty to make laws for all—to treat all alike as nearly as we can.

Mr. CONGER. I ask why, with that intense desire in behalf of the soldiers of whom he speaks, the gentleman has not introduced a bill for an increase of pension?

Mr. WARNER. I have already introduced two or three bills into the House.

Mr. CONGER. Why not introduce the remainder and let us go on and pass these bills in order to reach them?

Mr. WARNER. I will answer the gentleman why. We can go

over one or two hundred claims of this kind, as I have before shown, and leave ten thousand untouched. I think this House is becoming convinced that it is incumbent upon it to provide some better way by which justice can be meted out to meritorious claimants on the one hand and false claimants kept away from the Treasury on the other. The pension-roll is a roll of honor, pensions are dues, and I am in favor of admitting every man who is disabled and entitled to it to a place there, but I am not willing—and I believe in this that I reflect the opinion of soldiers generally—that others shall be permitted to do so. I am not saying that the case before us is not a meritorious case.

Mr. DAVIS, of Illinois. You do not reflect the sentiments of the soldiers by any such remarks.

Mr. HUMPHREY. Tell us how a pensioner can ever get a pension while he remains upon the floor.

Mr. WARNER. I do not understand the gentleman's remarks.

Mr. HUMPHREY. How can any pensioner ever get a pension if the time is all taken up by talking while we have a long Private Calendar before us.

Mr. WARNER. If we will take time enough, if it be a week, to discuss and to enact a law providing a way, we will have done a great deal towards expediting the giving rightful claimants their dues.

Mr. HUMPHREY. Is the gentleman a member of the Committee on Invalid Pensions?

Mr. WARNER. I am not.

Mr. HUMPHREY. I did not think it was likely. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Pennsylvania who introduced the bill desires to be heard upon it.

Mr. SHALLENBERGER. I desire to know how much time the gentleman from Ohio has remaining.

The CHAIRMAN. Debate is unlimited. Each gentleman recognized has an hour.

Mr. WARNER. I yield to the gentleman from West Virginia.

Mr. SHALLENBERGER. I stood by the side of this soldier at the battle of Gettysburgh, and I should like to say a word in favor of the bill.

Mr. WARNER. I will say to my friend from Pennsylvania I do not understand and am not discussing the merit of this particular bill.

The CHAIRMAN. The gentleman from Ohio has surrendered the floor, and the gentleman from West Virginia has been recognized.

Mr. WILSON. Mr. Chairman, I have only one word to say. I have no desire to prevent the passage of any just claim, but there is a misapprehension in reference to the law. I take it my friend from Ohio labors under a misapprehension. Eighteen dollars a month under the law is all this party can be granted at the Pension Office. If he receives a larger pension, it is by virtue of an act of Congress. Therefore I take it, if his amendment be adopted, it precludes this party receiving any more, and puts him back.

Mr. WARNER. If that will be the effect of the amendment, I withdraw it.

Mr. WILSON. While I have the floor I desire to say a word in reply to the gentleman from Illinois and the gentleman from Missouri as to these bills coming here; and what I desire to reply to is this: Under the law we have passed the Commissioner of Pensions has a certain restraint thrown around him and rules prescribed which he cannot disregard. There are many meritorious claims he cannot allow. He is hampered by the action of Congress and the rules prescribed by this House. I therefore suggest, where he cannot grant a pension, the party comes to Congress, not with an appeal—

Mr. BUCKNER. I wish to ask the gentleman a question. Is this a case as to the strength of testimony or what weight it shall have?

Mr. WILSON. I am glad the gentleman has asked the question. Now, there are cases where the Commissioner cannot allow a pension for the only reason that the proof is not of the kind and character that he is required to get. A party takes no appeal here; he is rejected there and he makes his original application before this House. I can better explain my position by an illustration. Take two men who fought on the same day, who were wounded in the same battle and fell on the same day. One of these men had it in his power to prove by certificate from some officer that he was wounded, and is pensioned by the Pension Department. The other unfortunately cannot furnish an official certificate, he cannot get the official proofs required by the Department, and consequently he cannot get his pension. Both of these men fought on the same day, both fought equally well under the same flag. One is fortunate enough to get evidence enough to sustain his claim before the Department, while the other is unfortunate not to have that evidence.

Mr. HATCH. Why not change the law in that respect?

Mr. WILSON. Yes, sir; you ought to change the law; and when I was on the Pension Committee four years ago I tried and so did the Pension Committee to get the law changed. But the fact that the law has not been changed does not lie at the door of the man who applies for a pension. The fault is with Congress. Ten years ago we should have amended that law. To-day we should do it. Because Congress has not amended it you should not prevent these men from applying here. They should have that privilege when their cases cannot come technically within the requirements of the law as administered by the Pension Bureau. They have been denied by the Pension Department; it is not their fault. Nor are they denied by the fault of the Commissioner of Pensions, but they are denied because there is an omission on the part of Congress. Therefore, as long as the law has

not been changed let us adhere to the practice heretofore prevailing in Congress. We have authority as wide and unlimited as the wind to pension whomsoever we believe presents a meritorious case.

I trust, therefore, that in the consideration of various claims on the Calendar we are not any longer to hear "this is an appeal from the decision of the Commissioner of Pensions."

The Commissioner of Pensions I believe has performed his duty honestly, faithfully, and well, but there are claims where he cannot allow a pension, and those claims, many of them, are full of merit. There are claims which he has not been able to allow, where the Committee on Pensions are unanimous, as they always are, where they report in favor of a claim, and such cases should be allowed. You remit these claims to the Committee on Invalid Pensions. Eleven gentlemen constitute that committee. There are more or less of lawyers among them. Every gentleman, I take it, on that committee is equally qualified, thoroughly as competent and honest as the Commissioner of Pensions. When you have the combined judgment of eleven of these gentlemen, and they recommend a claim as meritorious, I for one am willing to follow the report of the committee, as I generally do the report of other committees.

This is a meritorious claim. This gallant young man is certainly entitled to what is asked. He was wounded four times at the battle of Gettysburgh.

Mr. FINLEY. I would like to ask the gentleman a question. I do not know whether he is a member of the Pension Committee or not, but I would like to ask him if there is not now pending before that committee a bill of the character to which he refers?

Mr. WILSON. I have not been a member of the Pension Committee for four years. I cannot answer the gentleman's question.

Mr. GODSHALK. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GODSHALK. My point is this: that the amendment having been withdrawn debate is out of order.

The CHAIRMAN. The Chair will state, this being consideration day, as long as gentlemen desire to speak the Chair has no discretion but to recognize them. The committee alone can limit debate by rising for that purpose.

Mr. SHALLENBERGER. Mr. Chairman, I desire to say a single word on this bill. I will not detain the committee but a moment. I happen to know this soldier, and I introduced the bill for his relief. I stood beside him at the battle of Gettysburgh. I know he received four distinct wounds in that battle. I do not think any gentleman on this floor after reading this report can doubt the justice and equity of giving this soldier an increased pension.

The question presenting itself to this House and this committee is this: Why should this claimant come to Congress? I want to tell you why. He comes to Congress simply because under general laws he can only obtain a pension for loss of leg below the knee. In common with all other soldiers who have lost a leg below the knee, and yet who possibly suffer from no other wounds or disability, he has obtained \$18 a month. He has, in addition to that, been wounded in both shoulders and in the right arm. He is, to my certain knowledge, frequently unable to do clerical work. He is suffering continually with pain, and unable to do professional work. He was an industrious and gallant soldier, willing to earn his livelihood when he can, anywhere and at any time. A soldier is entitled to \$18 a month who simply has lost a leg below the knee. I hope the law may be amended so as to provide for these several wounds, but until the law is amended this poor, wounded, crippled, heroic soldier should have the benefit of the equitable consideration of Congress.

Mr. WARNER. Will the gentleman allow me—

Mr. SHALLENBERGER. I have the floor and do not yield. Is not the gentleman from Ohio, [Mr. WARNER,] a soldier himself, drawing a large pension, willing to allow this private soldier, who suffered as he never did, to draw the pension which he is justly entitled to draw under every rule of justice and equity? I say it does not become that gentleman to stand upon this floor and impede the progress of this just claim.

I am willing to amend the law. I introduced a bill at the last session of Congress to give just such soldiers as this \$24 a month. I was sustained in that by the sentiment of this country. The Legislature of Ohio unanimously passed resolutions instructing the gentleman to vote for that bill.

Mr. WARNER. Bring your bill in here.

Mr. SHALLENBERGER. That being so, the Legislature of his own State having instructed him to vote a pension of \$24 to a man who had simply lost his leg below the knee, that gentleman now stands to bar this gallant Union private soldier from getting what is his due.

Mr. WARNER. Oh! the gentleman knows that is not so.

Mr. SHALLENBERGER. This man received four distinct wounds, which disqualified him for manual labor and have caused him continuous suffering. And am I to be told, Mr. Chairman, to-night that a gallant Union soldier, as I admit the gentleman from Ohio was, for I know it—am I to be told that it is right for him to stand here to-night consuming the time, the valuable time, of this committee, and thereby barring claims like this, which the general law cannot grant—exceptional claims because these are exceptional wounds; exceptional because the sufferings of this man are exceptional? Can it be that we are to sit here hour after hour placing barriers in the way of these gallant men? I trust this bill will be passed promptly.

Mr. WARNER rose. [Cries of "Vote! Vote!"]

Mr. WARNER. I will not be put down by cries of "Vote! vote!" It is my right to be heard.

Mr. HATCH. I move that the committee rise for the purpose of closing debate.

Mr. PAGE. It is not the gentleman's right to talk more than once upon the question.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri, that the committee rise.

Mr. WARNER. If the gag is to be applied I shall demand a quorum.

The CHAIRMAN. The gentleman from Ohio is out of order.

Mr. ATKINS. I shall demand a quorum if the gag is to be applied to the gentleman from Ohio.

Mr. KLOTZ. He has done nothing but talk while he has been here.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House had had under consideration the Private Calendar, and had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole on the Private Calendar; and pending that I move that all debate on the pending bill and amendments be limited to—how much time does the gentleman from Ohio want?

Mr. WARNER. I want five minutes.

Mr. HARRIS, of Massachusetts. No, sir. I move that the House do now adjourn.

The question being put on the motion to adjourn, it was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole House, pending which he moves that all debate on the pending bill and amendments thereto be closed in five minutes.

Mr. UPDEGRAFF, of Ohio. I move to amend by making it one minute.

The amendment was not agreed to.

The motion to limit debate on the pending bill and amendments thereto to five minutes was agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into Committee of the Whole House.

Mr. BUCKNER. I call for a division.

The House divided; and there were—ayes 84, noes 3.

Mr. BUCKNER. A quorum has not voted.

Mr. HATCH. I make the point of order that the gentleman did not rise in his seat to make the point that a quorum had not voted.

Mr. BUCKNER. I do not insist on it.

So the motion was agreed to; and the House resolved itself into Committee of the Whole on the Private Calendar, Mr. CALKINS in the chair.

Mr. CONGER rose.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] is recognized. The Chair hopes the gentleman from Michigan will not insist on that point.

Mr. PAGE. I insist if the gentleman from Michigan does not.

The CHAIRMAN. The Chair hopes the gentleman will not insist. The gentleman from Ohio is recognized.

Mr. WARNER. I regret exceedingly, Mr. Chairman—

Mr. PAGE. I object to the gentleman speaking again upon this bill.

The CHAIRMAN. The Chair appeals to the gentleman from California to withdraw his objection and let the gentleman from Ohio proceed.

Mr. PAGE. I think that the debate ought to be divided among the members of this House, and I do object to its being monopolized by any one member of the House.

Mr. FINLEY. The gentleman from Ohio has not spoken on the bill as yet.

Mr. WARNER. I did not speak on the bill. I spoke to my amendment.

Mr. PAGE. On the appeal of several members and not wishing to do the gentleman from Ohio injustice I yield at this time, but I do protest against any one gentleman monopolizing the debate.

The CHAIRMAN. The gentleman from Ohio is recognized and will proceed.

Mr. WARNER. I regret that my friend from Pennsylvania [Mr. SHALLENBERGER] has seen fit to bring personal matters into questions of this kind. I thought we had had enough of that thing. I surely gave no occasion for it either to my friend from Pennsylvania or to any one else.

I did not oppose an increase of pension to this claimant, and certainly should not do so after the explanation made by the gentleman. But I wish to say in reply to his remark, that the Legislature of the State of Ohio has not instructed or requested the Representatives from that State on this floor to give one man a pension of \$30 for a given disability when there are five hundred others equally deserving who get but half that or less.

Mr. VAN VOORHIS. Give it to all of them.

Mr. WARNER. That is the only ground upon which I raised any question in regard to this particular bill; and I say that it was not only unfair but it was in the nature of demagogism for the gentleman to direct any personal remarks to me on account of what I said in the debate upon this bill.

I do stand here, however, and propose to stand here, in advocacy of the removal of all questions of this kind from this House. This House is not a proper court of appeal from the decision of the Commissioner of Pensions. I know we do not and cannot, acting in this way, deal equitably with claimants and give them their just dues as they should have them, and at the same time keep out claims that are not meritorious. I am not now proposing a general bill, but I have insisted and do insist on this one point, that in the matter of rating disability we should be governed by some principle and deal out justice even-handedly and alike to all—not give to one an increase and deny it to others equally deserving.

Mr. CONGER. You have said that three or four times.

Mr. WARNER. And I repeat it now in reply to what was said by the gentleman from Pennsylvania, [Mr. SHALLENBERGER.] And I repeat furthermore that the pension-roll is a roll of honor. I am in favor of the increase of pension in this case and in all like cases, but I want it done in a proper way and before a tribunal that will give the same benefits to all.

Mr. HAWK. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. HAWK. I desire to ask if we have not a rule, lately adopted by this House, that no member shall be allowed to speak more than once upon any question, until every other member desiring to speak has had an opportunity to do so?

The CHAIRMAN. The Chair understands the gentleman to state the substance of the rule correctly.

Mr. HAWK. Then I do not know how it is that one or two members on this occasion are allowed to take up all of the time of this committee.

Mr. WARNER. The gentleman from Pennsylvania [Mr. SHALLENBERGER] occupied more time than I did.

The CHAIRMAN. Objection to the gentleman from Ohio [Mr. WARNER] speaking again on this question was withdrawn.

Mr. HAWK. I was not in when that was done.

The CHAIRMAN. The question is upon ordering this bill to be laid aside, to be reported favorably to the House.

* The question was taken; and upon a division there were—ayes 85, noes 9.

Mr. BUCKNER. No quorum has voted.

The CHAIRMAN. The point of order being raised that no quorum has voted, the Chair will order tellers, and appoint Mr. BUCKNER, of Missouri, and Mr. DAVIS, of Illinois, to act as tellers. And the Chair hopes that all members present will vote on one side or the other, so the committee will not find itself without a quorum.

The Committee again divided; and the tellers reported that there were—ayes 91, no 1.

Mr. BUCKNER. I will not insist upon the point that no quorum has voted.

So the bill was laid aside, to be reported favorably to the House.

Mr. McLANE. I move that the committee now rise.

Mr. RANDALL, (the Speaker.) What for?

Mr. McLANE. So that we can adjourn; it is evident that not much business will be done.

Mr. RANDALL, (the Speaker.) I hope the committee will not now rise; we can pass several other pension bills.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 23, noes 64.

Mr. SHELLEY. I will not insist upon the point that no quorum has voted. But I desire to say that while I am perfectly willing to take my share of responsibility in passing these pension bills, I give notice that if we are to continue the consideration of these pension bills I shall insist upon a call of the House if the point is raised that no quorum was present.

Mr. PAGE. All right.

Mr. SHELLEY. I will do so for the reason that I think members who vote to have a night session should be obliged to attend. I want the responsibility to rest upon the majority of the House, and not upon a few members who may come here.

No further count being called for, the motion that the committee rise was not agreed to.

JAMES M. BORELAND.

The next pension bill on the Private Calendar was the bill (H. R. No. 254) granting an increase of pension to James M. Boreland; introduced by Mr. BAYNE and reported by Mr. COPFROTH.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James M. Boreland, late a private in Company C, Ninth Regiment Pennsylvania Reserve Corps, so that he shall be entitled to receive the rate allowed by existing laws to those wholly disabled while in the service of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 254) granting an increase of pension to James M. Boreland, after consideration of the facts, respectfully report:

James M. Boreland was mustered into the United States military service as a private in Company C, Ninth Regiment Pennsylvania Reserve Corps, on the 24th day of July, 1861; was wounded in the thigh at the battle of Bull Run—second battle of Bull Run—August 29, 1862, and for this wound he receives a pension of \$4 per month. In July, 1863, while on a march from Gettysburg, having recovered sufficiently from his wound to resume active duty with his company, he fell across a foot-log, while crossing a stream, and injured himself in the stomach.

This injury necessitated his transfer to a less arduous line of duty, and he was consequently put in Company E, First Veteran Reserve Corps, in which he continued until that organization was mustered out.

The applicant is incurably insane, and has been confined in the Western Pennsylvania Hospital for the Insane since June 25, 1872.

If his present unfortunate condition is the result of the injury to which it is attributed, he is undoubtedly entitled to the relief sought for by this bill.

He made application for an increase of pension before he became insane, on the ground that the injury he received at Gettysburg produced frequent and violent convulsions. After his complete insanity his guardian prosecuted the claim. It was finally rejected, not on the ground, however, that he had not received the injury, for that was made abundantly clear by the testimony of eye-witnesses; nor was it upon the ground that he was not entitled to an increase and ultimately to the amount allowed to those who are totally disabled, if his insanity certainly resulted from that injury, but it was rejected on the ground that his insanity had not been clearly traced to the injury alleged to be its cause.

This soldier was a blacksmith by occupation, and was mentally and physically vigorous when he entered the service. Though his first wound was severe, he soon recovered from it and resumed his duties. After receiving the wound at Gettysburg, he was no longer able to do active duty with his regiment in the field.

Dr. G. O. Jacoby swears that he knew him well, and began treating him in August, 1864, "for a peculiar spasmodic affection, and that during his treatment the attacks became more and more frequent and violent, and, to all human appearances, finally resulted in hopeless insanity."

Dr. Thomas Galbraith testifies that he was the family physician, and knew the applicant since 1856; that he was a strong, robust young man when he entered the service; and the doctor then repeats substantially the statement of Dr. Jacoby.

Dr. Wisbart, a member of the examining board, assuming the alleged injury to the applicant at Gettysburg, says: "In consequence of this injury, he is subject to very frequent and violent convulsions of an epileptic character, his mind is impaired, and his condition is such that he requires the constant aid and attendance of another person. He is now, and has been for several years, confined in the asylum for the insane at Dixmont, Pennsylvania."

Dr. J. A. Reed, superintendent of the Western Pennsylvania Hospital for the Insane, at Dixmont, Pennsylvania, says: "He (James M. Boreland) has been under my care since the 25th June, 1872, and he was decidedly insane when admitted, and entirely unfit to work or support himself ever since. He is a victim of epilepsy, and at times is fearfully dangerous to those who have the care of him. I can see nothing for him in the future except a continued progress of enfeeblement of mind, terminating in dementia, and finally in death." Dr. Reed says, in another affidavit, that "the form of his (the applicant's) disease is that of epileptic mania, and was, I believe, induced by some injuries received at some time while in the service of the Army."

The absence of any other cause and the close relation of the hurt to his stomach at the battle of Gettysburg, with his transfer to the hospital and the Invalid Corps, the convulsions and epilepsy and subsequent hopeless insanity, are obviously all parts of one event in this applicant's life.

The bill is respectfully reported back to the House with the recommendation that it do pass.

THE CHAIRMAN. The question is upon laying this bill aside, to be reported favorably to the House.

MR. DUNNELL. I am unwilling to occupy the time of the committee, but I desire to call the attention of members to this case as presenting a most remarkable illustration of the power of the Pension Bureau and the action of Congress. This person could not obtain his pension from the bureau under the law, because, as is alleged, it could not be shown that his insanity was the result of an injury received while he was in the service; yet when the case is presented to the House there is abundance of evidence to show that his insanity did result from an injury received by him while in the service. The Pension Bureau could not allow the claim; we here do allow it. It is very gratifying to me that we have here a case which so admirably illustrates not only the inability of the Department but the justice and equity which we ought to and do exercise here.

MR. WARNER. If all cases presented here were cases of this character there would not be the slightest opposition to them.

The bill was then laid aside, to be reported favorably to the House.

JAMES AARON.

The next pension bill on the Private Calendar was the bill (H. R. No. 2041) granting a pension to James Aaron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Aaron, Company F, Ninety-first Regiment of Pennsylvania Volunteers, at the rate of \$9 per month, commencing on the 29th of June, 1865, that being date of his discharge from the Army of the United States on account of injuries received and disease contracted while in said military service and in line of duty.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2041) granting a pension to James Aaron, late private in Company F, Ninety-first Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

James Aaron, the claimant, enlisted on the 21st day of September, 1864, in Company F, Ninety-first Regiment of Pennsylvania Volunteers, and was honorably discharged on the 29th of June, 1865. He filed an application for pension, alleging that while in the Army of the United States he was disabled in consequence of severe exposure and hardship of the service, by contracting lung fever and varicose ulceration of the right leg. His claim was rejected on the 17th of February, 1879, on the supposition that the varicose veins existed prior to enlistment.

The committee have carefully reviewed all the sworn testimony filed in support of this claim, and they are of the opinion that the rejection is erroneous; that there is not a syllable of evidence to show that the claimant suffered from varicose ulceration of the right leg before he enlisted in the Army.

John G. Leasure and Joseph Bennett, members of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and comrades of the claimant, swear "that at the time of his enlistment they were well acquainted with him, and that he was an able-bodied man, and was examined by a physician appointed for that purpose; that on or about the 26th of November, 1864, at or near Hatcher's Run, Virginia, said James Aaron was disabled in the line of his duty by reason of an aggravated disease (by camp life) of the right leg, as reported by the hospital steward of that place, and was sent away from the regiment unfit for duty, and never returned, he being unfit for excessive fatigue or duty."

Zachariah Shaffer, a private in the same company, swears that the claimant "was an able-bodied man at the time of his enlistment, and that at or near Petersburg he was attacked by some slow fever, which appeared to create a severe sore or

running ulcer on his right leg, and still (August 8, 1878) remains a running ulcer." This witness also says he was "acquainted with the claimant, James Aaron, at the time of his enlistment, while in the Army, and, since his return, to the present." Other witnesses sustain this testimony.

On the 11th of September, 1871, Dr. D. Helm Hite swears "that I have examined James Aaron, formerly of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and find his affliction to be a chronic ulcer of the right leg, extending almost from the knee to the ankle joint, on the inner and anterior aspects of the limb."

On the 22d day of February, 1877, Dr. John G. Hughes swears that he graduated at Jefferson Medical College, in March, 1853, and that he has been well acquainted with James Aaron for eighteen years, and had been his family physician prior to his enlistment, and says: "I never knew him (prior to his enlistment) to suffer from any pulmonary disease, or give any evidence or indication of pulmonary weakness. I saw him at his home soon after his return from the service. I was called upon to visit him, professionally and give him treatment. I found him at that time very much debilitated and broken down in general health, but suffering particularly from diseased lungs." He further swears that he was then the "unfortunate bearer of varicose ulcers of the lower limb, from which he suffers greatly most of the time. Indeed, they never heal up entirely, but are open and discharging, more or less, all the time. As they seem to be the result of the enlarged and varicose condition of the veins of the legs, they render walking about often almost an impossibility. In closing my statement of this case, I would add that I do consider the applicant, James Aaron, a most worthy claimant; that he is a confirmed sufferer from ailment contracted in the service."

On the 16th of August, 1878, O. P. G. Clark, acting Commissioner of Pensions, addressed a letter to Philip Kneee, a resident of Chaneyville, Pennsylvania, where the claimant resides, asking him, "Will you please inform this office of any knowledge you may have, either personal or from information, relative to this man's (James Aaron) physical condition before enlistment in 1864 and since his final discharge in 1865?"

Mr. Kneee answered as follows:

"CHANEYSVILLE, BEDFORD COUNTY, PA.,
August 28, 1878.

"SIR: I have known James Aaron for twelve years, and have seen him more or less every day during this time. He has had a bad leg ever since he has been discharged out of the Army; know that his physical condition was good before he went in the Army, and that he ought to be entitled to pension above others that are getting pensions.

"Respectfully,

"PHILIP KNEEE.

"HON. COMMISSIONER OF PENSIONS."

The examining surgeon, Jacob A. Baird, in 1878, fixes the disability at one-half loss of foot, or \$9 per month, and says: "Judging from his (the applicant's) present condition, and from the evidence before him, that the said disability did originate in the service in the line of duty."

In the opinion of the committee this is a meritorious claim, and report the bill back to the House and recommend its passage.

The bill was laid aside, to be reported favorably to the House.

CAPTAIN SAMUEL C. SCHOYER.

The next pension bill on the Private Calendar was the bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Captain Samuel C. Schoyer, late captain of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteers, to \$50 per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer, having had the same under consideration, respectfully report:

That Samuel C. Schoyer was captain of Company G, One hundred and thirty-ninth Regiment of Pennsylvania Volunteers, and participated with his regiment in the war of 1861-'65. That on the 2d day of June, 1864, he was wounded at the battle of Cold Harbor, by a gunshot in the left ankle joint, which completely destroyed it and produced permanent ankylosis; that he now receives a pension of \$30 per month on certificate No. 46970; that he is permanently disabled by the wound, and is daily growing worse.

Dr. Andrew Fleming, of Pittsburgh, Pennsylvania, certifies that Captain Schoyer is permanently disabled by paralysis, undoubtedly the result of his wound.

Dr. L. H. Willard, of the same city, certifies that he has been Captain Schoyer's physician for the past six years, and that Captain Schoyer is totally unable to perform manual labor, and that in consequence of his wound he suffers from paralysis of the legs, which may soon result in his inability to walk; that in fact his system has become so greatly enfeebled that he may be properly termed a complete wreck.

The character and standing of these surgeons and physicians are satisfactorily vouched for.

Captain Schoyer is a lawyer by profession. He states that his injury has resulted in partial paralysis of both his legs and arms, and affects the lower part of his spine; that at times he is unable to walk, and the greater part of the time unable to write, and that since the date of his wound he has been under constant medical and surgical attention.

The committee believe this application to be most meritorious, and recommend the passage of the bill herewith returned.

MR. BUCKNER. Will some gentleman explain on what ground this claim is brought here, and whether the facts as stated in the report were before the Commissioner?

MR. TAYLOR. I will say to the gentleman that no case, unless it is a very exceptional one, is decided by the Committee on Invalid Pensions unless it has passed through the Pension Office.

MR. BUCKNER. Then this case has been acted on by the Pension Office, and the Commissioner has refused to allow the claim?

MR. BAYNE. No. I can explain the bill, as it was introduced by me. Captain Schoyer is a member of the Pittsburgh bar, and, as stated in the report, was wounded at the battle of Cold Harbor, in 1864. The wound was at the ankle joint, and a very serious one. The doctors declared it necessary that the leg should be amputated. Captain Schoyer refused to have amputation performed. Subsequently his whole system became penetrated with the poison from the wound.

He is now in a state of absolute enfeeblement, and in the course of three or four years will die. He is paralyzed in both legs and both arms. He is utterly disabled for duty in his profession. He is unfit for any kind of labor. He has a wife and an interesting family. He

has no means of support. He has that spirit, that pride, that patriotism which would forbid him to come here and ask this bounty on the part of the Government were it not absolutely necessary. I can refer the gentleman to many here who know this man—among others to the Speaker of this House, who is acquainted with him and his family, and who, with many other persons, will corroborate the statement I make.

Mr. BUCKNER. I do not doubt the gentleman's statement at all. I only wished to know whether application for this increase of pension had been made to the Commissioner.

Mr. BAYNE. Yes, sir. This man now gets the full amount allowed by law to one who has both feet and both arms; but he is in an infinitely worse condition than many a man who has lost one leg and one arm.

Mr. BUCKNER. The case, then, is one which the law does not provide for?

Mr. BAYNE. No, sir; the law does not provide for it.

The bill was laid aside, to be reported favorably to the House.

JESSE HICKEN.

The next pension bill on the Private Calendar was the bill (H. R. No. 3259) granting a pension to Jesse Hicken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jesse Hicken, of Chester, Delaware County, Pennsylvania, for payment of a pension at the rate allowed by law to private soldiers disabled by wounds received in the war of the rebellion while in the service of the United States and in the line of duty, the said pension to commence on the 26th day of April, 1862, the date of discharge of said Hicken, who was discharged by reason of disability incurred while in said service and in the line of his duty in the war of the rebellion.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3259) granting a pension to Jesse Hicken, of Chester, Pennsylvania, a soldier of the late war, having had the same under consideration, respectfully submit the following report:

It is in evidence that the claimant, on the 15th day of October, 1861, was enrolled as a private in Company E, Eighty-eighth Pennsylvania Volunteers, and that on the 26th day of April, 1862, he was discharged from the service on account of disability.

It is also in evidence from the affidavit of William H. Shearman, first lieutenant of the said company, that the claimant sustained permanent injury in the right hand while engaged in the line of duty, on or about the 5th day of March, 1862.

It is also in evidence from the same affidavit that he was further injured, while in the line of duty, at or near Alexandria, Virginia, on or about the 10th day of April, 1862.

It is further shown by the evidence of John L. Kite, hospital steward of the said regiment, that the sickness from which the claimant suffered while lying in said hospital was the result of exposure during the winter of 1861.

It is also in evidence by the testimony of Dr. J. L. Forwood, of Chester, Pennsylvania, that prior to the enlistment of the claimant in the military service of the United States he was in good health.

It is also in evidence that the claimant is in very destitute circumstances.

It is the opinion of the committee, from the evidence submitted, (although the claimant is unable to furnish the strict medical testimony required,) that the injuries from which he now suffers were received while in the military service of the Government during the late war and while in the line of duty. They, therefore, return the bill to the House, and recommend the passage of the same.

Mr. McMILLIN. I do not know who reported or who introduced this bill—

Mr. WARD. I introduced the bill.

Mr. McMILLIN. I would like to know upon what this bill is grounded if there is no sufficient medical evidence that the disability occurred in the line of duty.

Mr. WARD. I will state the facts of the case as I understand them. This man is now very old, and, as the report states, is in very destitute circumstances. Although he was advanced in age at the time of the war, he entered the military service of the country and did duty faithfully as a soldier. For some time after the close of the war he never expected to claim a pension. Years rolled on, and meanwhile the evidence which would have supported his claim by bringing it strictly within the requirements of the Pension Office was lost. His circumstances became reduced by reason of the death of a son, who had been his sole dependence. He is now left destitute in his old age, and by reason of disability is incapacitated for making such exertion on his own behalf as would support him.

Mr. McMILLIN. Was the case acted on in the Pension Office?

Mr. WARD. It was.

Mr. McMILLIN. And rejected?

Mr. WARD. And rejected.

Mr. McMILLIN. Upon the evidence that is here?

Mr. WARD. Because the applicant could not produce the evidence.

Mr. McMILLIN. Was it rejected upon the evidence that is here?

Mr. WARD. I think there was additional evidence produced before the committee.

Mr. McMILLIN. Why was it not produced before the Commissioner?

Mr. WARD. Because it was not the kind of evidence which would have been received. As time went on the military officers who were personally cognizant of this man's injuries died; the physician who attended him, I think, died; and nobody able to testify to the facts was left but the hospital steward, whose evidence was submitted to the committee, and is referred to in the report. This is the case of an old man, who, never expecting to claim a pension, allowed the years to go by within which he could have collected such evidence as would have satisfied the Commissioner.

Mr. VAN VOORHIS. Does the applicant himself testify to the wounds?

Mr. WARD. He does.

Mr. McMILLIN. It seems to me there is no sufficient evidence here of disability occurring in the line of duty. It appears that this man remained inactive for years, not expecting to demand a pension, and I presume he did not conceive himself entitled to it.

Mr. WARD. Yes, he did. The gentleman will see this difference. Changes have occurred in this man's circumstances. As has been stated, a son upon whose support he depended, and who had also served in the Army, was removed by death, and what he contributed to the old man's support was then withdrawn. Now, in his old age, in his sick condition, as shown by the testimony in the report, he is left to his own resources and is incapacitated for labor.

Mr. McMILLIN. It seems to me, Mr. Chairman, this is one of a numerous class of cases where this body is required to act as a supervising board over cases coming from the Pension Department. If that department is worth anything, when the facts are before it and it has decided upon them, its action should have some weight with this House; but if we are to raise the flood-gates and let in every party whose claim is rejected by the Pension Office, then we had better quit legislation on everything else, discharge every other committee, and go to work on pension cases alone, for it will take more than three hundred and sixty-five days to act upon them. If a man has a meritorious case, or if he is unable to bring the evidence because of circumstances that clearly convince us he originally had it, we ought to grant him a pension. But that is not the case here. We have no evidence it ever existed, and I do not think the claim ought to be allowed.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELIZA M'CONNEL.

The next pension bill on the Private Calendar was the bill (H. R. No. 3260) granting a pension to Eliza McConnell.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Eliza McConnell, widow of William McConnell, late captain of Company E, Ninety-seventh Regiment of Pennsylvania Volunteers, in the late war of the rebellion, and pay the said widow a pension from and after the 25th day of April, 1865, the date of the honorable discharge of said McConnell from said service, at the rate of pensions allowed by existing laws to the widows of deceased captains who were killed while in the service of the United States, and in the line of duty in the said war of the rebellion.

The report was read, as follows:

The record shows that William McConnell on the 2d day of October, 1861, was enrolled in the United States service in Company E, Ninety-seventh Regiment of Pennsylvania Volunteers, and that he was honorably discharged April 25, 1865, for disability.

The affidavit of Dr. Eberhart, the surgeon of the said regiment, shows that said McConnell was attacked with jaundice while in said service, from which he never recovered, and with which he was affected at the time of his discharge; that he was free from any affection of the liver at the time of his enlistment. Other testimony shows that he was a sound and healthy man at the time of his enlistment. The testimony of General Pennypacker shows that he contracted disease from exposure to malaria in the southern swamps in the line of his duty. The affidavit of Dr. Hartman shows that in 1866 he was called upon to treat said McConnell professionally, and found him affected with chronic liver complaint, which terminated in enlargement of that organ, followed by abdominal dropsy, from which he finally died. The marriage of said McConnell with the petitioner is duly established.

The committee are satisfied from the evidence submitted that the said William McConnell died from the effects of a disease contracted in the United States military service in the late war and in the line of his duty. They therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ABNER HOOPES.

The next business on the Private Calendar was a bill (H. R. No. 3264) granting a pension to Abner Hoopes.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Abner Hoopes, late a private in Company A, First Regiment Pennsylvania Reserves, who is hereby granted a pension to date from the date of his discharge, at the rate now allowed by law to disabled private soldiers, wounded in the late war of the rebellion, for disability incurred while in the service of the United States and in the line of duty in the late war of the rebellion.

The report was read, as follows:

The testimony on file in the Pension Bureau shows that the claimant served faithfully in the late war in Company A, First Regiment Pennsylvania Volunteers, from December 10, 1861, for three years, less a few days.

It appears that on the march from the Wilderness to Petersburg, Virginia, he contracted a spinal disease.

The affidavit of the adjutant of the regiment is positive as to the place and time when the disease was contracted. His officer has had personal knowledge of the claimant from that date until the present time, and testified that the disease rendered claimant entirely helpless, requiring the constant attention of a nurse.

The difficulty in supplying the precise testimony, according to the regulation, arises from the fact that the two physicians who attended Hoopes immediately after he left the service are now dead. There is abundant evidence from his neighbors and friends tending to prove conclusively that the disease was contracted in the service, and that he has been a helpless sufferer from it ever since.

Believing the case meritorious the committee 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.

Mr. CALDWELL. I move the committee do now rise. The committee divided; and there were—ayes 50, noes 24. So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar and had directed him to report sundry bills to the House, some with and some without amendment, including the bills laid aside to be reported to the House at a previous sitting of the committee and not then reported because, a quorum not appearing, the committee, under the rules, had risen, when an adjournment took place.

BILLS PASSED.

The following bills reported from the Committee of the Whole House were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. No. 2290) granting a pension to William Bowman;
- A bill (H. R. No. 2469) granting a pension to Arthur I. McConnell;
- A bill (H. R. No. 238) granting an increase of pension to J. J. Purman;
- A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty;
- A bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson, guardian of Mary Ann Shurlock;
- A bill (H. R. No. 1460) granting an increase of pension to James P. Sayer;
- A bill (H. R. No. 254) granting an increase of pension to James M. Boreland;
- A bill (H. R. No. 2041) granting a pension to James Aaron;
- A bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer;
- A bill (H. R. No. 3259) granting a pension to Jesse Hicken;
- A bill (H. R. No. 3260) granting a pension to Eliza McConnel; and
- A bill (H. R. No. 3264) granting a pension to Abner Hoopes.

EDMUND EASTMAN.

The SPEAKER. The bill (H. R. No. 1464) granting a pension to Edmund Eastman is reported with an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "volunteers," in line 6, and insert in lieu thereof the following:
"On account of disease, injury, and wounds contracted in the line of duty in the military service of the United States in the war of the rebellion, said pension to date from the discharge of said soldier."

Mr. HATCH. That amendment was not carried in committee.

Mr. RYON, of Pennsylvania. I think it was.

The SPEAKER. It comes from the Committee of the Whole indorsed with that amendment.

The amendment was rejected.

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

MELISSA WAGNER.

The next bill reported from the committee with amendments was the bill (H. R. No. 225) granting a pension to Melissa Wagner.

The amendment was read, as follows:

Add as follows: "Who died from the effect of wounds received in action and in the line of duty. Said pension to take effect from the date of the death of her late husband."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS LOWRY.

The next bill reported from the committee with amendments was the bill (H. R. No. 229) granting a pension to Thomas Lowry.

The amendment was read, as follows:

Add as follows: "Who contracted permanent disability in the service of his country in the line of duty during the war of the rebellion."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

And then, on motion of Mr. HATCH, (at nine o'clock and fifty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of Vaughan & Miller, Jack's Creek, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BALLOU: The petition of importers, refiners, and dealers in sugars, for the retention of the present graduated scale of duties, and obliging all sugars below No. 10 in color testing 92° to pay the rate as if between Nos. 10 and 13, Dutch standard—to the same committee.

By Mr. BAYNE: The petitions of William H. Jones and 118 others; of George W. Burns and 11 others; of Jacob Young and 69 others, of Allegheny County; of William Holmes and 29 others, of Braddocks;

of John O. Morgan and 25 others, of Elizabeth, and of George W. McGraw and 70 others, of Tarentum, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. BEALE: The petition of S. Barron, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BELTZHOVER: The petition of J. C. Lange, Pittsburgh; of J. M. Allis, Wyalusing, and of McClelland & Reed and others, of Freeport, Pennsylvania, druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BENNETT: The petition of H. W. Coe, publisher of the Times, Valley City, Dakota Territory, for the abolition of the duty on type—to the same committee.

Mr. BERRY: The petition of W. W. Theobalds, publisher of the Mail, Woodland, California, of similar import—to the same committee.

Also, the petition of citizens of California, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of California, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BICKNELL: The petitions of D. C. Thomas and 10 others; of George W. Bowers and 14 others, and of F. N. Berkey and 16 others, citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

Also, the petition of the Western Wholesale Druggists' Association, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CALDWELL: The petition of W. T. Harris, G. T. Russell, and about 100 others, citizens of Allen County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CAMP: The petition of members of the International Institute for preserving weights and measures, and others, against the introduction of the French metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALVAH A. CLARK: The petition of Abiel Abbott and John L. Merrill, for pay for loss of steamer Bergen while in the United States service—to the Committee on Claims.

By Mr. COLERICK: The petition of J. C. Christman and 86 others, citizens of Wells County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Robert L. McFadden and 84 others, citizens of Wells County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CRAPO: The petitions of Gerard C. Tobey and others, for a survey of Wareham Harbor, and an estimate of cost for its improvement—to the same committee.

Also, the petition of Gerard C. Tobey and others, for the erection of a permanent beacon at the entrance of Wareham River—to the same committee.

By Mr. GEORGE R. DAVIS: Resolutions of the Board of Trade of Chicago, Illinois, asking for a commission composed of representatives of different interests to prepare a form of a national bankrupt act for the consideration of Congress—to the Committee on the Judiciary.

By Mr. HORACE DAVIS: The petition of Theodore Coleman, publisher of the Journal, Santa Clara, California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. DEERING: The petitions of druggists at Vail, Greeley, Delaware, and Winthrop, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. DEUSTER: The petitions of the State officers and members of the General Assembly of Wisconsin; of Alexander Mitchell and 304 business firms, of Milwaukee, and of Moore & Galloway and 103 other business firms, of Fond du Lac, Wisconsin, for an appropriation for the improvement of the harbor of Grand Haven, Michigan—to the Committee on Commerce.

By Mr. ERRETT: The petitions of Robert Morris and 19 others, of Benjamin Barnes and 35 others, of J. H. Whetsel and 22 others, of Edward Fillinger and 15 others, of William T. McClain and 30 others, of William Ebert and 11 others, of George M. Evans and 22 others, of William Watkins and 28 others, of Edward Gray and 7 others, of R. McP. Dalzelle and 6 others, of R. H. Johnson and 10 others, and of John H. Salisbury and others, of Pittsburgh; of William N. Taylor and 130 others, of John McMundig and 16 others, of William Wright and 30 others, of Warren J. Melvaine and 23 others, of Feterman; of Thomas Beadling and 60 others, of Banksville, and of Charles Houser and 11 others, of Berner Station, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FARR: The petition of E. D. Morgan & Co. and others,

against any change in the tariff on sugar—to the Committee on Ways and Means.

By Mr. FORT: The petitions of William Lion and others, of Urbana, and of Thomas G. Frost, of Sigel, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. GUNTER: The petition of Levi T. Fulton and other citizens, of Arkansas, late soldiers in the United States Army, for back pay and bounty—to the Committee on Military Affairs.

By Mr. HARMER: The petition of A. M. Wright & Co. and 45 others, druggists of Philadelphia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. JOHN T. HARRIS: The petition of Messrs. Tinsley & Morton, publishers, Staunton, Virginia, for the abolition of the duty on type—to the same committee.

By Mr. HAZELTON: The petition of M. Heath and 16 others, citizens of Waupun, Wisconsin, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of soldiers at Milwaukee Soldiers' Home, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of J. V. Roberts and 50 others, citizens of Greene County, Wisconsin, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HENDERSON: The petition of Hon. John Dement and 25 other individuals and firms, citizens of Dixon, Illinois, for the passage of the bill for the improvement of the headwaters of the Mississippi River, Saint Croix River, Chippewa and Wisconsin Rivers, and that Rock River be included in said bill—to the same committee.

By Mr. HILL: The petition of Anne Downey, for a pension—to the Committee on Invalid Pensions.

By Mr. HOOKER: The petition of citizens of Pike County, Mississippi, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the memorial of the Indian delegates from the Indian country, protesting against the passage of the bill providing for the establishment of a United States court in the Indian Territory, and for other purposes—to the Committee on the Territories.

Also, the petition of E. Delinz and others, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of W. Lee Patton, publisher of the Summit (Mississippi) Times, for the abolition of the duty on type—to the same committee.

By Mr. HUMPHREY: The petitions of J. H. Cook, of Unity; of R. S. White and others, of Fort Atkinson, and of W. P. Clark, of Milton, Wisconsin, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. HUNTON: Papers relating to the claim of Anthony Ihms for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. JOYCE: The petition of Mary Martin and others, that she be granted arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of A. M. Cate and others, relating to the suppression of cattle diseases, &c.—to the Committee on Agriculture.

By Mr. KELLEY: The petitions of D. R. Hill and other druggists, of Kellogg; of Miller & Packard and other druggists, of Webster City, Iowa, and of Thomas Gibbs, of Lake City, Minnesota, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. LORING: The petitions of the officers and members of the Marine Society of Newburyport, and of John J. Currier, mayor, and of citizens of Newburyport, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

Also, the petition of Bridgman Gay & Co., publishers of the Morning Gazette and Evening Telephone, Haverhill, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of L. Cleaves & Co., publishers of the Rockport Gleaner, Rockport, Massachusetts, for the abolition of the duty on type—to the same committee.

By Mr. MAGINNIS: Two petitions of citizens of Montana Territory, protesting against the proposed change in the public land laws—to the Committee on the Public Lands.

Also, the petition of J. H. Soulé, publisher of the United States Record and Gazette, Washington, District of Columbia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BENJAMIN F. MARTIN: Papers relating to the claim of George H. Plant for pay for the partial destruction of the steamer

Lady of the Lake by the United States steamer Gettysburgh, in 1874—to the Committee on Commerce.

By Mr. McMAHON: The petition of Charles Huelle, for a pension—to the Committee on Invalid Pensions.

By Mr. MORTON: The petition of Lowe Harriman & Co., Lemis Brothers & Co., and 40 other mercantile firms, of New York, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. MULLER: The petition of ship-owners of New York City, for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of savings-banks of Michigan, Illinois, Wisconsin, and Missouri to be relieved from taxes not imposed on savings-banks in other States—to the same committee.

By Mr. NORCROSS: The petition of C. F. Severance, R. B. Robertson, and other citizens of Leyden, Massachusetts, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. ORTH: The petitions of J. H. Ethers and other druggists, of Anburn; of Elam G. Smith and other druggists, of Kentland; and of J. F. Brandon and others, of Anderson, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. PHISTER: The petition of F. M. Castle and 94 other soldiers of Lawrence and Carter Counties, Kentucky, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. REAGAN: The petition of Lewis L. Loggins, publisher of the Saxon, San Augustine, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. RICE: The petition of Ezra H. Heywood, of Princeton, Massachusetts, of similar import—to the same committee.

Also, the petition of E. H. Heywood, for legislation to promote the inviolability of the mails—to the Committee on the Judiciary.

By Mr. ROSS: The petition of merchants of New York, for the abolition of compulsory pilotage through Hell Gate—to the Committee on Commerce.

Also, resolutions of the Legislature of New Jersey, asking for increased facilities for the life-saving service, and for an increase of the compensation of the men employed therein—to the same committee.

By Mr. SIMONTON: The petition of N. Everett, of Troy, Tennessee, and other druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of Elizabeth P. Hicks, for a pension—to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of J. C. C. Blackburn and others, citizens of Morgan County, Georgia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of G. C. Green, of Heyworth, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Uriah Bailey, William Shotwell, and 40 others, citizens of Belmont County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. VALENTINE: The petition of B. Z. McKee and 57 others, citizens of Geneva, Nebraska, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. WEAVER: The petition of John Miller and 87 others, of Iowa County, Iowa, that the House vote by yeas and nays on the resolutions offered by Mr. WEAVER, and printed in the RECORD February 27, 1880—to the Committee on Banking and Currency.

Also, the petition of James Vincent, of Tabor, Iowa, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Charles D. Boom and 102 others, soldiers of Meeker County, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WHITEAKER: The petitions of the publishers of the Democrat, Oregon City; of the Independent, Pendleton, and of the Democrat, Baker City, Oregon, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. C. G. WILLIAMS: The petition of A. L. Chapin and 33 others, citizens of Beloit, Wisconsin, that Rock River be included in the reservoir system for supplying water to the Mississippi River—to the Committee on Commerce.

Also, the petitions of Allen & Hicks, publishers of the Northwestern, Oshkosh, and of P. R. Proctor, publisher of the News and Herald, De Pere, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petitions of Edwin Hurlburt, publisher of the Wisconsin Free Press, Oconomowoc; of P. H. & H. S. Swift, publishers of the Independent, Clinton; and of Phelps & Zeigans, publishers of the Reporter, Sharon, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of L. S. Barnes & Co. and others, of J. H. Camp and others, of Delavan; of D. G. Morris and others, of Sharon, and of John D. Jones, of Wisconsin, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. WISE: The petitions of Samuel Beare and 24 others; of William McKincaid and 57 others; of Smith Lippincott and 38 others; of Samuel Patterson and 17 others; of Melvin Hill and 30 others, and of John S. Hughes and 56 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FERNANDO WOOD: The petition of E. T. Mudge and others, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of merchants in New York, for a bankrupt law—to the Committee on the Judiciary.

By Mr. WALTER A. WOOD: Three petitions of publishers of New York, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WRIGHT: The petition of H. C. A. Smith, of Burlington, Vermont, and T. J. Tillotson, of Winoski, and 165 others, citizens of Vermont, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. YOCUM: The petition of J. E. Tibbens and others, for the creation of a Department of Agriculture equal in rank with any other department having a Cabinet officer at its head—to the Committee on Agriculture.

Also, the petition of J. E. Tibbens and others, of Clinton, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

IN SENATE.

THURSDAY, *March 11, 1880.*

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

NAMING OF A PRESIDING OFFICER.

The Secretary (JOHN C. BURCH, esq.) called the Senate to order, and said: I have this morning received the following note from the Vice-President:

VICE-PRESIDENT'S CHAMBER,
Washington, D. C., March 11, 1880.

SIR: As I shall be absent at the opening of the session of the Senate this morning, under the provisions of Rule 4, I name Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, to perform the duties of the Chair until the adjournment to-day.

WILLIAM A. WHEELER,
Vice-President.

To the SECRETARY OF THE SENATE.

The Senator from Vermont will take the chair.

Mr. EDMUNDS thereupon took the chair as presiding officer of the Senate for to-day.

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

SMITHSONIAN REPORT.

The PRESIDING OFFICER laid before the Senate a letter from Professor Spencer F. Baird, secretary of the Smithsonian Institution, transmitting the annual report of the operations, expenditures, and condition of that institution for the year 1879; which was ordered to lie on the table and be printed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and an accompanying report from Major W. E. Merrill, Corps of Engineers, of a survey made in accordance with the requirements of the river and harbor act of March 3, 1879, of Green River and its tributaries, Muddy and Barren Rivers, Kentucky; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a memorial of several citizens of Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. ALLISON. I present a letter from the secretary of the Board of Trade of the city of Dubuque, Iowa, commending a petition sent him by the New England Shoe and Leather Association committee, the Boston Merchants' Association committee, the Boston Grocers' Association committee, &c., praying the passage of a bankrupt law. I move that the letter and the accompanying petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ALLISON presented the proceedings of a meeting of the post

of the Grand Army of the Republic, of Dubuque, Iowa, signed by George G. Moser, commander of the Dubuque Veteran Corps, praying for the passage of the bill known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. SHARON. Mr. President, I present the petition of two citizens of Nevada, praying for the reduction of duty on certain kinds of paper and chemicals used in printing and in the preparation of pulp, &c. The petitioners are the editors of a journal published at Eureka. As to their circulation it probably does not reach more than one-tenth—not more than one-hundredth part of the population of the State that I have the honor in part to represent. I wish to make, however, one remark in regard to the petition. I am inclined to think that since the war a great many beneficial modifications of the tariff might have been made. The effect of the duty on the articles named in the petition, with labor and capital combined, has advanced the price of paper beyond a reasonable and fair profit, and also the price of many other things. The desire must be general for cheap production, as all are more or less consumers.

It is said that there is a war between capital and labor. That cannot be the case in any just sense, because it cannot be wisely said that labor is at war with that which it most needs, and capital is very certain to fly from danger.

The truth is simply this, capital and labor united are at war with production to enhance prices for the purpose of fleecing the masses. Labor unwittingly assumes a war on capital and cunningly hides its purpose, namely, war upon production—having the same result, increase of prices, which in the end comes from the consumer.

Our sympathies must necessarily be with the masses, as that constitutes the great whole, and all correct and just legislation must look to the greatest benefit to the greatest number. Recollect that those powerful interests which are protected by tariff are ever present here; they are sometimes aggressive, and not always scrupulous. The people are long-suffering, patient, and enduring, and never moved until aroused by some great wrong. They have by frequent petition of similar purport appealed to our sense of fairness and justice.

I move that the petition be referred to the Committee on Finance. The motion was agreed to.

Mr. SHARON. Mr. President, before I take my seat, I wish to allude briefly to another matter, simply personal to myself and to the Senate. When I was elected to a seat in this body I supposed that all around me was financially smooth and clear. Just after my election I found that an associate and friend had involved myself in the community in millions. It was a question with me whether I should then continue in the Senate or resign. I confidently expected to arrange my affairs immediately and be continuously present. This pleasure and duty was denied me. I would have been proud to have participated more in your deliberations.

I know that there has been private and public comment upon my absence. Nothing but the vital necessities of the occasion and the large complications in which I was involved could have kept me away. I know as well as any Senator in this body my duty, and its privilege. I know my duty to my State and my country and nothing but those great difficulties could keep me from performing that duty.

I wish to say one word more. These complications may again call me away for three or four weeks, and I ask the kind indulgence of the Senate on account of my absence. I have said all the time that should my constituents demand my resignation it is in their hands.

Mr. SAUNDERS presented the petition of B. A. McKee, late major United States Army, and 57 other citizens, of Geneva, Nebraska, who protest against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of the State of Wisconsin, in favor of an appropriation of \$25,000 to be used in constructing a harbor at Kewaunee, Kewaunee County, Wisconsin; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, representing that, in view of the early completion of the lock and canal at Sault Ste. Marie, whereby a depth of seventeen feet of water on the mitresill of the said canal will be secured, it is necessary and important for the general commerce of the great northwestern lakes to at once improve and deepen the channels of Saint Mary's River and the Lime-Kiln Crossing on the Detroit River so as to secure a depth of sixteen feet between Lake Erie and the upper lakes, and praying that a sufficient appropriation may be made to complete the work. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BALDWIN. I hold in my hand and desire to present a petition which, with the permission of the Chair, I will read, as it is but one of forty or more petitions of like character which I have before me, praying for the construction of a bridge across the Detroit River, containing the names of fourteen or fifteen thousand people. The petition which I read is from citizens of Chicago:

We, the undersigned, merchants, vessel-owners, and shippers located in this district, beg most respectfully to urge upon your honorable body the great necessity for granting permission for a bridge across the Detroit River, at or near Detroit. There are no less than eight railroads converging at Detroit that have to exchange